

MAINE STATE LEGISLATURE

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Legislative Document

No. 182

H. P. 163

House of Representatives, January 28, 1959.

Referred to Committee on Legal Affairs. Sent up for concurrence and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Graves of Mount Desert.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT to Create a Mount Desert Island Regional School District.

Emergency preamble. Whereas, the voters of the Towns of Bar Harbor, Mount Desert, Southwest Harbor and Tremont have expressed a desire to have presented to them a plan for high school consolidation; and

Whereas, there exists immediate need for school construction in some areas of Mount Desert Island; and

Whereas, a condition of over-crowding exists in some schools; and

Whereas, the voters of Bar Harbor, Mount Desert, Southwest Harbor and Tremont have requested legislation prepared by annual town meeting day; and

Whereas, it is imperative that action be taken at the earliest possible moment to satisfy these conditions; 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 the public peace, health and safety; now, therefore,

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

Sec. 1. Incorporation; name; purposes. Subject to the provisions of this act, the inhabitants of and the territory within the towns of Bar Harbor, Mount Desert, Southwest Harbor and Tremont, or such of them as shall by vote of their inhabitants join therein, are hereby created a body politic and corporate under the name of "Mount Desert Island Regional School District" for the pur-

pose of acquiring property within said district for school and related athletic and recreational purposes; for the purpose of erecting, enlarging, repairing, equipping and maintaining on said property a school building and related recreational and athletic facilities; for the purpose of receiving, accepting, holding and investing appropriations, gifts, grants or devises of property, real, personal or mixed, the income or principal, or both, to be used for school and related athletic and recreational purposes; for the purpose of organizing and maintaining a Regional School; all for the benefit of the inhabitants of said district. For the purpose of this act, the word "school" is defined to mean grades 9 to 12, inclusive. All provisions of the general law relating to public education shall apply to the said Regional School.

Sec. 2. Trustees, how elected; organization of board; election of officers; tenure of office; vacancies; compensation. All of the affairs of the district relating to the acquisition of property and construction of school facilities shall be managed by a board of trustees. Immediately after the acceptance of the district by the participating towns, the municipal officers of each of such towns shall appoint 3 persons resident in the respective towns to be incorporators of the Mount Desert Island Regional School District, who shall become trustees of said district. Said 3 trustees shall be appointed, 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 in each of the participating towns by the inhabitants of the district who are voters in their respective towns. Said elections shall take place at the annual town meetings and trustees elected or appointed shall serve until their successors are elected and qualified. Vacancies shall be temporarily filled by appointment by the municipal officers of the town in whose representation the vacancy occurs until a successor trustee is elected at the next annual town meeting in said town. The trustees so first appointed, as soon as is convenient thereafter, shall meet for organizational purposes upon call of one of their number after reasonable notice. The said board shall at its first meeting, and annually in April thereafter, choose by ballot from its membership a chairman and a treasurer, both to serve without compensation. The Superintendent of the Regional School, when selected, shall ex officio become the secretary of said board; and until such time, a temporary secretary shall serve. All the affairs of said district, except those herein delegated to a Regional School Committee, shall be managed by said board of trustees. The treasurer shall give bond to the district in such sum and with such sureties as the trustees may determine, which bond shall remain in the custody of the chairman. The cost of such bond shall be borne by the district.

The board of trustees shall proceed to acquire and construct the school facilities authorized by this act and within the limits of the funds herein authorized; and for the acquisition of property and construction and equipping of said school facilities, the said board, acting for the district, shall have and exercise all the powers and authority necessary to carry out its lawful duties. At the close of the fiscal year, the trustees shall make a detailed report of their doings, of the financial condition of the district and the physical condition of the Regional School building or buildings; said reports to be made, attested to and filed with the municipal officers of each participating town.

Sec. 3. Authority to issue bonds. To procure funds for the purposes of acquiring property for school and related athletic and recreational purposes and of erecting and enlarging a school building or buildings on said property and originally equipping same as authorized by this act, and for such other expenses as may be necessary to carry out said purposes, the said district, through its trustees, is hereby authorized from time to time to borrow money and to issue its bonds and notes therefor, but shall not incur indebtedness in excess of 5% of the total of the 1958 state valuation of the participating towns. Each bond and note shall have inscribed upon its face the words "Mount Desert Island Regional School District," shall be dated at such time or times, shall be in such denomination, shall bear such rate of interest, not exceeding 5% per annum payable semi-annually, be in such form, subject to the provisions of this act, and be sold in such manner, at private or public sale, as said trustees shall determine. The district is hereby authorized to use the proceeds of such bonds and notes to meet the interest due thereon during the first year of issue. Said bonds and notes may be issued to mature serially or made to run for such periods as said trustees shall determine, but none of which shall run for a longer period than 25 years from the date of the original issue thereof. Said bonds may be made callable at any interest date, with or without premium, and may be refunded within the period of the original time limit set. All bonds and notes issued by said district shall be signed by the treasurer of the board of trustees and countersigned by the chairman of said board and if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the chairman and the treasurer printed thereon.

