

# MAINE STATE LEGISLATURE

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(NEW DRAFT)

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**EIGHTIETH LEGISLATURE**

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**HOUSE**

**NO. 355**

House of Representatives, March 18, 1921.

Reported by Mr. Hinckley from Committee on Judiciary and  
ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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**STATE OF MAINE**

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

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**AN ACT to Incorporate the South Portland High School  
District.**

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

Section 1. Subject to the provisions of section eight here-  
2 of wards one, two, three, four, five, six and seven of the  
3 city of South Portland except that part of said ward seven  
4 that lies within the following bounds, to wit: beginning at  
5 a point formed by the intersection of the Cummings Road,  
6 so-called, in said ward seven, with the line of the town of  
7 Scarboro; thence northwesterly by said Scarboro town line  
8 to the line of the city of Westbrook; thence, northeasterly  
9 by said Westbrook city line to the Cummings Road afore-

10 said; thence southerly by said Cummings Road to the point  
11 begun at; shall constitute a body politic and corporate un-  
12 der the name of the South Portland High School District  
13 for the purpose of erecting, equipping and maintaining a  
14 high school within said district upon land secured for that  
15 purpose, as is hereinafter provided, for the benefit of the  
16 inhabitants thereof.

Sect. 2. Said district is hereby authorized and empowered  
2 to accept from the city of South Portland, acquire by pur-  
3 chase or by the exercise of the right of eminent domain,  
4 which right is hereby expressly delegated to said district  
5 for said purpose, a tract of land within the territorial limits  
6 of said district, which tract of land shall not exceed seven  
7 acres in size, for a site or location of a high school. The  
8 officers of said district may exercise the right of eminent  
9 domain vested in said district for the purpose of taking land  
10 as hereinbefore set forth after hearing, notice of the date  
11 and place of hearing being given by publication in two daily  
12 papers published in Portland for two weeks at least previ-  
13 ous to the time appointed for said hearing, and the clerk  
14 of said district shall keep a record of their proceedings, and  
15 their determination and decision, which shall be signed by  
16 a majority of said officers, and which shall set forth a de-  
17 scription of the land taken and the owners, if known, and  
18 the amount of damage awarded therefor, and upon the  
19 signing of said record by said officers, they may enter upon  
20 the land and take possession for the purpose of this act.  
21 Any person aggrieved by the decision of said officers, so

22 far as it relates to damages awarded for land so taken, shall  
23 have the same right of appeal as is provided in the case of  
24 town ways. The city of South Portland is hereby express-  
25 ly authorized and empowered to convey to said district any  
26 property owned by it and shall convey to said district any  
27 vacant land owned by it, to be used for the purposes of this  
28 act, provided the trustees shall by vote determine that said  
29 land is necessary for said purposes and shall in writing ad-  
30 vise the municipal officers of said city of their decision.

Sect. 3. All the affairs of said district, except the election  
2 of teachers who shall serve in said high school and the fixing  
3 of their salaries, the courses of study, the terms of school  
4 and all other matters pertaining to the education of pupils,  
5 which matter shall be controlled by the school board of  
6 the city of South Portland, shall be managed by a board  
7 of trustees composed of five members, who shall be elected  
8 as is hereinafter provided.

Sect. 4. The trustees so to be elected shall be elected by  
2 a plurality vote of the legal voters of said district voting  
3 at the special election provided for in section eight. All  
4 nominations of candidates so to be voted for shall be made  
5 by nomination papers signed in the aggregate for each can-  
6 didate by no less than fifty qualified voters of said district.  
7 Each voter signing a nomination paper shall make his sig-  
8 nature in person, and add to it his place of residence, and  
9 each voter may subscribe to as many nominations as there  
10 are trustees to be elected in said district and no more. Such  
11 nomination papers shall, before being filed, be submitted to

12 the city clerk of the city of South Portland, who shall forth-  
13 with certify thereon what number of the signatures are  
14 names of qualified voters in said district; one of the signers  
15 to each such separate paper shall swear to the truth thereof,  
16 and the certificate of such oath shall be annexed to or made  
17 upon the nomination papers. Such nomination papers shall  
18 be filed with the city clerk of said city of South Portland  
19 at least seven days, exclusive of Sundays, previous to the  
20 day of such election. With such nomination papers shall  
21 also be filed the consent in writing of the person or persons  
22 nominated. All nomination papers, being filed and being  
23 in apparent conformity with the foregoing provisions, shall  
24 be deemed to be valid; and if not in apparent conformity  
25 they may be seasonably amended under oath. In case any  
26 candidate who has been duly nominated under the provi-  
27 sions hereof shall die before the day of election, or shall  
28 withdraw in writing, the vacancy may be supplied in the  
29 manner herein provided for such nominations. The name  
30 so supplied for the vacancy shall, if the ballots have not  
31 been printed, be placed on the ballots instead of the origi-  
32 nal nomination; or, if the ballots have been printed, new  
33 ballots containing the new nomination shall, if practicable,  
34 be furnished, or slips containing the new nomination shall  
35 be printed under the direction of said city clerk, which  
36 may be pasted in proper place upon the new ballots and  
37 thereafter shall become part of said ballots as if originally  
38 printed thereon. The ballot in said district shall contain  
39 the names of all candidates so nominated in such district

