

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1932

H. P. 1489

House of Representatives, January 24, 1972

Committee on Legal Affairs suggested.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Simpson of Standish.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-TWO

AN ACT Relating to Kents Hill School.

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

Sec. 1. Charter amended. The Act, incorporating the trustees of the Maine Wesleyan Seminary and College under an Act approved March 15, 1929, together with all Acts additional thereto and amendatory thereof, said corporation now being known as the Kents Hill School, it is hereby altered and amended to read altered and amended, as follows:

Sec. 1. Trustees; powers. Leon W. Stover, Irving Maxwell, Edward H. Turner, Harold F. Schnurle, Weston L. Bonney, Harrison L. Richardson, Jr., George H. Bass, II, James R. Cochran, Mrs. Isabel Hagerman, Mrs. Stuart C. Hemingway, Mrs. Ellerton M. Jette, Milton Lindholm, William G. Lindquist, Ralph C. Masterman, Bishop James K. Mathews, Rev. John W. Neff, Dr. Wilson Parkhill, Ralph T. Perry, Luther S. Russell, James S. Stanley and J. Thomas Stivers, the same being the present board of trustees, their associates and successors, are hereby continued and constituted a body politic and corporate by the name of trustees of Kents Hill School and, as such and by that name and pursuant to section 8, have power as a means of accomplishing the purposes set forth in section 8 to prosecute and defend suits at law; to have and use a common seal which they may change at pleasure; to accept, acquire, receive, take and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree, or otherwise, for any of its objects and purposes, any property, both real and personal, of whatever kind, nature or description and wherever situated; to sell, exchange, convey, mortgage, lease, transfer, or otherwise dispose of, any such property, both real and personal, as the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law; to borrow money,

and, from time to time, to make, accept, endorse, execute and issue bonds, promissory notes and other obligations of the corporation for moneys borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of any such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of or agreement in regard to all or any part of the property, rights or privileges of the corporation wherever situated, whether now owned or hereafter to be acquired; to invest and reinvest its funds in such stock, common or preferred, bonds, debentures, mortgages or in such other securities and property as its board of trustees shall deem advisable, subject to the limitations and conditions contained in any bequest, devise, grant or gift, provided such limitations and conditions are not in conflict with section 501 (C) (3) of the Internal Revenue Code and its regulations as they now exist or as they may hereafter be amended; in general, and subject to such limitations and conditions as are or may be prescribed by law, to exercise such other powers which now are or hereafter may be conferred by law upon a corporation organized for the purposes hereinabove set forth, or necessary or incidental to the powers so conferred, or conducive to the attainment of the purposes of the corporation, subject to the further limitation and condition that, notwithstanding any other provision of this certificate, only such powers shall be exercised as are in furtherance of the tax-exempt purposes of the corporation and as may be exercised by an organization exempt under section 501 (C) (3) of the Internal Revenue Code and its regulations as they now exist or as they may hereafter be amended and by an organization contributions to which are deductible under section 170 (C) (2) of such code and regulations as they now exist or as they may hereafter be amended; all donations, gifts, grants, devises or bequests made to said corporation for specific purposes shall be appropriated and applied according to the will and design of the donor to the extent possible.

Sec. 2. — term. The term of office of the members of said board of trustees shall be 6 years and as the terms of the trustees expire their successors shall be elected for a full term of 6 years by the remaining trustees by majority ballot of those present at the meeting when such election is held, and vacancies in said board from whatever cause arising shall be filled for the unexpired term in the same manner. A trustee may succeed himself, if duly elected.

Sec. 3. — number. The said board of trustees may from time to time change the number of their members except that such number shall at no time be fixed at less than 20 nor more than 30. Whenever a change in the number of members is made, they shall be so allocated as to insure the expiration of the term of as nearly $\frac{1}{3}$ as may be, at the end of every period of 2 years.