Said bonds and notes shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1954, chapter 53, section 137 and chapter 90-A, section 23, as enacted by public laws of 1957, chapter 405, section 1, and all the provisions of said sections shall be applicable thereto. The said bonds and notes shall be legal investments for savings banks. The said district is hereby authorized and empowered to enter into such an agreement with the Maine School Building Authority, the State or Federal Government, or any agency thereof, or any corporation or board authorized by the State or Federal Government to loan money or otherwise assist in the financing of such projects as said district is hereby authorized to carry out, as may be necessary or desirable to accomplish the purposes of this act.

Sec. 4. Sinking fund; refunding bonds provided for. In case bonds or notes at any time issued are made to run for a period of years, as distinguished from serial maturity, the trustees shall establish a sinking fund for such bonds or notes for the purpose of redeeming the same when they become due. The amount to be paid annually into such sinking fund shall not be less than 4% of the total principal amount of such bonds or notes originally issued. In addition to such annual sinking fund payment, the trustees shall have authority from time to time to add to any such sinking fund any funds of said district not required for other purposes. Funds in any sinking fund may be deposited in any savings bank within the State or may be invested in whole or in part in any bonds of the United States, of the State of Maine or of any political subdivision thereof, as the trustees may determine. Interest received on any

funds so invested shall be added to the sinking fund. When and if the amount accumulated in any sinking fund, together with interest received or to be received thereon, shall be sufficient to pay at maturity or, at the option of the trustees, to redeem the bonds or notes for the benefit of which such sinking fund was established, all further payments to such sinking fund shall cease.

Whenever any bonds or notes issued by said district may become due or can be purchased or called for redemption by said district on favorable terms, said trustees, if sufficient funds have accumulated in the sinking fund provided therefor, shall pay, purchase or redeem said bonds or notes and cancel them. In no case shall bonds or notes so paid, purchased or redeemed, and canceled, be issued again.

In case the amount in any sinking fund shall not be sufficient to pay the total amount when due of the bonds or notes for which such sinking fund was provided, or in case it shall become desirable in the opinion of the trustees to call for redemption any outstanding bonds or notes and to issue new bonds or notes in their stead, authority is hereby granted to said district to issue new bonds or notes sufficient in amount to pay or redeem so many of the original bonds or notes as cannot be paid or redeemed from the sinking fund provided therefor, if any, but in no case shall such new bonds or notes mature more than 25 years from the original date of issue of the original bonds or notes so refunded.

Sec. 5. Regional School Committee; organization; powers; duties; limitations. A Regional School Committee, consisting of representatives as hereinafter provided for of each of the participating towns, shall have the authority to elect teachers who shall serve in said school or schools and to fix their salaries, to establish the courses of study, to fix the terms of school and to deal with other matters pertaining to the education of pupils.

The representation of each of the participating towns on the Regional School Committee shall be determined in the following manner: Each participating town shall have as many representatives on the Regional School Committee as that town's percentage of the total budgeted expenses, as apportioned according to the provisions of section 14 of this act, for each year is divisible by 10, provided that major fractions in the results shall be considered as whole figures for purposes of computing representation, and further provided that no town shall be represented by more than 3 members nor less than 2 members.

The superintending school committee of each town shall choose from its membership the representation of the Regional School Committee to which that town is entitled as above provided and membership on the Regional School Committee shall be coterminous with the member's term of office on the superintending school committee of the town which he represents. Vacancies shall be filled by the school committee of the town in whose representation the vacancy occurs. The committee shall, at its first meeting, to be held as soon as is convenient after the district is adopted by any 3 of the above-named towns, and annually in April thereafter, choose by ballot from its membership a chairman and a secretary. The Regional School Committee shall have all the powers and duties with respect to the Regional School as are conferred upon superintending school committees under the general statutes.

Sec. 6. Superintendent of the Regional School or Schools. The Superintendent of the Regional School or Schools shall be selected by the Regional School Committee and shall have the same duties, powers and responsibilities with respect to said school or schools and their committee as are prescribed by law for public school superintendents.

Sec. 7. Transportation. Transportation of pupils to and from the Regional School shall be the responsibility of the individual participating towns; provided, however, such transportation may be all or in part the responsibility of the Regional School Committee by vote of the district, subject to the approval of the town or towns involved.