40 printed in one column under the heading, "For Trustees of  
41 the South Portland High School District." Above such  
42 heading shall be printed, "Vote for five. Make a cross to  
43 the right of each name voted for." As many blank spaces  
44 shall be left after the names of the candidates as there are  
45 trustees to be elected, in which the voter may paste on or  
46 by writing insert the names of any person or persons for  
47 whom he desires to vote. In preparing his ballot the voter  
48 shall mark a cross (X) against and to the right of such  
49 names on said ballots as he desires to vote for, not to ex-  
50 ceed the number of trustees so to be elected in said district.  
51 If the voter shall desire to vote for any person or persons  
52 whose name or names are not printed on the ballot, he may  
53 fill in such name or names in the blank spaces left therefor by  
54 writing the same therein or by using a sticker or stickers  
55 containing such new name or names. Where the voter so  
56 adds by writing or by sticker such new name or names, his  
57 vote for such new name or names shall be counted therefor  
58 although he may fail to mark a cross against the same. The  
59 result of such election shall be declared by the municipal  
60 officers of the city of South Portland and due certificate  
61 thereof filed with the city clerk thereof. The term of office  
62 of the trustees shall begin on the eighth day of August,  
63 A. D. nineteen hundred and twenty-one. As soon as con-  
64 venient after all the members of said board have been so  
65 chosen, the trustees shall hold a meeting at the city rooms  
66 in the city of South Portland to be called by one of the  
67 trustees upon such reasonable notice therefor as he deems

68 proper. They shall organize by the election of a president  
69 and a clerk, adopt a corporate seal and shall choose a treas-  
70 urer and all needful officers and agents for the proper con-  
71 duct and management of the affairs of the district.

At the first meeting of the trustees so elected shall deter-  
2 mine by lot the term of office of each trustee so that one  
3 trustee shall retire each year and the term of office of the  
4 first trustee to expire shall end at the next municipal elec-  
5 tion of the city of South Portland following the acceptance  
6 of this act, and thereafter the term of office of a trustee  
7 shall expire and his successor shall be elected by a plurality  
8 vote of the voters of said district upon the date of the an-  
9 nual election of said city and upon nomination made as is  
10 herein provided for the first election of trustees. The trus-  
11 tees so elected shall serve the full term of five years and  
12 in case any vacancy arises in the membership of the board  
13 of trustees it shall be filled by the city council of said South  
14 Portland for the unexpired term. When any trustee ceases  
15 to be a resident of said district he vacates the office of  
16 trustee and the vacancy shall be filled as aforesaid. All  
17 such trustees shall be eligible to re-election, but no person  
18 holding a municipal office in said city shall be eligible to  
19 said election as trustee. Each member shall receive in full  
20 compensation for his services an amount to be fixed by  
21 the city council of the said city of South Portland. At  
22 the close of each fiscal year the trustees shall make a de-  
23 tailed report of their doings, of the financial condition of  
24 said district and the physical condition of said high school

25 building, and all such other matters and things pertaining  
26 to said district as shall show the inhabitants thereof how  
27 said trustees are fulfilling the duties and obligations of their  
28 trust, said reports to be made and filed with the municipal  
29 officers of said city.

Sect. 5. To procure funds for the purpose of this act  
2 and such other expenses as may be necessary to the carry-  
3 ing out of said purposes, the said district is hereby author-  
4 ized to issue its notes and bonds, but shall not incur a total  
5 indebtedness exceeding the sum of three hundred thousand  
6 dollars. Said bonds shall be a legal investment for savings  
7 banks in the state of Maine. Each bond shall have in-  
8 scribed upon its face the words: "South Portland High  
9 School District" and shall bear interest at such rates as the  
10 trustees shall determine, payable semi-annually. Said bonds  
11 may be issued to mature serially or made to run for such  
12 periods as said trustees may determine, but none of which  
13 shall run for a longer period than twenty-five years. All  
14 notes or bonds issued by said district shall be signed by the  
15 treasurer and countersigned by the president of the district,  
16 and if coupon bonds be issued, each coupon shall be attested  
17 by a facsimile signature of the president and treasurer print-  
18 ed thereon. The treasurer shall give bond to the district  
19 in such sum and with such sureties as said trustees may de-  
20 termine, which bond shall remain in the custody of the presi-  
21 dent. The expenses of said bond shall be paid by the dis-  
22 trict.



