

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-SECOND LEGISLATURE

H. P. No. 1217

H. D. No. 431

House of Representatives, March 20, 1925.

Reported by Mr. Bartlett of Bangor from Committee on
Legal Affairs and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

An Act to Incorporate Old Town Herbert Gray School
District.

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

Section 1. *City of Old Town Herbert Gray School Dis-*
trict incorporated; purposes. Subject to the provisions of
3 section eight hereof the territory comprising the city of Old
4 Town and the people therein shall constitute a body politic
5 and corporate under the name of the City of Old Town Her-
6 bert Gray School District for the purpose of acquiring and
7 maintaining the "Herbert Gray School," so called, within
8 said district and the land on which it stands and connected

9 therewith, located at the corner of Stillwater avenue and
10 Veazie street, as is hereinafter provided for the benefit of
11 the inhabitants thereof.

Sect. 2. *Conveyance of building and land.* The Old
2 Town Improvement Company, a corporation existing by
3 law, located at Old Town, now holding the title to said
4 school building and land, is hereby expressly authorized to
5 convey to said district the land and buildings referred to
6 in section one of this act.

Sect. 3. *Board of trustees.* All the affairs of said dis-
2 trict, except the election of teachers who shall serve in said
3 Herbert Gray school and the fixing of their salaries, the
4 courses of study, the terms of school and all other matters
5 pertaining to the education of pupils which matters shall
6 be controlled by the school board of the city of Old Town,
7 shall be managed by a board of five trustees who shall be
8 elected as is hereinafter provided.

Sect. 4. *Trustees, how elected; organization of board;
2 terms of office; vacancies; by-laws; trustees to serve with-
3 out compensation; annual report.* The trustees to be elect-
4 ed shall be chosen by the municipal officers of the city of
5 Old Town, but no member of the city council shall, during
6 the term for which he is elected, be chosen one of said
7 board of trustees. The term of office of the trustees shall
8 begin on the date when this act shall become a law under
9 the provisions of the constitution of Maine. As soon as
10 convenient after the commencement of their term of office

11 the trustees shall hold a meeting at the city rooms in the
12 city of Old Town, to be called by one of the trustees upon
13 such reasonable notice therefor as he may deem proper.
14 They shall organize by the election from their own mem-
15 bership of a president, clerk and treasurer, adopt a corpo-
16 rate seal, and may employ all needful officers and agents
17 for the proper conduct and management of the affairs of
18 the district, and annually thereafter at the beginning of
19 each municipal year the trustees shall organize as herein-
20 before provided. At the first meeting the trustees so elect-
21 ed shall determine by lot the term of office of each trustee,
22 so that one trustee shall retire each year and the term of
23 office of the first trustee to expire shall end at the end of
24 the municipal year of the city of Old Town following the
25 acceptance of this act, and whenever the term of office of
26 a trustee expires, his successor shall be appointed by the
27 municipal officers of the city of Old Town to serve for the
28 full term of five years, and in case any other vacancy arises
29 it shall be filled in like manner for the unexpired term.
30 When any trustee ceases to be a resident of said district
31 he vacates the office of trustee, and the vacancy shall be
32 filled as aforesaid. All such trustees shall be eligible to
33 reappointment. The said trustees may ordain and estab-
34 lish such by-laws not inconsistent with the laws of the state
35 as are necessary for their own convenience and the proper
36 management of the affairs of said district. No member
37 except the treasurer shall receive compensation for his serv-

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38 ices, and the treasurer shall receive in full compensation
39 for his services an amount to be fixed by the trustees, and
40 such salary and all expenses of the district shall be paid
41 from the funds of the district. The treasurer shall give
42 bond to the district in such sum and with such sureties as
43 said trustees may determine, which bond shall remain in
44 the custody of the president. The expenses of such bond
45 shall be paid by the district. At the close of each fiscal
46 year the trustees shall make a detailed report of their do-
47 ings, of the financial condition of said district and the phy-
48 sical condition of said Herbert Gray school building, also
49 all such other matters and things pertaining to said district
50 as shall show the inhabitants thereof how said trustees are
51 fulfilling the duties and obligations of their trust. Such
52 report shall be made and filed with the municipal officers
53 of the city of Old Town on or before March first of each
54 year.

Sect. 5. *Authorized to issue notes and bonds; terms and
2 conditions of bonds.* To procure funds for the purposes
3 of this act the said district is hereby authorized to issue its
4 bonds to an amount not exceeding the sum of one hundred
5 thousand dollars. Each bond shall have inscribed upon its
6 face the words "City of Old Town Herbert Gray School
7 District" and shall bear interest at such rates as the trus-
8 tees shall determine, payable semi-annually. Said bonds
9 may be issued to mature serially or made to run for such
10 periods as said trustees may determine, but none of which

11 shall run for a longer period than twenty-five years. The
12 said district is also authorized to borrow money for tem-
13 porary purposes and to issue therefor the interest-bearing
14 negotiable notes of the district, not exceeding in amount
15 ten thousand dollars outstanding at any one time, which
16 said notes shall be payable not later than one year from the
17 date thereof. All the aforesaid notes or bonds issued by
18 said district shall be signed by the treasurer and counter-
19 signed by the president of the district, and if coupon bonds
20 be issued each coupon shall be attested by a facsimile sig-
21 nature of the president and treasurer printed thereon. Said
22 notes and bonds shall be legal obligations of said district,
23 which is hereby declared to be a quasi municipal corpora-
24 tion within the meaning of section one hundred and five
25 of chapter fifty-one of the revised statutes and all the pro-
26 visions of said section shall be applicable thereto. The
27 said notes and bonds shall be legal investments for savings
28 banks.

