

MAINE STATE LEGISLATURE

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NINETY-SEVENTH LEGISLATURE

Legislative Document

No. 421

H. P. 370

House of Representatives, February 2, 1955.

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Ross of Brownville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT to Incorporate the Town of Parkman School District.

Emergency preamble. Whereas, the present buildings which house the schools of the town of Parkman are overcrowded, inadequate and unsafe; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve these conditions; and

Whereas, new building construction is vitally necessary; and

Whereas, the present borrowing capacity of said town will not allow it to borrow sufficient funds for necessary construction and equipment; and

Whereas, said town has made application to borrow said funds from Maine School Building Authority; and

Whereas, under present construction of the constitution of the State of Maine, the power of said Maine School Building Authority to loan such funds is now curtailed; and

Whereas, Chapter 62 of the private and special laws of 1947, entitled "An Act to Incorporate the Parkman School District", may have become null and void, the said corporation not having organized and commenced actual business under its said charter; and

Whereas, it is vitally important that the legal voters of said town of Parkman be given opportunity to accept this act at their annual meeting in March, 1955; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Town of Parkman School District, incorporated. The inhabitants of the town of Parkman and its territory, subject to the provisions of this act, shall constitute a body politic and corporate under the name of the "Town of Parkman School District" for the purpose of providing additional school facilities within said district, for the purpose of buying land for the use of said school district, for the purpose of erecting and constructing a new consolidated elementary school building or buildings upon land provided and secured for school purposes under the provisions of this act, and for the further purpose of equipping and maintaining said buildings and grading the grounds about the same, all as hereinafter provided and for the benefit of the inhabitants of said district.

Sec. 2. Trustees, how chosen, organization, compensation. All the affairs of said district, as are herein provided, (except election of teachers who shall serve in the said schools and the fixing of their salaries, the course of study, the terms of school and all other matters pertaining to the education of pupils, which matters shall be controlled by the superintending school committee) shall be managed by a board of trustees composed of 3 members who shall hold office for the period of 3 years from the date of their appointment or election, except as hereinafter provided for. Three trustees shall be chosen by the municipal officers of the town of Parkman as soon as may be after the acceptance of this act as hereinafter provided, one for 1 year, one for 2 years, and one for 3 years; and thereafter one each year shall be elected for a term of 3 years by the inhabitants of said town at their annual town meeting. Trustees so elected or appointed shall serve until their successors are elected and qualified. Removal from the town of Parkman by any trustee shall ipso facto vacate his office. Vacancies in the office of trustees for any cause shall be temporarily filled by appointment by the municipal officers of said town, until a successor trustee is elected for the unexpired portion of the term, if any, at the next annual meeting in said town.

The members of the board, as soon as convenient after they have been chosen as above provided, shall meet upon call of one of their number after such reasonable notice as he shall deem proper. They shall then elect from their membership a president, clerk and treasurer, adopt a corporate seal and do all other acts, matters and things necessary to perfect their organization. Thus organized, the trustees shall have the right and authority to employ such officers and agents as they may deem necessary for the proper conduct and management of the affairs of the district.

The trustees shall serve without compensation, except that the treasurer may receive for his services an amount to be fixed by the board of trustees not to exceed \$100 per year. At the close of the fiscal year the trustees shall make a detailed report of their doings, of the financial condition of said district, and the physical condition of said school building or buildings, and also such other matters and things pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling the duties and obligations of their trust,

said reports to be made, attested and filed with the municipal officers of said town.

Sec. 3. How financed. To procure funds for authorized purposes of the district, the trustees of said district are authorized to issue bonds and notes of the district not to exceed in the aggregate at any one time outstanding the sum of \$35,000. Each bond shall have inscribed upon its face the words: "Town of Parkman School District" and shall bear interest at such rates as the trustees shall determine, payable semiannually; provided, however, that the interest rate shall not exceed 4%. Said bonds or notes may be issued to mature serially or made to run for such periods as said trustees may determine, but none of them shall run for a longer period than 30 years. All notes or bonds issued by said school district shall be signed by the treasurer and countersigned by the president of the district, and if coupon bonds be issued, each coupon shall be attested by a facsimile signature of the president and treasurer printed thereon. Said notes and bonds shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 136 of chapter 53 of the revised statutes of 1954, and all the provisions of said section shall be applicable thereto. The treasurer shall give bond to the district in such sum and with such sureties as said trustees may determine, which bond shall remain in the custody of the president. The expense of said bond shall be paid by the district. The said trustees are hereby authorized and empowered to enter into such an agreement with the federal or state government, or any agency thereof, or any corporation or board authorized by the federal or state government to loan money or otherwise assist in the financing of such projects as this school district is authorized to carry out, as may be necessary or desirable to accomplish the purposes of this act.