Sect. 6. In case said bonds are made to run for a period  
2 of years, a sinking fund shall be established by the trustees  
3 of said district for the purpose of redeeming said bonds  
4 when they become due and not less than two per cent of  
5 the total cost of the site for said high school, the high school  
6 building and the expenses incidental to the carrying out of  
7 the purposes of this act shall be added to said sinking fund  
8 each year, which shall be kept invested as the trustees may  
9 determine. Whenever any bonds issued by said district be-  
10 come due or can be purchased by said trustees on favorable  
11 terms, said trustees shall, if sufficient funds have accumu-  
12 lated in said sinking fund, redeem or purchase said bonds  
13 and cancel them. In no case shall bonds so cancelled or  
14 redeemed be reissued. In case the amount in the sinking  
15 fund shall not be sufficient to pay the total amount of the  
16 bonds falling due at any one time, authority to issue new  
17 bonds sufficient to redeem so many of said bonds as cannot  
18 be redeemed from the sinking fund is hereby granted to said  
19 district, but in no case shall new bonds run beyond twenty-  
20 five years from the date of the original issue.

Sect. 7. The trustees of the South Portland High School  
2 District shall determine the sum to be paid annually into  
3 the sinking fund, or if the bonds authorized by this act shall  
4 be issued to mature serially what amount is required each  
5 year to meet the bonds falling due, and what sum is re-  
6 quired each year to meet the interest on said bonds, and  
7 other necessary expenses in the district, and shall each year  
8 thereafter, before the first day of April, issue their war-

9 rant in the same form as the warrant of the state treas-  
10 urer for taxes, with proper changes, to the assessors of the  
11 city of South Portland requiring them to assess the sum  
12 so determined upon the taxable polls and estates within said  
13 district and to commit their assessment to the constable or  
14 collector of said city of South Portland, who shall have  
15 all authority and powers to collect said taxes as is vested  
16 by law to collect state, county and municipal taxes. On or  
17 before the thirty-first day of December of the year in which  
18 said tax is so levied the treasurer of said city shall pay  
19 the amount of the tax so assessed against said district to  
20 the treasurer of said district. In the case of the failure on  
21 the part of the treasurer of said city to pay said sum, or  
22 in the case of his failure to pay any part thereof on or be-  
23 fore said thirty-first day of December of the year in which  
24 said tax is so levied the treasurer of said district may issue  
25 his warrant for the amount of said tax or so much thereof as  
26 shall then remain unpaid, to the sheriff of Cumberland coun-  
27 ty, requiring him to levy by distress and sale on real and  
28 personal property of any of the inhabitants of said district,  
29 and the sheriff or either of his deputies shall execute said  
30 warrant except as is otherwise provided herein. The same  
31 authority as is vested in county officials for the collection  
32 of county taxes, under the provisions of the revised stat-  
33 utes, is hereby vested in the trustees of said district in rela-  
34 tion to the collection of taxes within said district.

Sect. 8. This act, as is provided in section one hereof,  
2 shall not take effect unless accepted and approved by a ma-

3 jority vote of the legal voters of the territory embraced  
4 within the limits of said district voting at an election to be  
5 specially called and held for the purpose and for the pur-  
6 pose of electing trustees as provided for in section four, on  
7 the eighth day of August, nineteen hundred and twenty-one.  
8 Such special election shall be called, advertised and con-  
9 ducted according to the law relating to municipal elections,  
10 provided, however, that the board of registration in said  
11 city of South Portland shall not be required to prepare for  
12 posting or the city clerk to post a new list of voters, and for  
13 the purpose of registration of voters said board shall be in  
14 session the three secular days next preceding such elections,  
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 lists and to complete and close up their  
18 records of said sessions. The city clerk shall reduce the  
19 subject matter of this act to the following question: "Shall  
20 the act to incorporate the South Portland High School Dis-  
21 trict be accepted," and the voters shall indicate by a cross  
22 placed over the words "Yes" or "No," their opinion of the  
23 same. The result in said district shall be declared by the  
24 municipal officers of the city of South Portland and due  
25 certificate filed by the city clerk with the secretary of state.

Sect. 9. In all elections hereunder the board of registra-  
2 tion shall exclude from their lists and from all check lists,  
3 the legal voters that are resident in that part of the city of  
4 South Portland shown by section one hereof, to be without

5 the territorial limits of said district, and all warrants issued  
6 to the ward of which said territory is a part shall be varied  
7 accordingly to show that only the voters resident within  
8 the territorial limits of said district are entitled to vote here-  
9 under.