

MAINE STATE LEGISLATURE

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CHAPTER 11

COMMUNITY SCHOOL DISTRICTS

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§ 351. Formation

The inhabitants of and territory within 2 or more towns may form a community school district which shall be a body politic and incorporate by proceeding as follows: The municipal officers in each of the several towns may call a meeting of the inhabitants of their respective towns in the manner provided by law for the calling of town meetings, and such meetings shall vote to favor or oppose similar articles in substantially the following form:

Article To see if the town will vote to join with the towns of (naming them) to form a community school district to be known as “. Community School District.”

Article To see if the town will vote that the district be authorized to acquire and hold property of a value not in excess of \$. for the purpose of operating (name type of school or schools).

Article To see if the town will vote to authorize said community school district from time to time to borrow money and to issue its bonds and notes therefor in an amount not in excess of \$. outstanding at any one time, exclusive of refundings, for the purpose of acquiring land, constructing and equipping a community school building, or buildings and related recreational and athletic facilities and for other purposes of the district.

The clerk in each of the several towns shall file a return of such votes with the Secretary of State. If a majority of those voting in each of the towns shall favor each of the 3 propositions,

the inhabitants of and the territory within said towns shall thereupon become a community school district, which shall, subject to the provisions hereof, bear the name so determined upon and shall have authority to acquire and hold property and to borrow money not in excess of the respective amounts so determined upon. The inhabitants of the participating towns in meetings similarly called and held may vote to change the name of the school district, or to increase the maximum amount of property to be held by the school district or the maximum amount of money which the school district may borrow.

The inhabitants of each town which has heretofore participated in the formation of a secondary school district may, in meetings similarly called and held, vote to authorize the district to acquire and hold property for the purpose of operating a primary or primary schools and to authorize said district from time to time to borrow money and to issue its bonds and notes therefor.

R.S.1954, c. 41, § 112.

§ 352. Organization

When the inhabitants of 2 or more towns have voted to form a community school district, as provided in section 351, the municipal officers of each of the towns in the proposed school district shall appoint 3 persons, resident in such town, to be incorporators of said proposed school district who shall become trustees of said district. Said 3 trustees shall be appointed, one for one 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 community school district who are voters in their respective towns. Said elections shall take place at the annual town meeting and trustees elected or appointed shall serve until their successors are elected and qualified. Vacancies in the office of trustees shall be temporarily filled by appointment by the municipal officers of the town where the former trustee resided until a successor trustee is elected for the unexpired portion of the term, if any, at the next annual town meeting in said town.

The incorporators so appointed as soon as convenient thereafter shall meet upon call of one of their number after reasonable notice. They shall organize as a board of trustees and shall elect from their number a chairman, a treasurer, a clerk and such other officers as they shall decide upon, and shall adopt bylaws and an official seal.

When the corporation is thus organized, the trustees shall make a return to the Secretary of State setting forth the fact of the organization of the district, the names of the trustees and the officers thereof, the amount of property it is authorized to acquire and hold and the amount of its borrowing power.

If the Secretary of State finds that the community school district has been organized and the trustees thereof elected or appointed, according to law, he shall issue to it a certificate of organization and such certificate shall be conclusive evidence of the lawful organization of the community school district and of the election or appointment of the trustees thereof. Whenever the membership of a community school district is changed, by the addition of new territory or by appointment, election or resignation of trustees or otherwise, a return to that effect shall promptly be so filed. A copy, certified by the Secretary of State, of a return so filed shall be conclusive evidence of the change in the community school district or in the membership thereof.

Only those towns the inhabitants of which vote to join such community school district shall be bound by the terms of this chapter.

R.S.1954, c. 41, § 113.

§ 353. Duties of trustees; compensation; treasurer; report

All of the affairs of said district, except election of teachers who shall serve in said school or schools and the fixing of their salaries, the courses of study, the terms of school and other matters pertaining to the education of pupils, which matters shall be controlled by a community school committee, shall be managed by said board of trustees.

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 \$250 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 chairman. 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 and the physical condition of said school building or buildings, and such other matters pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling the duties and obligations of their trust, duplicate copies of said reports to

be made, attested to and filed with the municipal officers of each participating town.

R.S.1954, c. 41, § 114; 1955, c. 32.

