

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 32

House of Representatives, Feb. 1, 1923.

Reported by Mr. Clarke from Committee on Legal Affairs
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Incorporate the Boothbay Harbor 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 all that part of the town of Boothbay Harbor, with the
3 exception of the Isle of Springs, lying northerly and west-
4 erly of the territory embraced within the limits of the Bay-
5 ville Village Corporation, together with the inhabitants
6 thereof, is hereby created a body politic and corporate un-
7 der the name of the Boothbay Harbor School District for
8 the purpose of erecting, equipping and maintaining a high
9 school or common school or either or both of them within

10 said district upon land secured for the purpose, as herein-
11 after provided, for the benefit of the inhabitants thereof.

Sect. 2. Said district is hereby authorized and empow-
2 ered to acquire by purchase or by the right of eminent do-
3 main, which right is hereby expressly delegated to said dis-
4 trict for said purpose, a tract of land within the territorial
5 limits of said district, which tract of land shall be of such
6 size as said district may determine, for a site or location
7 of a high school or common school, or of a high school
8 and common school. The officers of said district may ex-
9 ercise the right of eminent domain vested in said district
10 for the purpose of taking land as hereinbefore set forth
11 after hearing, notice of the date and place of hearing being
12 given by publication in any newspaper published in said
13 Boothbay Harbor, three weeks in succession, the last pub-
14 lication to be at least one week prior to the time appointed
15 for said hearing, and the clerk of said district shall keep
16 a record of their proceedings, and their determination and
17 decision which shall be signed by a majority of said offi-
18 cers, and which shall set forth a description of the land
19 taken and the owners, if known, and the amount of damage
20 awarded therefor, and upon the signing of said record by
21 said officers, they may enter upon the land and take pos-
22 session for the purposes of this act. Any person aggrieved
23 by the decision of said officers, so far as it relates to dam-
24 ages awarded for land so taken, shall have the same right
25 of appeal as is provided in the case of town ways. The

26 town of Boothbay Harbor is hereby expressly authorized
27 and empowered to convey to said district any property
28 owned by it.

Sect. 3. All the affairs of said district, except the elec-
2 tion of teachers who shall serve in said school or schools
3 and the fixing of their salaries, the courses of study, the
4 terms of school and all other matters pertaining to the
5 education of pupils, which matter shall be controlled by the
6 superintending school committee of the town of Boothbay
7 Harbor, shall be managed by a board of trustees composed
8 of five members who shall be elected as hereinafter pro-
9 vided.

Sect. 4. The trustees so to be elected shall be elected by
2 ballot by a majority of the legal voters of said district at a
3 special meeting of said district, called, held and conducted in
4 the same manner as town meetings are called, held and con-
5 ducted in said Boothbay Harbor, said special meeting to be
6 called by the selectmen of said Boothbay Harbor within
7 thirty days after the acceptance of this act by the voters
8 of said district as hereinafter provided. The result of such
9 election shall be declared by the selectmen of the town of
10 Boothbay Harbor and due certificate thereof filed with the
11 town clerk thereof. The term of office of the trustees shall
12 begin on the day on which said special election is held.
13 As soon as convenient after the members of said board
14 have been chosen, the trustees shall hold a meeting at the
15 town office in the town of Boothbay Harbor, to be called

16 by one of the trustees upon such reasonable notice therefor
17 as he may deem proper. They shall organize by the elec-
18 tion of a president and a clerk, adopt a corporate seal and
19 shall choose a treasurer and needful officers and agents for
20 the proper conduct and management of the affairs of the
21 district.

At the first meeting the trustees so elected shall determine
2 by lot the term of office of each trustee so that one trustee
3 shall retire each year and the term of office of the first
4 trustee to expire shall end at the next municipal election
5 of the town of Boothbay Harbor 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 ballot by
8 a majority vote of the voters of said district at the annual
9 meeting of said district to be held upon the date of the
10 annual town meeting of said town, and called, held and
11 conducted in the same manner as is provided by statute
12 for the calling, holding and conducting of town meetings.
13 The trustees so elected shall serve the full term of five
14 years and in case any vacancy arises in the membership
15 of the board of trustees it shall be filled by the selectmen
16 of said Boothbay Harbor for the unexpired term. When
17 any trustee ceases to be a resident of said district he va-
18 cates the office of trustee and the vacancy shall be filled
19 as aforesaid. All such trustees shall be eligible to re-elec-
20 tion, and a person holding a municipal office in said town
21 shall not by reason thereof be ineligible to said election as

22 trustee. Each member shall receive in full compensation
23 for his services an amount to be fixed by the town of
24 Boothbay Harbor. At the close of each fiscal year which
25 for the purposes of this act shall be the calendar year, the
26 trustees shall make a detailed report of their doings, of
27 the financial condition of said district and the physical con-
28 dition of said school building or buildings, and all such
29 other matters and things pertaining to said district, as shall
30 show the inhabitants thereof how said trustees are fulfilling
31 the duties and obligations of their trust, said reports to be
32 made and filed with the municipal officers of said town.

