

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fourth Legislature

OF THE

STATE OF MAINE

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Private and Special Laws
OF THE
STATE OF MAINE

As Passed by the Ninety-fourth Legislature

1949

Chapter 20

AN ACT to Incorporate the Town of North Yarmouth School District.

Emergency preamble. Whereas, the present buildings which house the schools of the town of North Yarmouth 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, it is very desirable that this matter be acted upon by the voters at the annual town meeting in March, 1949; and

Whereas, if this act cannot be voted upon until 90 days after the adjournment of the legislature, construction will be held up for another year; 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. Town of North Yarmouth School District, incorporated. Subject to the provisions of sections 7 and 8 hereof, the inhabitants of and the territory within the town of North Yarmouth shall constitute a body politic and corporate under the name of the "Town of North Yarmouth School District" for the purpose of acquiring land within the said town for school purposes; and erecting, equipping and maintaining on said land a building or buildings to be used for school purposes; with the right to lease or let said property to said town; all 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 shall be managed by a board of trustees composed of 5 members who shall hold office for the period of 5 years from the date of their appointment, except as hereinafter provided. These 5 trustees shall be chosen by a regular or special town meeting as soon as may be after the passage of this act as hereinafter provided. The trustees shall be property owners in the town of North Yarmouth and shall be elected for the following terms: one for 5 years; one for 4 years; one for 3 years; one for 2 years; and one for a 1-year period. Removal from

town of North Yarmouth by any trustees or disposal of all his taxable property located in said town shall ipso facto vacate his office. Vacancies upon the board of trustees occurring because of expiration of the official term of 5 years, removal from town, resignation, death, or any cause shall be filled in the same manner in which the original board was chosen.

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 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.

The trustees shall serve without compensation, except the treasurer may receive for his services an amount to be fixed by the board of trustees not to exceed \$100 per year. The treasurer shall give a bond to the district in such sum and with such sureties as the trustees may determine, which bond shall be deposited with the president. The expense of such bond shall be paid by the district. The treasurer's salary, bond premium and all expenses of the district shall be paid from the funds of the district. At the close of the fiscal year the trustees shall make a detailed report of their doings, of the financial condition of said district, the physical condition of said school 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 to and filed with the municipal officers of said town, who shall have this report printed and distributed in or with the annual town report.

Sec. 3. 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 trustees are hereby authorized from time to time to borrow money and to issue bonds and notes of the district therefor, but shall not incur a total indebtedness exceeding the sum of \$60,000. Each bond and note shall have inscribed upon its face the words "North Yarmouth School District," shall bear interest at such rates as the trustees shall determine, payable semiannually, and shall be subject to such other provisions as the trustees shall determine. Said bonds and notes may be issued to mature serially or made to run for such periods as said trustees 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 may be made callable at the discretion of the trustees of the district. All bonds and notes issued by said district shall be signed by the treasurer and countersigned by the president of said district, and if coupon bonds be issued, each coupon shall be attested by the

facsimile signatures of the president 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 trustees of the district are hereby further authorized and empowered to accept gifts and grants and to enter into any agreement with the federal or state government, or any agency, 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; 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 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 $3\frac{1}{3}\%$ 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 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 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 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 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 redeem 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 30 years from the original date of issue of the original bonds or notes so refunded.

Sec. 5. Provisions for sinking fund. The trustees of the "Town of North Yarmouth School District" shall determine 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 or other obligations, and other necessary expenses in the district, and shall each year thereafter, before the 1st day of April, 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 town of North Yarmouth, 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 taxes of said town of North Yarmouth, 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 treasurer of said town shall pay the amount of the tax so assessed against said district 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 in the case of his failure to pay 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 Cumberland county, requiring him to levy his distress and sale on real and personal property of any of the inhabitants of said district, and the sheriff or either 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. Authorization. The "Town of North Yarmouth School District" is hereby authorized to receive from the town of North Yarmouth, and the said town of North Yarmouth is hereby authorized to convey to said district the school land situated in the town of North Yarmouth and to turn over to said school district such sums of money as it may raise either by taxation or by bond issue for the purpose of constructing a centralized school building. Before conveyance of said land or turning over of said funds, the municipal officers shall be duly authorized to do so by a majority

of the legal voters of said town, voting at a special meeting called for that purpose or at any regular town meeting. Said school district is hereby authorized to accept gifts, grants, or devises for the purpose of constructing said centralized school building.

Sec. 7. Provisions for termination of the board of trustees. At such time as the school building 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 the duties, management, care and maintenance shall revert to the school board of the town of North Yarmouth or such other board as may, at that time, have jurisdiction over similar school property, and then the president and treasurer shall cause to be executed, signed and delivered, a good and sufficient deed of all the property in said district to the town of North Yarmouth. All money, if any remaining in the treasury of the board of trustees at the time it ceases to function, shall be given to the town treasurer of the town of North Yarmouth. This money shall be used only for school purposes and shall be kept separate from all other money until authorized by the town of North Yarmouth to be expended as hereinbefore stated.

Sec. 8. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble hereof, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the town of North Yarmouth at any regular or special meeting called and held for the purpose not later than 4 months after the approval of this act. Such special meeting shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen of the town of North Yarmouth 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 the 3 secular days next preceding such meeting. The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the act to Incorporate the Town of North Yarmouth School District 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. This act shall take effect for all the purposes thereof immediately upon its acceptance by a majority of the legal voters voting at said meeting.

The result in said district shall be declared by the municipal officers of the town of North Yarmouth and due certificate thereof filed by the clerk of said town with the secretary of state.