Sec. 4 — removal. The said board of trustees shall have power to remove any trustee from their corporation whenever, in the judgment of $\frac{2}{3}$ of the remaining trustees present and voting, he or she shall become unable, unwilling or otherwise unfitted to perform the duties of his office as set forth in the bylaws of the corporation.

Sec. 5. — nondenominational. In accordance with the desires and wishes of its founder, Luther Sampson, the Kents Hill School shall remain a non-

denominational school under Christian influence. Luther Sampson was a member of the Methodist Church and the school has been traditionally affiliated with it but not controlled by the Methodist Church. To the extent practicable, said tradition shall be maintained by including on the board of trustees a member of the clergy of the Methodist Church in Maine, and such other members of the Methodist Church who are qualified and willing to serve.

Sec. 6. — officers. The said board of trustees shall annually elect from their membership a president, vice-president, a secretary and a treasurer, and shall require the treasurer to give bond to the satisfaction of the trustees for the faithful discharge of his duty.

Sec. 7. — bylaws. The said board of trustees may make and adopt such rules, regulations and bylaws, not contrary to law, as they may deem expedient for the management of their affairs.

Sec. 8. — purpose. The purpose of said board of trustees shall be to control and foster as a secondary school for both sexes the institution now known as the Kents Hill School at Kents Hill in Readfield and they shall have power and authority to establish and maintain therein or in connection therewith academic collegiate courses and to confer upon students completing the same appropriate degrees.

Sec. 9. — president of school. The said board of trustees shall elect a president of said school, whose tenure of office shall be at their pleasure and who during this incumbency shall be ex-officio a member of said board, but not subject to the provisions herein contained relating to the number or expiration of the term of members thereof.

Sec. 10. — teachers. The said board of trustees shall, upon recommendation of the president of said school, elect all necessary professors, headmasters, instructors and teachers for such term and under such condition as they shall determine.

Sec. 11. — bequests. All donations, gifts, grants, conveyances, devises and bequests heretofore made to the trustees of the Readfield Religious and Charitable Society; to the trustees of the Maine Wesleyan Seminary; to the trustees of the Maine Wesleyan Seminary and Female Collegiate Institute; to the Maine Wesleyan Seminary and Female College; to the Maine Wesleyan Seminary and Woman's College; Kents Hill School or to any other persons or corporations for the benefit and use of said school, or that shall hereafter be made to either of said corporations or the trustees thereof, or to any other persons or corporations for the benefit and use of said school, shall be deemed good and valid and shall be and become the property of the trustees of Kents Hill School as if made to them, and shall be held by said trustees as if made to them, and said trustees shall have the right to prosecute in their corporate name any action at law or in equity upon any contract or liability heretofore made or existing with the trustees of the Readfield Religious and Charitable Society; the trustees of the Maine Wesleyan Seminary; the trustees of the Maine Wesleyan Seminary and Female Collegiate Institute; the Maine Wesleyan Seminary and Female College; the Maine

Wesleyan Seminary and Women's College; or with Kents Hill School as the said body politic, under whatever name, might have done if the name thereof had not been changed; and also to defend any suit which may be brought against them upon any such contract or liability and all acts of said trustees in their corporate capacity are hereby ratified.

Sec. 12. — term of corporation. The term of the corporation shall be in perpetuity.

Sec. 13. — dissolution; assets. The corporation is not organized for profit, and no part of the net earnings of the corporation shall inure to the benefit of any private individual. In the event of liquidation or dissolution of the corporation, the balance of all money and other property received by the corporation from any source, after the payment of all debts and obligations of the corporation, shall be used or distributed, subject to the order of the Supreme Judicial Court of Maine, exclusively for purposes within those set forth in section 8 to schools or educational institutions in the State of Maine exempt from taxation under section 501 (C) (3) of the Internal Revenue Code of 1954, as amended.

STATEMENT OF FACT

The purpose of this bill is to clarify the charter of Kents Hill School.