

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninety-second and Ninety-third
Legislatures
OF THE
STATE OF MAINE

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-third Legislature

1947

Chapter 183

AN ACT Creating a School District for the Oakfield-Merrill-Smyrna-Dyer Brook Community.

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 Oakfield, Merrill, Smyrna and Dyer Brook, and any other towns in the immediate vicinity, 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 "Oakfield-Merrill-Smyrna-Dyer Brook Community School District" for the purpose 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 or buildings and related athletic and recreational facilities; for the purpose of completing, grading, furnishing, rebuilding, renovating and otherwise bettering the condition of any or all buildings within said district used for school purposes or which may hereafter be used for school purposes; for the purpose of receiving, accepting and holding gifts, grants or devises of property, real, personal or mixed, to be used for school and related athletic and recreational purposes; for the purpose of organizing and maintaining said community school; all for the benefit of the inhabitants of said community. For the purposes of this act, the word "school" is defined to mean grade 7 to grade 12, inclusive.

Sec. 2. Community school committee; powers, duties, limitations. All the affairs of said district, including the election of teachers who shall serve in said community school and the fixing of their salaries, the courses of study, the terms of school and all other matters pertaining to the education of pupils, shall be managed by a community school committee of not more than 11 members, apportioned as follows: The representation of each town shall be in approximately the same ratio to the total membership of the committee as the town's enrolment is to the enrolment in the community school; provided, however, that no town shall have less than 1 nor more than 3 representatives on the committee. Said community school committee, acting for the district, shall have and exercise all the powers and authorities necessary to carry out the purposes of this act and the powers and authorities granted herein, and shall have the right and authority to employ and fix the compensation of such officers and agents as they may deem necessary for the proper conduct and management of the affairs of the district.

Sec. 3. Community school committee; how elected, tenure of office,

organization of committee, officers, vacancies, compensation. The superintending school committee of each town shall choose from its membership the representation on the community school committee to which that town is entitled as provided in section 2 and membership on the community 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. Adjustments in the representation of the several towns shall be made whenever changes in the enrolment from the individual towns make the existing representation in conflict with the provisions of section 2. The committee shall at its first meeting, and annually in April thereafter, choose by ballot from its membership a chairman and a treasurer. The treasurer shall be custodian of all funds accruing to the district and shall pay all bills when properly attested by the superintendent of schools and signed by the chairman of the committee. Such treasurer shall give bond to the community school committee to the satisfaction of the members thereof. The cost of such bond shall be borne by the district. The treasurer may, by vote of the committee, receive compensation for his services.

Sec. 4. Superintendent of schools. The superintendent of schools of the town in which the community school is located shall be superintendent of the community school and shall have the same duties, powers and responsibilities with respect to said school and its committee as are prescribed by law for public school superintendents.

Sec. 5. Transportation. Transportation shall be provided by the community school committee in the same manner as is provided for transportation of elementary pupils in section 8 of chapter 37, the expenditures for transportation to be considered an expense of operation of the school.

Sec. 6. How financed. To procure funds for the purpose of this act, and for such other expenses as may be necessary to carry out said purposes, the said district is hereby authorized from time to time to borrow money and to issue its bonds and notes therefor, but shall not incur a total indebtedness exceeding the sum of \$150,000. Each bond and note shall have inscribed upon its face the words "Oakfield-Merrill-Smyrna-Dyer Brook Community School District", shall bear interest at such rates as the community school committee shall determine, payable semiannually, and shall be subject to such other provisions as said school committee shall determine. Said bonds and notes may be issued to mature serially or made to run for such periods as said community school committee may determine, but none of which shall run for a longer period than 30 years from the date of the original issue thereof. All bonds shall be made callable. All bonds and notes issued by said district shall be

signed by the treasurer and countersigned by the chairman of said committee, and if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the chairman and 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 section 132 of chapter 49 of the revised statutes, and all the provisions of said section 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 federal government, or any agency thereof or any corporation or board authorized by the federal 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. 7. Sinking fund; refunding bonds provided for. In case any bonds or notes at any time issued are made to run for a period of years (as distinguished from serial maturity), the community school committee 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 5% of the total principal amount of such bonds or notes originally issued. In addition to such annual sinking fund payment, the community school committee 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 national bank, savings bank or trust company 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 committee 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 committee, 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 committee, 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 cancelled, be reissued.