Sec. 8. Fiscal year; operational and capital costs. The fiscal year of the district shall begin on the first day of January and end on the 31st day of December of each calendar year. On or before January 15th of each year, the Regional School Trustees and the Regional School Committee shall render to the municipal officers of each of the participating towns reports in writing showing the affairs and conditions of the Regional School for the preceding fiscal year and a detailed estimate in the form of a budget of the amount necessary for the operation and maintenance of said Regional School for the current year. Copies of such report shall be distributed to the inhabitants of the district in the same manner and form as is provided for town reports, except that the same shall be made available for distribution not later than the annual district meeting of each year.

The voters of the district, at each annual meeting of the district, shall determine what sum, not less than the amount prescribed by the general law, is required for the operation and maintenance of said Regional School for the current year.

Sec. 9. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The Regional School Trustees shall determine what sum is required each year to meet the bonds and notes falling due, and what sum is required each year to meet interest on said bonds or other obligations, and what sum is required each year to meet other necessary expenses of the district; and shall, each year before the first day of April, apportion the total sums so determined among the towns comprising the district, and issue its warrant in the same form as the warrant of the Treasurer of the State for taxes, with proper changes, to the assessors of the towns comprising the district, requiring that they assess upon the taxable polls and estates within each town, including all village corporations therein, an amount determined in accordance with section 14 of this act, and to commit their assessments to the constable or collectors of said towns, who shall have all authority and powers to collect said taxes as is vested by law to collect state, county and municipal taxes. The treasurers of said towns shall pay the amount of the tax so assessed against the taxable polls and estates within their respective municipalities to the treasurer of the Regional School Trustees on or before the 31st day of December of each year. In case of the failure on the part of the treasurer of said town to pay said sum or any part thereof on or before said 31st day of December in the year in which said tax is levied, the treasurer of the district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid

to the county sheriff, requiring him to levy by distress and sale on the real and personal property of any of the inhabitants of said district living in the town where such default takes place and the sheriff or any of his deputies shall execute said warrant, except as otherwise herein provided. The same authority as is vested in county officials for the collection of county taxes under the provisions of the Revised Statutes is vested in the trustees of said district in relation to the collection of taxes within such town.

Sec. 10. Operational costs; collection. The Regional School Committee shall annually before the first day of April prorate the sum required for the operation of the Regional School, as such sum is determined by the voters of the district at the annual meeting thereof, among the towns comprising the district in accordance with section 14 of this act. The committee shall then issue warrants in the same form as the warrant of the Treasurer of State for taxes, with proper changes, to the assessors of the towns comprising the district, who shall deduct the amount of subsidies or other income, if any, accruing to said towns because of their share in the Regional School, and shall assess the remaining sum upon the taxable polls and estates within their respective municipalities as provided in section 9 of this act.

Sec. 11. Annual meeting of the district; qualifications of voters of district. After the acceptance of the district and the organization of the board of trustees, the annual meeting of the district shall be held within the district, and at the school building when completed, on the 3rd Monday of February, such meeting to start between 9 o'clock in the forenoon and 8 o'clock in the afternoon. The warrant for said meeting or any special meeting shall be signed by the chairman or treasurer of the Board of Trustees and the chairman or secretary of the Regional School Committee.

I. The warrant for calling said meeting and any special meeting and procedure in connection therewith shall comply with the following provisions:

A. It shall specify the time and place of the meeting.

B. It shall set forth the business to be acted upon.

C. It shall be directed to any resident of the Regional School District by name ordering him to notify all voters within such district to assemble at the time and place appointed.

D. An attested copy of the warrant shall be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities within the Regional School District at least 7 days before the meeting, and published in a newspaper having circulation on Mount Desert Island, not more than 21 days and not less than 7 days before the meeting.

E. The person who gives notice of the meeting shall make his return on the warrant stating the manner of notice in each municipality and the time when it was given.

II. The warrant for the annual meeting shall set forth the school budget in the following form:

SCHOOL BUDGET FOR YEAR

Total Operating School Budget	\$.....
Capital Budget Expenditure	
Assumed Indebtedness (Principal and Interest)	\$.....
Capital Outlay Bonds or Notes (Principal and Interest)	\$.....
Rentals to Maine School Building Authority	
(a) Assumed by District	\$.....
(b) District Leases	\$.....
Total Capital Expenditures	\$.....
Total Proposed Expenditure	\$.....

III. The following provisions apply to district meetings :

- A.** Each person whose name appears on the district voting list may attend and vote at a district meeting.
- B.** The secretary of the school committee shall open the meeting by call for the election of a moderator, receiving and counting votes for moderator, and swearing in the moderator.
- C.** As soon as he has been elected and sworn, the moderator shall preside at the meeting.
- D.** The secretary to the school committee shall record accurately all the votes of the district meeting.