Sect. 6. *Provision for sinking fund; issuance of refund-
2 ing bonds authorized.* In case said bonds are made to run
3 for a period of years a sinking fund shall be established
4 by the trustees of said district, for the purpose of redeem-
5 ing said bonds when they become due, and not less than
6 two per cent of the cost of the Herbert Gray school build-
7 ing land and its appurtenances and the expenses incidental
8 to the carrying out of the purposes of this act shall be
9 added to said sinking fund each year, which may be de-

10 posited in any savings bank within the state or may be in-
11 vested in any United States government bonds, state bonds
12 or the bonds of any political subdivision thereof as the
13 trustees may determine. Whenever any bonds issued by
14 said district become due or can be purchased by said trus-
15 tees on favorable terms, said trustees shall, if sufficient
16 funds have accumulated in said sinking fund, redeem or
17 purchase said bonds and cancel them. In no case shall
18 bonds so cancelled or redeemed be reissued. In case the
19 amount in the sinking fund shall not be sufficient to pay
20 the total amount of the bonds falling due at any one time,
21 authority to issue new bonds sufficient to redeem so many
22 of said bonds, as cannot be redeemed from the sinking fund
23 is hereby granted to said district, but in no case shall new
24 bonds run beyond twenty-five years from the date of the
25 original issue.

Sect. 7. *Trustees of district to determine annual amount
2 necessary to provide for sinking fund and to issue warrant
3 to city assessors; assessment and collection of the tax.* The
4 trustees of the city of Old Town Herbert Gray School Dis-
5 trict shall determine the sum to be paid annually into the
6 sinking fund, or if the bonds authorized by this act shall
7 be issued to mature serially what amount is required each
8 year to meet the bonds falling due, and what sum is re-
9 quired each year to meet the interest on said bonds and
10 other necessary expenses in the district, and shall each year

11 thereafter, before the first day of April, issue their warrant
12 in the same form as the warrant of the state treasurer for
13 taxes, with proper changes, to the assessors of the city of
14 Old Town, requiring them to assess the sum so determined
15 upon the taxable polls and estates within said district and
16 to commit their assessment to the constable or collector of
17 said city of Old Town, who shall have all authority and
18 powers to collect said taxes as is vested by law to collect
19 state, county and municipal taxes. On or before the thirty-
20 first day of December of the year in which said tax is so
21 levied the treasurer of said city shall pay the amount of
22 the tax so assessed against said district to the treasurer of
23 said district. In the case of the failure on the part of the
24 treasurer of the city to pay said sum, or in the case of his
25 failure to pay any part thereof on or before said thirty-
26 first day of December of the year in which said tax is so
27 levied the treasurer of said district may issue his warrant
28 for the amount of said tax or so much thereof as shall
29 then remain unpaid, to the sheriff of Penobscot county,
30 requiring him to levy by distress and sale on real and per-
31 sonal property of any of the inhabitants of said district
32 and the sheriff or either or any of his deputies shall exe-
33 cute said warrant except as is otherwise provided herein.
34 The same authority as is vested in county officials for the
35 collection of county taxes, under the provisions of the re-
36 vised statutes, is hereby vested in the trustees of said dis-

37 trict in relation to the collection of taxes within said dis-
38 trict.

Sect. 8. *Local referendum provided for.* This act, as is
2 provided in section one hereof, shall not take effect unless
3 accepted and approved by a majority vote of the legal voters
4 within said district, voting at an election specially called
5 and held for the purpose, by the municipal officers of the
6 city of Old Town, to be held at the voting places in each
7 ward in said city; the date of holding said election to be
8 determined by said municipal officers. Such special elec-
9 tion shall be called, advertised and conducted according to
10 the law relating to municipal elections; provided, however,
11 that the board of registration shall not be required to pre-
12 pare nor the city clerk to post a new list of voters, and
13 for this purpose said board of registration shall be in ses-
14 sion on the three secular days next preceding said election,
15 the first two days thereof to be devoted to registration of
16 voters and the last day to enable the board to verify the
17 corrections of said list and to complete and close up its
18 records of said sessions. The city clerk shall reduce the
19 subject of this act to the following question: "Shall the act
20 to incorporate the City of Old Town Herbert Gray School
21 District be accepted?" and the voters shall indicate by a
22 cross placed against the words "yes" or "no" their opinion
23 of the same. The result shall be declared by the mayor
24 and aldermen and due certificate thereof filed with the sec-
25 retary of state by the clerk of said city.