In case the amount in any sinking fund shall not be sufficient to pay the total amount when due of the bonds and notes for which such sinking fund was provided, or in case it shall become desirable in the opinion of the committee to call for redemption any outstanding bonds or notes and to

issue new bonds or notes in their stead, authority is hereby granted to refund so many of said 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 40 years from the original date of issue of the original bonds or notes so refunded.

Sec. 8. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The community school committee of the "Oakfield-Merrill-Smyrna-Dyer Brook Community School District" shall determine what sum is required each year for sinking fund payments, or if the bonds or notes authorized by this act shall be issued to mature serially, what sum 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 or other obligations, and what sum is required each year to meet other necessary expenses in the district, and shall each year, before the 1st day of April, apportion the amount among the participating towns in the same ratio that each town's valuation is to the total valuation of the several towns, said valuation to be determined by the board of equalization and issue their warrant 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, requiring that they assess upon the taxable polls and estates within each town an amount in proportion to the total sum required each year as that town's valuation bears to the total valuation of all the towns comprising the district and to commit their assessment to the constable or collector 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. On or before the 31st day of December of the year in which said tax is so levied, the treasurers of said towns shall pay the amount of the tax so assessed against said district to the treasurer of said district. In case of a failure on the part of the treasurer of any town to pay said sum, or in case of their failure to pay any part thereof on or before said 31st day of December of the year in which said tax is 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 Aroostook 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 the revised statutes, is hereby vested in the community school committee of said district in relation to the collection of taxes within said district.

Sec. 9. Operation and maintenance. The community school committee shall determine what amount is necessary each year for operation and main-

tenance of said community school, and shall annually before the 1st day of March pro-rate the amount to the several towns on the basis of the maximum membership at the school of pupils from each participating town during the preceding year, provided that until such school shall have been in operation for 1 year, such pro-rating shall be based on the maximum membership of pupils from each such town in comparable grades during the preceding year. The committee shall then issue warrants in the same form as the warrant of the treasurer of state for taxes with proper charges to the assessors of the towns comprising the district who shall deduct the amount of subsidies accruing to the town because of its share in the community school and assess the remaining sum upon the taxable polls and estates within the district as provided in section 8.

Sec. 10. Authority to receive property. The "Oakfield-Merrill-Smyrna-Dyer Brook Community 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 for school purposes, and any sums of money or other assets which the said towns have raised or may raise, either by taxation, borrowing or otherwise, for school purposes. 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.

Sec. 11. Referendum. This act shall take effect 90 days after the adjournment of the legislature only for the purpose of permitting its submission to the legal voters within each respective town, voting at an election specially called and held for the purpose by the municipal officers of each town, Oakfield, Merrill, Smyrna and Dyer Brook, 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 July 1, 1950.

Each special election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen in the respective towns shall not be required to prepare for posting or the town clerk to post a new list of voters, and for the purpose of registration of voters, said selectmen shall be in session in their respective towns 1 hour preceding such town meetings. The town clerks in each respective town shall reduce the subject matter of this act to the following question: "Shall the act Creating a School District for the Oakfield-Merrill-Smyrna-Dyer Brook Community be accepted?" and 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 Oakfield, Merrill, Smyrna and Dyer Brook 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 each respective town voting at said election. Provided, however, when at least 2 towns shall have accepted the terms of this act, the school committees of accepting towns shall assemble and decide upon an actual and convenient date when the Oakfield-Merrill-Smyrna-Dyer Brook Community School District shall come into being; in no case shall this latter date be later than July 1, 1950; provided further, that any town not voting to enter the school district shall not be bound by the terms of this act.

Effective August 13, 1947

Chapter 184

AN ACT to Create the Ashland Area Community School District.

Emergency preamble. Whereas, the school building now used to house the high school is inadequate to accommodate the number of pupils therein; and

Whereas, because of the overcrowded conditions, it is impossible to properly instruct the pupils of said school; and

Whereas, the school is so constructed that it is not practical or feasible to enlarge said building; and

Whereas, the said overcrowded conditions make it difficult to maintain sanitary conditions, thereby jeopardizing the health, welfare and safety of said pupils; and

Whereas, no one town in the area is able to bear the financial burden of erecting a suitable building, it appears necessary for the several towns to form a school district and pool their resources; 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. Territorial limits; name; purpose. The territory comprising the towns of Ashland, Masardis and Portage Lake, and the plantations of Garfield, Nashville and Oxbow and the people therein shall constitute a body politic and corporate under the name of the Ashland Area Community