

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

One Hundred and Second Legislature

1965

Chapter 158

AN ACT Amending the Pittsfield School District and Incorporating the Town of Athens School District

Emergency preamble. Whereas, the accommodations for the schools in the Towns of Pittsfield and Athens are inadequate to accommodate the pupils therein; and

Whereas, a large increase in the school population of the towns has occurred; and

Whereas, the overcrowded conditions of the schools in the Towns of Pittsfield and Athens are detrimental to the public health and safety; and

Whereas, new building construction is vitally necessary; 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. P. & S. L., 1945, c. 140, § 4, amended. The first sentence of section 4 of chapter 140 of the private and special laws of 1945 is amended to read as follows:

'To procure funds for the purpose of this Act and such other expense as may be necessary for the carrying out of said purposes, the said district is hereby authorized to issue its bonds and notes, but shall not incur a total indebtedness in excess ~~of the sum~~ of \$400,000 **outstanding at any one time.**'

Sec. 2. P. & S. L., 1945, c. 140, § 7, amended. The first sentence of section 7 of chapter 140 of the private and special laws of 1945 is amended to read as follows:

'At such time as the school building **or buildings or any additions to existing school 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~~ **outstanding** 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 Pittsfield 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 Pittsfield.'

Sec. 3. Incorporation; name; purposes. Subject to the provisions of this Act, the inhabitants of and the territory within the Town of Athens are created a body politic and corporate under the name of "Town of Athens School District" for the following purposes for the benefit of the inhabitants of the district:

I. To acquire property within the Town of Athens for school and related athletic and recreational facilities;

II. To erect, enlarge, equip, maintain and repair elementary schools and related athletic and recreational facilities;

III. To lease any property of the district to the Town of Athens.

IV. To accept and hold property of any type contributed by any means and to use it to carry out the purposes specified in this Act.

Sec. 4. Trustees; powers and duties; limitations. The affairs of the district shall be managed by a board of 3 trustees who, acting for the district, have the powers necessary to carry out this Act. The choice of teachers to serve in the school, 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 controlled by the superintending school committee of the Town of Athens.

Sec. 5. Trustees; how elected, tenure of office; organization of board; officers; vacancies; compensation; reports. As soon as may be after the acceptance of this Act, the selectmen of the Town of Athens shall appoint 3 trustees of said district to hold office as follows: One until the next annual town meeting, one until one year from the next annual town meeting and one until 2 years from the next annual town meeting. At each annual town meeting of the Town of Athens thereafter one trustee shall be elected to serve for 3 years and until another trustee is elected and qualified in his stead.

When a trustee ceases to be a resident of the district his office becomes vacant. A vacancy on the board of trustees occurring because of change of residence, resignation, death or any cause except normal expiration of term of office shall be filled by the municipal officers of the Town of Athens for the unexpired portion of the term of the vacant office. All trustees are eligible for reelection or reappointment.

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 the treasurer who shall receive \$100 per year. At the close of the fiscal year, the trustees shall make a detailed report of their proceedings, the financial condition of the district and the physical condition of its property, and any other things pertaining to the district which shall show the inhabitants how the trustees are fulfilling the duties of their trust. This report shall be made and filed with the municipal officers of the Town of Athens annually, on February 1st.

Sec. 6. How financed. To procure funds to carry out the purposes of this Act and to cover necessary expenses, the district, by its trustees, may issue bonds and notes, but may not incur a total debt exceeding \$55,000.

Each bond and note shall have inscribed on its face the words "Town of Athens School District," shall bear interest at rates determined by the trustees, payable semiannually, and shall be subject to other provisions determined by the trustees. The bonds and notes may be issued to mature serially or made to run for periods determined by the trustees, but none may run for a longer period than 20 years from the date of its original issue. All bonds and notes

issued by the 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 the facsimile signatures of the president and treasurer printed thereon. The bonds and notes are legal obligations of the district, which is hereby declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1964, Title 13, section 144 and Title 30, section 5053 and all the provisions of said sections shall be applicable thereto. Said bonds and notes are legal investments for savings banks. The trustees may contract with the Federal or State Government, or any corporation or board authorized by the Federal or State Government to loan money or otherwise assist in the financing of a project such as this district is authorized to carry out.

Sec. 7. Sinking fund; refunding bonds provided for. Where 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 the purpose of redeeming them when they become due. The amount to be paid annually into the sinking fund shall be not less than 5% of the total principal amount of the bonds or notes originally issued. In addition to the annual sinking fund payment, the trustees may from time to time add to the sinking fund any money of the district not required for other purposes. Money in a sinking fund may be deposited in any savings bank within the State or invested as are the funds of savings banks as provided in the Revised Statutes of 1964, Title 9, sections 591 to 613. Interest earned or capital gains realized on invested funds shall be added to the sinking fund. When the amount accumulated in the sinking fund is sufficient to pay at maturity or, at the option of the trustees, to redeem the bonds or notes for the benefit of which the sinking fund was established, further payments to the sinking fund shall cease.

When any bonds or notes issued by the district become due or may be purchased or redeemed by the district on favorable terms, the trustees, if sufficient funds have accumulated in the sinking fund, shall pay, purchase or redeem the bonds or notes and cancel them. Bonds or notes so paid, purchased or redeemed may not be reissued.

