

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

HOUSE

NO. 420

House of Representatives, March 28, 1921.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Bartlett of Waterville.

STATE OF MAINE

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

AN ACT to Incorporate the Waterville Junior High School
District.

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 Waterville except that part of said ward seven that
4 lies within the following bounds, to wit: beginning at the
5 point where the westerly line of the Second Mile Range-
6 way road, so-called, intersects the southerly line of the Mc-
7 Kechnie road, thence northwesterly across the McKechnie
8 road to the westerly line of the Marston road; thence north-
9 erly along the westerly line of the Marston road to the Oak-

10 land town line. Thence southerly along the Oakland town
11 line to the southerly line of the McKechnie road; thence
12 easterly along the southerly line of the McKechnie road
13 (which is also the Oakland town line), to the point of be-
14 ginning; shall constitute a body politic and corporate under
15 the name of the Waterville Junior High School District
16 for the purpose of erecting, equipping and maintaining a
17 junior high school within said district upon land secured
18 for that purpose, as is hereinafter provided, for the benefit
19 of the inhabitants thereof.

Sect. 2. Said district is hereby authorized and empowered
2 to accept from the city of Waterville, acquire by purchase
3 or by the exercise of the right of eminent domain, which
4 right is hereby expressly delegated to said district for said
5 purpose, a tract of land within the territorial limits of said
6 district, which tract of land shall not exceed seven acres in
7 size, for a site or location of a junior 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
10 land as hereinbefore set forth after hearing, notice of the
11 date and place of hearing being given by publication in the
12 daily paper published in Waterville for two weeks at least
13 previous to the time appointed for said hearing, and the
14 clerk of said district shall keep a record of their proceed-
15 ings, and their determination and decision, which shall be
16 signed by a majority of said officers, and which shall set
17 forth a description of the land taken and the owners, if

18 known, and the amount of damage awarded therefor, and
19 upon the signing of said record by said officers, they may
20 enter upon the land and take possession for the purpose of
21 this act. Any person aggrieved by the decision of said offi-
22 cers, so far as it relates to damages awarded for land so
23 taken, shall have the same right of appeal as is provided in
24 the case of town ways. The city of Waterville is hereby
25 expressly authorized and empowered to convey to said dis-
26 trict any property owned by it and shall convey to said dis-
27 trict any vacant land owned by it, to be used for the pur-
28 poses of this act, provided the trustees shall by vote deter-
29 mine that said land is necessary for said purposes and shall
30 in writing advise the municipal officers of said city of their
31 decision.

Sect. 3. All the affairs of said district, except the election
2 of teachers who shall serve in said junior high school and
3 the fixing of their salaries, the courses of study, the terms
4 of school and all other matters pertaining to the education
5 of pupils, which matter shall be controlled by the school
6 board of the city of Waterville, 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 at
3 the special election provided for in section eight. All nom-
4 inations of candidates so to be voted for shall be made by
5 nomination papers signed in the aggregate for each candi-

6 date by no less than fifty qualified voters of said district.
7 Each voter signing a nomination paper shall make his signa-
8 ture 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
12 to the city clerk of the city of Waterville, 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 Waterville at
19 least seven days, exclusive of Sundays, previous to the day
20 of such election. With such nomination papers shall also
21 be filed the consent in writing of the person or persons nom-
22 inated. All nomination papers, being filed and being in ap-
23 parent conformity with the foregoing provisions, shall be
24 deemed to be valid; and if not in apparent conformity they
25 may be seasonably amended under oath. In case any candi-
26 date who has been duly nominated under the provisions
27 thereof shall die before the day of election, or shall with-
28 draw in writing, the vacancy may be supplied in the man-
29 ner herein provided for such nominations. The name so
30 supplied for the vacancy shall, if the ballots have not been
31 printed, be placed on the ballots instead of the original nom-
32 ination; or, if the ballots have been printed, new ballots

33 containing the new nomination shall, if practicable, be fur-
34 nished, or slips containing the new nomination shall be
35 printed under the direction of said city clerk, which may
36 be pasted in proper place upon the new ballots and there-
37 after 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 Waterville Junior 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 there-
54 for by writing the same therein or by using a sticker or
55 stickers containing such new name or names. Where the
56 voter so adds by writing or by sticker such new name or
57 names, his vote for such new name or names shall be
58 counted therefor although he may fail to mark a cross
59 against the same. The result of such election shall be de-

60 clared by the municipal officers of the city of Waterville
61 and due certificate thereof filed with the city clerk thereof.
62 The term of office of the trustees shall begin on the eighth
63 day of August, A. D. nineteen hundred and twenty-one.
64 As soon as convenient after all the members of said board
65 have been so chosen, the trustees shall hold a meeting at
66 the city hall in the city of Waterville to be called by one
67 of the trustees upon such reasonable notice therefor as he
68 deems proper. They shall organize by the election of a
69 president and a clerk, adopt a corporate seal and shall choose
70 a treasurer and all needful officers and agents for the proper
71 conduct 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 Waterville following the acceptance of
6 this act, and thereafter the term of office of a trustee shall ex-
7 pire and his successor shall be elected by a plurality vote of
8 the voters of said district upon the date of the annual election
9 of said city and upon nomination made as is herein provided
10 for the first election of trustees. The trustees so elected shall
11 serve the full term of five years and in case any vacancy
12 arises in the membership of the board of trustees it shall
13 be filled by the city council of said Waterville for the un-
14 expired term. When any trustee ceases to be a resident of
15 said district he vacates the office of trustee and the vacancy

16 shall be filled as aforesaid. All such trustees shall be eligible
17 to re-election, but no person holding a municipal office in
18 said city shall be eligible to said election as trustee. Each
19 member shall receive in full compensation for his services
20 an amount to be fixed by the city council of the said city
21 of Waterville. At the close of each fiscal year the trustees
22 shall make a detailed report of their doings, of the financial
23 condition of said district and the physical condition of said
24 junior high school building, and all such other matters and
25 things pertaining to said district as shall show the inhab-
26 itants thereof how said trustees are fulfilling the duties and
27 obligations of their trust, said reports to be made and filed
28 with the municipal officers of said city.