Sect. 5. To procure funds for the purposes of this act
2 and such other expenses as may be necessary for 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 sixty thousand dollars.
6 Said bonds shall be a legal investment for savings banks
7 in the state of Maine. Each bond shall have inscribed upon
8 its face the words: "Boothbay Harbor School District," and
9 shall bear interest at such rates as the trustees shall de-
10 termine, payable semi-annually. Said bonds may be issued
11 to mature serially or made to run for such period as said
12 trustees may determine, but none of which shall run for a
13 longer period than twenty-five years. All notes or bonds
14 issued by said district shall be signed by the treasurer and
15 countersigned by the president of the district, and if coupon
16 bonds be issued, each coupon shall be attested by a fac-

17 simile signature of the president and treasurer printed
18 thereon. The treasurer shall give bond to the district in
19 such sum and with such sureties as said trustees may de-
20 termine, which bond shall remain in the custody of the
21 president. The expenses of said bond shall be paid by the
22 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 five per cent of
5 the total cost of the site or sites for said building or build-
6 ings, the said building or buildings and the expenses inciden-
7 tal to carrying out the purposes of this act shall be added to
8 said sinking fund each year, which shall be kept invested as
9 the trustees may determine. Whenever any bonds issued by
10 said district become due or can be purchased by said trustees
11 on favorable terms, said trustees shall, if sufficient funds have
12 accumulated in said sinking fund, redeem or purchase said
13 bonds and cancel them. In no case shall bonds so can-
14 celled or redeemed be reissued. In case the amount of the
15 sinking fund shall not be sufficient to pay the total amount
16 of the bonds falling due at any one time, authority to issue
17 new bonds sufficient to redeem so many of said bonds as
18 cannot be redeemed from the sinking fund is hereby granted
19 to said district, but in no case shall new bonds run beyond
20 twenty-five years from the date of the original issue.

Sect. 7. The trustees of the Boothbay Harbor 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, except the com-
8 pensation of said trustees as provided in section four here-
9 of, and shall each year thereafter, before the first day of
10 April, issue their warrant in the same form as the warrant
11 of the state treasurer for taxes, with proper changes, to
12 the assessors of the town of Boothbay Harbor requiring
13 them to assess the sum so determined, together with the
14 compensation of said trustees as fixed by said town, upon
15 the taxable polls and estates within said district and to
16 commit their assessment to the constable or collectors of
17 said town of Boothbay Harbor who shall have all author-
18 ity and powers to collect said taxes as is vested by law
19 to collect state, county and municipal taxes. On or before
20 the thirty-first day of December of the year in which said
21 tax is so levied the treasurer of said town shall pay the
22 amount of the tax so assessed against said district to the
23 treasurer of said district. In the case of the failure on
24 the part of the treasurer of said town to pay said sum, or
25 in the case of his failure to pay any part thereof on or
26 before the said thirty-first day of December of the year
27 in which said tax is so levied the treasurer of said district
28 may issue his warrant for the amount of such tax or so

29 much thereof as shall then remain unpaid, to the sheriff
30 of Lincoln county requiring him to levy by distress and
31 sale on real and personal property of any of the inhabitants
32 of said district, and the sheriff or either of his deputies
33 shall execute said warrant except as is otherwise provided
34 herein. The same authority as is vested in county officials
35 for the collection of county taxes under the provisions of
36 the revised statutes, is hereby vested in the trustees of said
37 district in relation to the collection of taxes within said
38 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 notified and held for the purpose on the sixth
6 day of August, nineteen hundred and twenty-three. Such
7 special election shall be notified, held and conducted, and
8 the votes received, sorted, counted, declared and recorded
9 by the selectmen of said Boothbay Harbor, according to
10 the law relating to the election of representatives to the
11 legislature, provided, however, that the selectmen of said
12 town of Boothbay Harbor shall not be required to prepare
13 for posting or the town clerk to post a new list of voters,
14 and for the purpose of registration of voters and the cor-
15 rection of the list of voters said board shall be in session
16 the first secular day next preceding such election. The
17 town clerk shall reduce the subject matter of this act to

18 the following question: "Shall the act to incorporate the
19 Boothbay Harbor School District be accepted?" and the
20 voters shall indicate by a cross placed over the words "Yes"
21 or "No," their opinion of the same. The result in said
22 district shall be declared by the selectmen of the town of
23 Boothbay Harbor and due certificate filed by the town clerk
24 with the secretary of state.

Sect. 9. In all elections hereunder the selectmen of said
2 Boothbay Harbor shall exclude from their lists and from
3 all check lists the legal voters that are resident in that part
4 of the town of Boothbay Harbor shown by section one here-
5 of to be without the territorial limits of said district.