

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

tive districts according to the Revised Statutes, 1954, chapter 41, sections III-A to III-U, as amended, the provisions of which, except sections III-F and III-G, are incorporated in, made a part of this act and re-enacted with the same effect as if set forth verbatim herein. The proceedings taken in the town meetings held in municipalities of Danforth and Weston, wherein it was voted to join in the formation of a school administrative district are validated, confirmed and made effective.

Sec. 2. Validation of election and proceedings of school directors and action by officers and agents. The school directors of School Administrative District No. 14, selected in the said municipalities to serve as such, are declared to be and to have been duly elected and qualified for the respective terms for which each was elected, and all of the proceedings of the board of school directors of said district as said board was from time to time constituted and as shown by the records of said district and all of the action duly taken in accordance therewith by the officers and all of the action duly taken in accordance therewith by the officers and agents of said district are validated, confirmed and made effective.

Sec. 3. Amendments. Any amendments of, additions to, or changes in said sections III-A to III-U which may hereafter be enacted shall, unless otherwise specifically provided therein, be deemed to apply to and to govern said School Administrative District No. 14.

Sec. 4. Saving clause. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Effective September 16, 1961

Chapter 81

AN ACT to Enlarge the Powers of the Town of Wiscasset School District.

Emergency preamble. Whereas, the Town of Wiscasset School District has commenced construction of a secondary school and related facilities in the Town of Wiscasset; and

Whereas, it is imperative that sufficient land be available to the district for the construction of all necessary and related facilities, including sewerage treatment and disposal facilities, which affect the health, safety; and welfare of the public attending the school; and

Whereas, the acquisition of land by the Town of Wiscasset School District will be necessary before the expiration of 90 days after the adjournment of the Legislature; 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, safety and welfare; now, therefore,

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

P. & S. L., 1959, c. 136, § 3-A, additional. Chapter 136 of the private and special laws of 1959 is amended by adding a new section 3-A, to read as follows:

'Sec. 3-A. Taking real estate; damages; appeal. The trustees of the Town of Wiscasset School District are authorized to lay out and take real estate in the Town of Wiscasset for the enlargement or extension of any location designated and used for secondary school purposes by said Town of Wiscasset School District. Any enlargements or extensions may include real estate located on the opposite side of any public highway from the location designated and used for secondary school purposes by the Town of Wiscasset School District. When such real estate taken has ceased to be used for school purposes for 2 successive years, said real estate shall revert to the owner, his heirs or assigns, on demand by him or them made in writing to the trustees of the Town of Wiscasset School District or its successor in title, subject to the right of the Town of Wiscasset School District or its successors in title to enter and remove buildings at any time within 6 months after said demand.

The trustees of the Town of Wiscasset School District shall appraise the damages and tender payment of the damages to the owner. If the owner thereof refuses to sell or, in the opinion of the trustees asks an unreasonable price for the real estate, or resides outside the State and has no authorized agents or attorneys therein, or the owner of said real estate cannot be ascertained by checking the record title, the trustees may deposit damages as appraised with the treasurer of Lincoln County for said owner's use. In the event that the owner of the property is unknown, the trustees shall advertise in one state paper and in one local paper for 3 consecutive weeks prior to the tendering of appraised damages to the treasurer of Lincoln County.

If the owner is aggrieved by the damages awarded by the trustees, he may apply to the county commissioners of Lincoln County within 6 months from the deposit of appraised damages. The county commissioners shall constitute a board of appraisers which shall determine the value of the property or land to be taken, make a correct return of their doings signed by them, and state in their return the name of the person to whom damages are allowed and the amount allowed. The county commissioners shall give 14 days' notice to interested parties of the time and place of their meeting and afford interested parties an opportunity to be heard. The return shall be filed with the clerk of the county commissioners and remain in the custody of their clerk and notice thereof given to the interested parties. If the damages are increased, the Town of Wiscasset School District shall pay the damages and costs; otherwise, the costs shall be paid by the applicant.

Any interested party aggrieved by the county commissioners' determination of damages may appeal from their determination within 30 days following the date of filing of their return to the Superior Court of Lincoln County by filing a notice of appeal with said clerk of courts for said county. If no such appeal is made the proceedings shall be closed and become effectual, all claims for damages not allowed by the county commissioners be forever barred, and all damages allowed by the county commissioners be final. If an appeal be taken in the manner provided, the court shall determine the damages by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the damages and judgment for costs in favor of the party entitled thereto. An appeal may be taken to the law court as in other civil actions.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective March 17, 1961

Chapter 82

AN ACT to Incorporate the Town of Bradford School District.

Emergency preamble. Whereas, the present buildings which house the schools of the Town of Bradford are overcrowded and inadequate; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve these conditions; and

Whereas, the overcrowded and antiquated conditions of the schools are detrimental to the public welfare; and

Whereas, new building construction is vitally necessary to provide suitable facilities for the students of the Town of Bradford; and

Whereas, the borrowing capacity of the Town of Bradford will not allow it to borrow sufficient funds for necessary construction and equipment; 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. Incorporation; name; purposes. Subject to the provisions of this act, the inhabitants of and the territory within the Town of Bradford are created a body politic and corporate under the name of "Town of Bradford School District" for the following purposes for the benefit of the inhabitants of the district:

- I. To acquire property within the Town of Bradford for school and related athletic and recreational facilities;
- II. To erect, enlarge, equip, maintain and repair an elementary school and related athletic and recreational facilities;
- III. To lease any property of the district to the Town of Bradford;
- 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. 2. Trustees; powers and duties; limitations. The affairs of the district shall be managed by a board of 5 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 Bradford.