

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1771

6
7 H. P. 1781

House of Representatives, January 7, 1982

8 Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

Referred to the Committee on Legal Affairs. Sent up for concur-
rence and ordered printed.

EDWIN H. PERT, Clerk

9
10 Presented by Representative Bell of Paris.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-TWO
16

17 **AN ACT to Revise the Charter of Hebron**
18 **Academy.**
19

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

21 **Sec. 1. Intent and purpose.** It is the intent and pur-
22 pose of this Act to revise and codify previous Acts of the
23 Legislature affecting the charter of Hebron Academy and to
24 change the name of the body politic to Hebron Academy
25 Incorporated. To the extent that they are inconsistent with
26 this Act, previous Acts are hereby repealed. As established
27 by the Laws and Resolves of Massachusetts, 1803, chapter 75,
28 which chapter was last amended by Private and Special Laws
29 of 1975, chapter 9, the academy shall continue for the pur-
30 poses of promoting piety and virtue, and for the education
31 of youth, in such language, and in such of the liberal arts
32 and sciences as the trustees shall order and direct.

33 **Sec. 2. Name change.** The name of the body politic
34 shall be changed from the Trustees of Hebron Academy to
35 Hebron Academy Incorporated.

1 **Sec. 3. Trustees; number.** All the affairs of the
2 academy shall be managed by a Board of Trustees, to consist
3 of no more than 25 nor less than 19 members.

4 **Sec. 4. Election.** The election of trustees shall be
5 conducted according to the following provisions.

6 A. At its annual meeting in June of each year, the
7 Board of Trustees shall elect trustees for a term of 4
8 years each, subject to the provisions of paragraph C.

9 B. No person may be considered for election as a
10 trustee within 12 months after having served 2 full
11 consecutive terms.

12 C. All active trustees serving on the effective date
13 of this Act shall serve out their elected terms. The
14 Board of Trustees shall enter into contracts with the
15 Life Trustees with respect to their terms to accomplish
16 in an orderly and proper fashion the election of
17 trustees under this section, so that prior to the end
18 of 3 years from the effective date of this Act, there
19 shall be no Life Trustees.

20 **Sec. 5. Honorary Trustees; Trustees Emeritus.** A
21 trustee holding office on the occasion of his 70th birthday,
22 who has served continuously as a trustee for no less than 4
23 years immediately preceding such event, or a trustee who
24 completes 4 years of continuous service on a date subsequent
25 to the occasion of his 70th birthday, shall be automatically
26 designated an Honorary Trustee and is then exempt from any
27 count to determine the number of trustees or of a quorum for
28 any meeting of the board, and has all the rights of a
29 trustee except the right to vote.

30 At the discretion of the Board of Trustees, trustees
31 who have served the academy with distinction may be desig-
32 nated Trustee Emeritus, which status shall be exempt from
33 any count to determine the number of trustees or of a quorum
34 for any meeting of the board and shall not have the right of
35 a vote.

36 **Sec. 6. Term of office.** The terms of office of the
37 respective members of the Board of Trustees shall begin at
38 the end of the annual meeting of the Board of Trustees held
39 in June of each year.

40 **Sec. 7. Powers of trustees.** The Board of Trustees
41 shall have and may exercise all the powers of the academy.

1 Without limiting the generality of this section, the Board
2 of Trustees may:

3 A. Manage the academy's funds and assets and invest
4 and reinvest the funds and assets in real or personal
5 property of any kind, tangible or intangible, or any
6 interest therein, whether or not the investments chosen
7 would be considered a proper investment for a trustee,
8 and irrespective of the proportion of such funds placed
9 in any one or more investments; exercise all the
10 rights, powers and privileges pertaining to the owner-
11 ship of any securities forming part of the academy's
12 assets to the same extent that an individual might; and
13 appoint, determine the powers, compensation and duties
14 of, and discharge agents or trustees in connection with
15 this paragraph;

16 B. Acquire by purchase, lease, gift, bequest, devise
17 or otherwise, real or personal property which may be
18 deemed suitable or convenient for or in connection with
19 the purpose and activities of the academy; manage the
20 property and sell, lease or otherwise dispose of real
21 or personal property of the academy;

22 C. Borrow money and authorize the giving of notes or
23 other obligations therefor and, if deemed desirable,
24 secure the payment thereof by mortgage, pledge, as-
25 signment, transfer or conveyance of any part of the
26 academy's property and assets then owned or thereafter
27 acquired;

28 D. Authorize and adopt an annual budget for the opera-
29 tion of the academy; and

30 E. Adopt bylaws, not inconsistent with the provisions
31 of this Act. Bylaws adopted under this paragraph may
32 be amended by 2/3 vote of the trustees at a duly
33 authorized meeting of the Board of Trustees; provided
34 that a written 30-days' notice of the proposed changes
35 is given to all members of the Board of Trustees.

36 **Sec. 8. Meetings; quorum.** There shall be at least 3
37 meetings of the Board of Trustees each year, to be held in
38 the months of October, January and June, on a date set by
39 the Chairman of the Board of Trustees. The June meeting
40 shall be the annual meeting.

41 The Board of Trustees shall meet in special session at
42 the call of the chairman or at the call of any 5 members of

1 the Board of Trustees, and such special meetings shall be
2 held at the academy unless otherwise designated by the
3 chairman.

4 Fifty percent of the members of the Board of Trustees
5 duly elected and holding office shall constitute a quorum
6 for the transaction of business.

7 **Sec. 9. Removal from office.** The Board of Trustees
8 may, subject to the terms of the appointment or employment
9 of any particular officer, remove any officer from office at
10 any time with or without cause by vote of a majority of the
11 whole number of trustees. It shall be a cause for removal
12 in the discretion of the Board of Trustees if any trustee
13 misses a majority of trustee meetings held in any calendar
14 year. A trustee may be removed from office for cause by
15 vote of a majority of the whole number of trustees after
16 reasonable notice and an opportunity to be heard.

17 **Sec. 10. Net earnings.** None of the net earnings or
18 net profits of the academy shall inure to the benefit of or
19 be distributed to any trustee or officer.

20 STATEMENT OF FACT

21 This bill amends the charter of Hebron Academy with
22 respect to the name of the body politic, the election of,
23 powers of and removal of trustees and permits the adoption
24 of bylaws not inconsistent with the charter. It also codi-
25 fies previous amendments to the charter.

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