§ 354. Power to borrow money

To procure funds for authorized purposes of the district, the trustees of said district are authorized to borrow funds to pay current operational expenditures of the district in an amount not to exceed the total of the warrants issued for the current year, but said loans must be repaid within the same fiscal year. To procure funds for capital outlay purposes, 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 limit of indebtedness of said district as established under section 351 or 5% of the total of the last preceding state valuation of all of the participating towns, whichever is the lesser. Contracts, leases or agreements with the Maine School Building Authority shall not be debts or liabilities within this section. Each bond or note shall have inscribed upon its face the words: "..... Community School District" and 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 semiannually, be in such form, subject to this chapter, and be sold in such manner, at public or private sale as the trustees shall determine. Each issue of said bonds shall mature in substantially equal annual installments, so that the first installment shall be payable not later than 2 years after the date of issue and the last installment not later than 25 years from the date thereof. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes of the district or renewals thereof, the period during which such issue of bonds shall be outstanding, plus the period of the loan represented by such temporary notes or renewals thereof, shall not exceed 25 years. All notes or bonds issued by said district shall be signed by the treasurer and countersigned by the chairman of said district, and if coupon bonds be issued, each coupon shall be attested by a facsimile signature of the treasurer printed thereon. Notes issued by the district shall mature not later than one year from their date but may be renewed from time to time, provided the period of the original note plus that of renewals thereof shall not exceed 2 years. Said notes and bonds and said contracts, leases and agreements with the Maine School Building Authority shall be legal obligations of said district, which is declared to be a quasi-municipal corporation within the meaning

of Title 30, section 5053, and all the provisions of said section shall be applicable thereto.

R.S.1954, c. 41, § 115; 1959, c. 214; c. 363, § 28.

§ 355. Financing of bond obligations

The trustees of the “ Community School District” shall within 90 days after authorization by vote of the participating towns as provided in section 351 and thereafter annually before April 1st of each year determine the sum required each year to meet the bonds falling due and what further sum is necessary to meet the interest on said bonds or other obligations, and all other expenses necessary for the operation of the district, including the rentals and other charges provided in any contract, lease or agreement with the Maine School Building Authority. The trustees shall thereupon issue their warrants, in substantially the same form as the warrant of the Treasurer of State for taxes, to the assessors of each participating town, requiring them to assess upon the taxable polls and estates within said town an amount in proportion to the total sum required each year as that town’s state valuation bears to the total state valuation of all the participating towns, except that if the apportionment for maintenance and operation of the school or schools results in a per pupil cost to any participating town in excess of 150% of the average per pupil cost for operating the school or schools, the town’s apportionment shall be 150% of the average per pupil cost and the balance shall be apportioned among the remaining towns according to the last preceding state valuation; and to commit the assessment to the constable or collector of said town who shall have all the 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 each town shall pay the amount of the tax so assessed against the taxable polls and estates within his said town to the treasurer of the district. In the 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

provided. The same authority as is vested in county officials for the collection of county taxes under the Revised Statutes is vested in the trustees of said district in relation to the collection of taxes within such town.

R.S.1954, c. 41, § 116.

§ 356. Community school committee; powers

The representation of each town on the community school committee shall be determined by the trustees of the district and shall be in approximately the same ratio to the total membership of the committee as the town's enrollment is to the enrollment in that school. No town shall have less than one nor more than 3 representatives on the committee. 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 and membership on the community 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 enrollment from the individual towns make the existing representation in conflict with this section. The committee shall at its first meeting and annually in April thereafter choose by ballot from its membership a chairman and a secretary. The community school committee shall have all the powers and duties with respect to the community school conferred upon superintending school committees under the general statutes and those enumerated in section 353.

R.S.1954, c. 41, § 117; 1957, c. 170.

§ 357. Application of general law

Community schools, when established, may be considered the official schools of the participating towns and all provisions of the general law relating to public education shall apply to said schools. Special courses and other bases for allocations to towns because of these schools shall be divided according to proportional assessment of each town as determined in section 355.

R.S.1954, c. 41, § 118.

§ 358. Transportation

Transportation shall be provided by the community school committee in the same manner as is provided for transportation of elementary school pupils in section 3561, the expenditures for transportation to be considered an expense of operation of said school or schools.

R.S.1954, c. 41, § 119.

§ 359. Superintendent of schools; powers and duties

The superintendent of the community school or schools shall be selected by the community 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.

R.S.1954, c. 41, § 120.

§ 360. Participating towns; withdrawal

The inhabitants of and territory within any town not originally in the district may be included upon vote of all the towns concerned in a manner similar to that prescribed for the establishing of the community school or schools under such terms and arrangements as may be recommended by the community school trustees and approved by such vote, provided the cost to the inhabitants and territory so applying shall be based on a fair valuation as determined by the State Board of Equalization.

When the inhabitants of a participating town have indicated their desire to withdraw from a community school 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. No such withdrawal shall be permitted while such community school district shall have outstanding indebtedness.

R.S.1954, c. 41, § 121.