Sect. 5. To procure funds for the purpose of this act and
2 such other expenses as may be necessary to the carrying
3 out of said purposes, the said district is hereby authorized
4 to issue its notes and bonds, but shall not incur a total in-
5 debtedness exceeding the sum of three hundred thousand
6 dollars. Said bonds shall be a legal investment for sav-
7 ings banks in the State of Maine. Each bond shall have
8 inscribed upon its face the words: "Waterville Junior High
9 School District" and shall bear interest at such rates as
10 the trustees shall determine, payable semi-annually. Said
11 bonds may be issued to mature serially or made to run for
12 such periods as said trustees may determine, but none of
13 which shall run for a longer period than twenty-five years.
14 All notes or bonds issued by said district shall be signed

15 by the treasurer and countersigned by the president of the
16 district, and if coupon bonds be issued, each coupon shall
17 be attested by a facsimile signature of the president and
18 treasurer printed thereon. The treasurer shall give bond
19 to the district in such sum and with such sureties as said
20 trustees may determine, which bond shall remain in the cus-
21 tody of the president. The expenses of said bond shall be
22 paid by the district.

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 junior high school, the
6 junior high school building and the expenses incidental to
7 the carrying out of the purposes of this act shall be added
8 to said sinking fund each year, which shall be kept invested
9 as the trustees may determine. Whenever any bonds issued
10 by said district become due or can be purchased by said
11 trustees on favorable terms, said trustees shall, if sufficient
12 funds have accumulated in said sinking fund, redeem or
13 purchase said bonds and cancel them. In no case shall
14 bonds so cancelled or redeemed be reissued. In case the
15 amount in the sinking fund shall not be sufficient to pay
16 the total amount of the bonds falling due at any one time,
17 authority to issue new bonds sufficient to redeem so many
18 of said bonds as cannot be redeemed from the sinking fund
19 is hereby granted to said district, but in no case shall new

20 bonds run beyond twenty-five years from the date of the
21 original issue.

Sect. 7. The trustees of the Waterville Junior 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
4 shall be issued to mature serially what amount is required
5 each year to meet the bonds falling due, and what sum is
6 required 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 treasurer
10 for taxes, with proper changes, to the assessors of the city
11 of Waterville requiring them to assess the sum so deter-
12 mined upon the taxable polls and estates within said dis-
13 trict and to commit their assessment to the constable or col-
14 lector of said city of Waterville, who shall have all author-
15 ity and powers to collect said taxes as is vested by law to
16 collect state, county and municipal taxes. On or before
17 the thirty-first day of December of the year in which said
18 tax is so levied the treasurer of said city shall pay the amount
19 of the tax so assessed against said district to the treasurer of
20 said district. In the case of the failure on the part of the
21 treasurer of said city to pay said sum, or in the case of his
22 failure to pay any part thereof on or before said thirty-
23 first day of December of the year in which said tax is so
24 levied the treasurer of said district may issue his warrant
25 for the amount of said tax or so much thereof as shall then

26 remain unpaid, to the sheriff of Kennebec county, requir-
27 ing him to levy by distress and sale on real and personal
28 property of any of the inhabitants of said district, and the
29 sheriff or either of his deputies shall execute said warrant
30 except as is otherwise provided herein. The same author-
31 ity as is vested in county officials for the collection of coun-
32 ty taxes, under the provisions of the revised statutes, is here-
33 by vested in the trustees of said district in relation to the
34 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
3 majority vote of the legal voters of the territory embraced
4 within the limits of said district voting at an election to
5 be specially called and held for the purpose and for the
6 purpose of electing trustees as provided for in section four,
7 on the eighth day of August, nineteen hundred and twenty-
8 one. Such special election shall be called, advertised and
9 conducted according to the law relating to municipal elec-
10 tions, provided, however, that the board of registration in
11 said city of Waterville shall not be required to prepare for
12 posting or the city clerk to post a new list of voters, and
13 for the purpose of registration of voters said board shall
14 be in session the three secular days next preceding such
15 elections, the first two days thereof to be devoted to reg-
16 istration of voters and the last day to enable the board to
17 verify the corrections of said lists and to complete and close
18 up their records of said sessions. The city clerk shall re-

19 duce the subject matter of this act to the following ques-
20 tion: "Shall the act to incorporate the Waterville Junior
21 High School District be accepted," and the voters shall in-
22 dicate by a cross placed over the words, "Yes" or "No,"
23 their opinion of the same. The result in said district shall
24 be declared by the municipal officers of the city of Water-
25 ville and due certificate filed by the city clerk with the sec-
26 retary of state.

Sect. 9. In all elections hereunder the board of regis-
2 tration shall exclude from their lists and from all check
3 lists, the legal voters that are resident in that part of the
4 city of Waterville shown by section one hereof, to be with-
5 out the territorial limits of said district, and all warrants
6 issued to the ward of which said territory is a part shall be
7 varied accordingly to show that only the voters resident
8 within the territorial limits of said district are entitled to
9 vote hereunder.