IV. District voting lists. The school trustees shall appoint a resident of said district to make and keep a voting list of all residents in the district eligible to vote. This person shall be known as the registration clerk. The registration clerk shall compile his voting list from the voting lists of all the municipalities lying within the Regional School District. At least 14 days before any meeting, the registration clerk shall bring his voting list up to date by comparing his list with those voting lists found in the municipalities within the Regional School District and by making such additions and deletions as he finds necessary. No additions or deletions shall be made in the 14-day period prior to said meeting.

A quorum at any district meeting shall consist of not less than 10 voters of the district, provided at least one voter is present from each of the participating towns.

If for any reason a legally sufficient annual meeting is not held on the date provided above, a meeting in lieu thereof may be called in like manner to be held within one month from said date. Every person resident in said district and qualified to vote for Governor in the town in which he resides shall be entitled to vote in any meeting of the district.

Sec. 12. Towns; inclusion or withdrawal. Towns not originally in the participating group of towns may be included upon vote of all the towns concerned, in the same manner as is prescribed for the establishing of the Regional School, under such terms and arrangements as may be recommended by the Regional School Committee and approved by such vote, provided that the cost to the applying towns shall be based on the terms as set forth by the Regional School Committee in accordance with section 14 of this act.

When the inhabitants of a participating town have indicated their desire to withdraw from the district by a $\frac{2}{3}$ vote of the legal voters in said town present and voting at a special meeting, called and held in the manner provided by law for the calling and holding of town meetings, such withdrawal may be authorized by special act of the Legislature upon such terms as shall be contained in such special act; provided, however, no such withdrawal shall be permitted while such school district shall have outstanding indebtedness.

Sec. 13. Authority to receive property. The Mount Desert Island Regional School District is hereby authorized to receive from any of the towns in said district, and said towns are hereby authorized to transfer and convey to said district, any property, real, personal or mixed, now or hereafter owned or held by them and any sums of money or other assets which the said towns have raised or may raise, either by taxation, borrowing or otherwise. Before transferring and conveying any of said property or turning over any of said funds or assets, the municipal officers of the town shall be duly authorized to do so by a majority vote of the legal voters present at any annual or special town meeting, the call for which shall have given notice of the proposed action. The said school district is hereby authorized to sell, transfer, convey, pledge or exchange property so received.

Sec. 14. Operational, maintenance and capital costs; apportionment among towns. The total annual budgeted expenses of the Mount Desert Island Regional School District, including operational, maintenance, debt retirement, interest costs, etc., shall be apportioned among the participating towns according to the following formula: 33% of the total will be assessed among the participating towns in the same proportion as the percentage of resident pupils of each town enrolled in grades 9 to 12, inclusive, bears to the total from all towns in said grades, enrollment to be taken as the average of the enrollments on April 1 and December 31 in said grades of the calendar year preceding that year to which the budget applies; 67% of the total will be assessed among the participating towns in the same proportion as the State Valuation of each town for the year preceding that year to which the budget applies bears to the total for all towns.

Towns entering the district, after it has been duly incorporated as hereinbefore provided, shall have the values for relative enrollment and relative State Valuation, as defined above, inserted in the formula in the same manner as outlined above; provided, however, that the total relative percentages for the participating towns within each of the two divisions, enrollment and State Valuation, shall be adjusted to total 100%.

Emergency clause; effective date; referendum. 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 within each respective town voting at a regular town meeting or at a special town meeting thereof, called and held for the purpose by the municipal officers of each of the Towns of Bar Harbor, Mount Desert, Southwest Harbor and Tremont, at its regular place for holding town meetings. The date of holding said elections shall be determined by the municipal officers of each respective town, but in no case shall it be later than 90 days after the effective date of this act.

Each such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the municipal officers in the respective towns shall not be required to prepare for posting nor the town clerk to post a new list of voters, and for the purpose of registration of voters, said municipal officers shall be in session in their respective towns one hour preceding such town meetings.

The town clerk in each respective town shall reduce the subject matter of this act to the following question: "Shall the Act to Create a Mount Desert Island Regional School District, passed by the 99th Legislature, be accepted?" The voters shall indicate by secret ballot by the words "Yes" or "No" their opinion of the same. The results in said towns shall be declared by the municipal officers of the Towns of Bar Harbor, Mount Desert, Southwest Harbor and Tremont and returns filed by the town clerks with the Secretary of State.

This act shall take effect when approved by a majority vote of the legal voters within all of the 4 above-named towns; provided, however, when at least 3 towns shall have accepted the terms of this act, the Mount Desert Island Regional School District may come into being and the superintending school committees of the accepting towns shall assemble and decide upon an actual and convenient date, not later than 90 days after the district is adopted by the 3 towns, when the Mount Desert Island Regional School District shall come into being upon acceptance of the legal voters of the said 3 towns at a special town meeting.