

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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OF THE

STATE OF MAINE

As Passed by the Ninety-fourth Legislature

1949

town of South Thomaston for school purposes, and any sums of money or other assets which the said town of South Thomaston has 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 of South Thomaston 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. 9. Emergency clause; effective date; referendum. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the town of South Thomaston 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 South Thomaston 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 2 hours 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 South Thomaston 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 immediately upon its acceptance by a majority of the legal voters, voting at said meeting; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous gubernatorial election. The result in said district shall be declared by the municipal officers of the town of South Thomaston and due certificate thereof filed by the town clerk with the secretary of state.

Effective May 2, 1949

Chapter 143

AN ACT to Incorporate the Town of Searsport School District.

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 territory within the town of Searsport shall constitute a body politic and corporate under the name of the "Town of

SearSPORT School District" for the purpose of providing additional school facilities within said district, for the purpose of erecting and constructing an addition to an existing school building upon land provided and secured for school purposes and located in said town of SearSPORT, and for the further purposes of equipping and maintaining said building and grading the grounds about the same, for the purpose of receiving, accepting and holding gifts, grants or devises of property, real, personal, or mixed to be used for school purposes; all as hereinafter provided and all for the benefit of the inhabitants of said district.

Sec. 2. Trustees; how chosen; organization; compensation. All the affairs of said district, except the election of teachers who shall serve in said town of SearSPORT schools and the fixing of their salaries, the courses of study, the terms of school and all other matters pertaining to the education of pupils, which matters shall be controlled by the school board of the town of SearSPORT, shall be managed by a board of 5 trustees, who shall hold office for a period of 5 years from the date of their appointment. Said trustees, one of whom shall be a member of the superintending school committee, shall be chosen by the municipal officers of the town of SearSPORT as soon as may be after the passage of this act as hereinafter provided. Removal from the town of SearSPORT by any trustee 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 by the municipal officers of the town of SearSPORT 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. At the 1st meeting, the trustees so appointed shall determine by lot the term of office of each trustee, so that 1 trustee shall retire each year and the term of office of the first trustee to expire shall end at the close of the municipal year of the town of SearSPORT following the acceptance of this act. And thereafter the term of office of a trustee shall expire and his successor shall be appointed by the municipal officers of the town of SearSPORT at the close of each municipal year of said town. 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. 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 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, 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.

Sec. 3. Bond issue authorized; temporary loans; notes and bonds legal investment for savings banks. To procure funds for the purposes of this act the said trustees are hereby authorized to issue the district's bonds or notes to an amount not exceeding the sum of \$65,000. Each bond or note shall have inscribed upon its face the words "Town of Searsport School District" and shall bear interest at such rates as the trustees shall determine, payable semiannually. Said bonds or 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. All the aforesaid notes or bonds issued by said 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 a facsimile signature of the president and treasurer printed thereon. Said notes and bonds 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 notes and bonds shall be legal investments for savings banks.

Sec. 4. Sinking fund; refunding bonds provided for. In case said notes or bonds are made to run for a period of years, a sinking fund shall be established by the trustees of said district for the purpose of redeeming said notes or bonds when they become due, and not less than 4% of the principal amount of such bonds or notes originally issued shall be added to said sinking fund each year, which may be deposited in any savings bank within the state or may be invested in any United States government bonds, state bonds or the bonds of any political subdivision thereof as the trustees may determine. Whenever any notes or bonds issued by said district become due or can be purchased by said trustees on favorable terms, said trustees shall, if sufficient funds have accumulated in said sinking fund, redeem or purchase said notes or bonds and cancel them. In no case shall bonds so cancelled or redeemed be reissued. In case the amount in the sinking fund shall not be sufficient to pay the total amount of the notes or bonds falling due at any 1 time, authority to issue new notes or bonds

sufficient to redeem so many of said notes or bonds as cannot be redeemed from the sinking fund is hereby granted to said district, but in no case shall new notes or bonds run beyond 30 years from the date of the original issue.

Sec. 5. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the town of Searsport School District shall determine the sum to be paid annually into the sinking fund, or if the notes or bonds authorized by this act shall be issued to mature serially what amount is required each year to meet the notes or bonds falling due and interest on said notes or bonds 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 state treasurer for taxes, with proper changes, to the assessors of the town of Searsport, 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 said town of Searsport, 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 district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to the sheriff of Waldo 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 trustees of said district in relation to the collection of taxes within said district.

Sec. 6. When trustees cease to function. At such time as the school building shall have been completed, equipped and occupied by pupils and said 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 of the duties, management, care and maintenance in respect to such school building shall revert to the school board of the town of Searsport or other such board as may, at that time have jurisdiction over similar school property, and the then president and treasurer shall cause to be executed, signed and delivered, a good and sufficient deed of all property in said school district, to the town of Searsport. All money, if any remains in the treasury of the board of trustees at the time it ceases to function, shall be given to the treasurer of the town of Searsport. This money shall be used only for school purposes and shall be kept separate from all other money until authorized by the selectmen of the town of Searsport to be expended as hereafter provided.

Sec. 7. Authority to receive property from the town of Searsport. The said district is hereby authorized to receive from the town of Searsport and the said town is hereby authorized to transfer and convey to the said district any property, real, personal or mixed, now or hereafter owned or held by the said town for school purposes, and any sums of money or other assets which the said town has 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 said town shall be duly authorized to do so by a majority vote of the legal voters present at any annual meeting of said town or any special meeting thereof called for the purpose.

Sec. 8. Referendum; effective date. This act shall take effect 90 days after the adjournment of this legislature, only for the purpose of permitting its submission to the legal voters of the territory embraced within the limits of said district at any regular election or at any special election called and held for that purpose, or at any election called for the purpose of voting upon any state referendum. Such election shall be held not later than 1 year after the effective date of this act and shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration of said town 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 board shall be in session 1 hour preceding such election. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to Incorporate the Town of Searsport 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. The result in said district shall be declared by the municipal officers of the town of Searsport and due certificate thereof filed by the town clerk with the secretary of state. 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; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous gubernatorial election.

Effective August 6, 1949

Chapter 144

AN ACT to Incorporate the Town of Winthrop School District.

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

Sec. 1. Incorporation; name; purposes. Subject to the provisions of sections 7 and 9 hereof, the inhabitants of and the territory within the town