Sec. 4. Sinking fund. In case said bonds or notes are made to run for a period of years, as distinguished from serial maturity, a sinking fund shall be established by the trustees of said district for the purpose of redeeming said bonds or notes when they become due, which sinking fund shall not be less than $3\frac{1}{3}\%$ of the par value of the bonds or notes issued and outstanding, which may be deposited in a savings bank or savings department of a national bank or trust company within the state or may be invested in any United States government bonds, state bonds or bonds of any political subdivision thereof as the trustees may determine. Whenever any bonds or notes issued by said district become due or can be purchased by said trustees on favorable terms, said trustees shall, if sufficient funds have accumulated in said sinking fund, redeem or purchase said bonds or notes and cancel them. In no case shall bonds or notes so cancelled or redeemed be re-issued. In case the amount in the sinking fund shall not be sufficient to pay the total amount of the bonds or notes falling due at any one time, authority to issue new bonds or notes sufficient to redeem so many of said bonds or notes, as cannot be redeemed from the sinking fund, is hereby granted to said district but in no case shall new bonds or notes run beyond 40 years from the date of issue of the original bonds or notes so refunded.

Sec. 5. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the "Town of Parkman School District" shall deter-

mine the sum to be paid annually into the sinking fund, or if the bonds or notes authorized by this act shall be issued to mature serially, what amount is required each year to meet the bonds and notes falling due, and what sum is required each year to meet the interest on said bonds, notes or other obligations and other expenses necessary for the operation of the district, and shall each year, before the 1st day of April, issue their warrant in the same form as the warrant of the treasurer of state for taxes, with power changes, to the assessors of the town of Parkman requiring them to assess the sum so determined upon the taxable polls and estates within said district and to commit their assessment to the constable or collector of said town of Parkman, who shall have all authority and powers to collect said taxes as is in him vested by law to collect state, county and municipal taxes. On or before the 31st day of December of the year in which said tax is so levied, the treasurer of said town shall pay the amount of the tax so assessed to the treasurer of said district. In the case of the failure on the part of the treasurer of the town to pay said sum, or any part thereof, on or before said 31st day of December of the year in which said tax is so levied, the treasurer of said district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid, to the sheriff of Piscataquis county requiring him to levy by distress and sale on real and personal property of any of the inhabitants of said district, and the sheriff or either or any of his deputies shall execute said warrant except as is otherwise provided herein. The same authority as is vested in county officials for the collection of county taxes, under the provisions of law, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

Sec. 6. Provisions for termination of the board of trustees. At such time as the school building or buildings shall have been completed, equipped and occupied by pupils of said district and the board of trustees of the district shall have discharged all of its principal obligations and the property of said district shall be free and clear of all indebtedness, the board of trustees shall automatically cease to function and all of the duties, management, care and maintenance of the property of said district shall revert to the superintending school committee of the town of Parkman or such other board as may, at that time, have jurisdiction over similar school property, and the then president and treasurer shall cause to be executed, signed and delivered, a good and sufficient deed of all the property of said district, to the town of Parkman. All money, if any, remaining in the treasury of said district at the time it ceases to function, shall be deposited to the credit of the town of Parkman, which money shall be used only for school purposes and shall be kept separate from all other money until authorized by the municipal officers of the town of Parkman to be expended as hereinbefore stated.

Sec. 7. P. & S. L., 1947, c. 62, repealed. Chapter 62 of the private and special laws of 1947 is hereby repealed.

Emergency clause; effective date; referendum; certificate to Secretary of State. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the territory embraced within the limits of said district, present and voting at any annual or special town meeting called and held for that

purpose by an appropriate article inserted in the warrant for such meeting in the manner prescribed by law for notifying and calling such meetings. Such meetings shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that if a special meeting is called, the board of registration of said town of Parkman shall not be required to prepare for posting, nor the town clerk to post, a new list of voters. The town clerk shall prepare the required ballots upon which he shall reduce the subject matter of this act to the following question: "Shall 'An Act to Incorporate the Town of Parkman School District,' as enacted by the 97th Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. The result of the vote in said district shall be declared by the municipal officers of the town of Parkman and a certificate thereof filed by the town clerk with the Secretary of State. This act shall take effect for all the purposes of this act immediately upon its acceptance by a majority of the legal voters voting at such meeting.