If the amount in the sinking fund is not sufficient to pay the total amount, when due, of the bonds or notes for which it was established, or in case it is desirable in the opinion of the trustees to redeem any outstanding bonds or notes and to issue new bonds or notes in their stead, the district may issue new bonds or notes sufficient in amount to redeem as many of the original bonds or notes as cannot be redeemed from the sinking fund, but the new bonds or notes shall mature within 20 years from the date of issue of the original bonds or notes so refunded.

Sec. 8. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the "Town of Athens School District" shall determine the sum required each year for sinking fund payments, or if bonds or notes are issued to mature serially, the sum required each year to meet the bonds and notes falling due, the sum required each year to meet the interest on the bonds or other obligations, and the sum required each year to meet other necessary expenses in the district, and shall annually, before the first day of April, issue their warrant in the same form as the warrant of the Treasurer of State for state taxes, with proper changes, to the assessors of the Town of Athens, requiring them to assess the total sum so determined on the taxable polls and estates within the district and commit their assessment to the constable or collector of the Town of Athens, who has the same power to collect the tax as is vested in him by law to collect state, county and municipal taxes. On or before

the 31st day of December of the year in which the tax is so levied, the treasurer of the Town of Athens shall pay the amount of the tax so assessed against the district to the treasurer of the district. In case of failure on the part of the treasurer of the town to pay that sum, or in case of his failure to pay any part of it on or before the 31st day of December of the year in which the tax is levied, the treasurer of the district may issue his warrant for the amount of the tax, or so much of it as remains unpaid, to the sheriff of Somerset County, requiring him to levy by distress and sale on real and personal property of any of the inhabitants of the district, and the sheriff or any of his deputies shall execute the warrant. The authority vested by statute in county officials for the collection of county taxes is vested in the trustees of the district in relation to the collection of taxes within the district.

Sec. 9. Provisions for termination of the board of trustees. When the school building and related facilities have been completed and occupied by pupils of the district, the board of trustees of the district has discharged all of its principal obligations and the property of the district is free of all debt, the board of trustees shall automatically cease to function and the management of the property of the district shall revert to the superintending school committee of the Town of Athens and the then president and treasurer of the district shall cause to be executed, signed and delivered a sufficient deed of all the property of the district to the Town of Athens. All money remaining in the treasury of the district at the time the trustees cease to function shall revert to the Town of Athens.

Sec. 10. Authority to receive property from the Town of Athens. The Town of Athens School District may receive from the Town of Athens, and the Town of Athens may convey to the district, any property of the Town of Athens held for elementary school purposes and any money or other assets which the Town of Athens obtains for elementary school purposes. Before conveying any property, funds or assets, the municipal officers of the Town of Athens must be duly authorized to do so by the voters at any annual or special town meeting.

Sec. 11. Emergency clause. In view of the emergency cited in the preamble, sections 1 and 2 of this Act shall take effect when approved.

Sec. 12. Referendum; effective date; emergency clause. In view of the emergency cited in the preamble, sections 3 to 10 of this Act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of Athens present and voting at the next annual town meeting or at a special town meeting called and held for the purpose not later than 3 months after the approval of sections 3 to 10 of this Act. In the event a special meeting is called for the purpose, it shall be called, advertised and conducted according to the law relating to municipal elections. The registrar of voters 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 registrar shall be in session one hour next preceding such special meeting.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of sections 3 to 10 of this Act to the following question: "Shall the Act to Incorporate the Town of Athens School District, passed by the 102nd Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

Sections 3 to 10 of this Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority vote of the legal voters voting at

said meeting; provided that the total number of votes cast for and against the acceptance of sections 3 to 10 of this Act at said meeting equaled or exceeded 20% of the total vote for all candidates for Governor in said town at the next preceding gubernatorial election.

The result of said vote shall be declared by the municipal officers of the Town of Athens and due certificate thereof filed by the town clerk with the Secretary of State.

Effective May 28, 1965

Chapter 159

AN ACT Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1966 and June 30, 1967.

Emergency preamble. Whereas, Acts and resolves passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the said 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of departments and institutions will become due and payable on or immediately after July 1, 1965; 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. Appropriations for necessary expenditures of government. In order to provide for the necessary expenditures of government and for other purposes for the next two fiscal years—from July 1, 1965 to June 30, 1966 and from July 1, 1966 to June 30, 1967—the following sums or as much thereof as shall severally be found necessary, as designated in the following tabulations, are appropriated out of any moneys in the General Fund not otherwise appropriated. Upon receipt of allotments duly approved by the Governor and Council based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these appropriations and revenues accruing thereto, together with expenditures for other purposes necessary to the conduct of State Government on the basis of such allotments and not otherwise.

Allotments for personal services, capital expenditures and amounts for all other departmental expenses shall not exceed the amounts shown in the budget document or as they may be revised by the Committee on Appropriations and Financial Affairs unless approved by the State Budget Officer and the Governor and Council.

There is hereby established within the Department of Mental Health and Corrections a fund to be known as the Institutional Reserve Fund which is defined