

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 81

House of Representatives, Feb. 9, 1923.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Curtis of Brewer.

STATE OF MAINE

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

AN ACT to Incorporate the City of Brewer High School
District.

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

Section 1. *Territorial limits; name and purposes.* Subject to the provisions of section eight hereof, wards one, two, three, four, and five of the city of Brewer shall constitute a body politic and corporate under the name of the City of Brewer High School District for the purpose of erecting, equipping, and maintaining a high school within said district upon land secured for that purpose, as is hereinafter provided, for the benefit of the inhabitants thereof.

Sect. 2. *May acquire land for site of building either by*

2 *purchase or by right of eminent domain; procedure to be*
3 *employed; city of Brewer authorized to convey property*
4 *to district.* Said district is hereby authorized and empow-
5 ered to accept from the city of Brewer, acquire by pur-
6 chase or by the exercise of the right of eminent domain,
7 which right is hereby expressly delegated to said district
8 for said purpose, a tract of land within the territorial limits
9 of said district, which tract of land shall not exceed seven
10 acres in size, for a site or location of a high school. The
11 officers of said district may exercise the right of eminent
12 domain vested in said district for the purpose of taking
13 land as hereinbefore set forth after hearing, notice of the
14 date and place of hearing being given by publication in two
15 daily papers published in Bangor two weeks at least pre-
16 vious to the time appointed for said hearing, and the clerk
17 of said district shall keep a record of their proceedings,
18 and their determination and decision which shall be signed
19 by a majority of said officers, and which shall set forth
20 a description of the land taken and the owners, if known,
21 and the amount of damage awarded therefor, and upon
22 the signing of said record by said officers, they may enter
23 upon the land and take possession for the purpose of this
24 act. Any person aggrieved by the decision of said offi-
25 cers, so far as it relates to damages awarded for land so
26 taken, shall have the same right of appeal as is provided
27 in the case of town ways. The city of Brewer is hereby
28 expressly authorized and empowered to convey to said dis-

29 trict any property owned by it and shall convey to said
30 district any vacant land owned by it, to be used for the
31 purposes of this act, provided the trustees shall by vote
32 determine that said land is necessary for said purposes and
33 shall in writing advise the municipal officers of said city
34 of their decision.

Sect. 3. *Management of affairs; proviso.* All the affairs
2 of said district, except the election of teachers who shall
3 serve in said high school and the fixing of their salaries,
4 the courses of study, the terms of school and all other
5 matters pertaining to the education of pupils, which mat-
6 ter shall be controlled by the school board of the city of
7 Brewer, shall be managed by a board of trustees composed
8 of five members who shall be elected as is hereinafter pro-
9 vided.

Sect. 4. *Trustees, how elected; organization; tenure of*
2 *office to be determined by lot; vacancies, how filled; va-*
3 *cancy created when trustee moves out of the district; in-*
4 *compatibility of office; compensation; annual report.* The
5 trustees so to be elected shall be elected by a plurality vote
6 of the legal voters of said district voting at the special
7 election provided for in section eight. All nominations of
8 candidates so to be voted for shall be made by nomination
9 papers signed in the aggregate for each candidate by no
10 less than fifty qualified voters of said district. Each voter
11 signing a nomination paper shall make his signature in
12 person, and add to it his place of residence, and each voter

13 may subscribe to as many nominations as there are trus-
14 tees to be elected in said district and no more. Such nom-
15 ination papers shall, before being filed, be submitted to the
16 city clerk of the city of Brewer, who shall forthwith cer-
17 tify thereon what number of the signatures are names of
18 qualified voters in said district; one of the signers to each
19 such separate paper shall swear to the truth thereof, and
20 the certificate of such oath shall be annexed to or made
21 upon the nomination papers. Such nomination papers shall
22 be filed with the city clerk of said city of Brewer at least
23 seven days, exclusive of Sundays, previous to the day of
24 such election. With such nomination papers shall also be
25 filed the consent in writing of the person or persons nomi-
26 nated. All nomination papers, being filed and being in ap-
27 parent conformity with the foregoing provisions, shall be
28 deemed to be valid; and if not in apparent conformity they
29 may be seasonably amended under oath. In case any can-
30 didate who has been duly nominated under the provisions
31 hereof shall die before the day of election, or shall with-
32 draw in writing, the vacancy may be supplied in the man-
33 ner herein provided for such nominations. The name so
34 supplied for the vacancy shall, if the ballots have not been
35 printed, be placed on the ballots instead of the original
36 nomination; or if the ballots have been printed, new bal-
37 lots containing the new nomination shall, if practicable, be
38 furnished, or slips containing the new nomination shall be
39 printed under the direction of said city clerk, which may

40 be pasted in proper place upon the new ballots and there-
41 after shall become part of said ballots as if originally
42 printed thereon. The ballot in said district shall contain
43 the names of all candidates so nominated in such district
44 printed in one column under the heading, "For Trustees
45 of the City of Brewer High School District." Above such
46 heading shall be printed, "Vote for five. Make a cross to
47 the right of each name voted for." As many blank spaces
48 shall be left after the names of the candidates as there are
49 trustees to be elected, in which the voter may paste on or
50 by writing insert the names of any person or persons for
51 whom he desires to vote. In preparing his ballot the voter
52 shall mark a cross (X) against and to the right of such
53 names on said ballots as he desires to vote for, not to ex-
54 ceed the number of trustees so to be elected in said dis-
55 trict. If the voter shall desire to vote for any person or
56 persons whose name or names are not printed on the ballot,
57 he may fill in such name or names in the blank spaces left
58 therefor by writing the same therein or by using a sticker
59 or stickers containing such new name or names. Where
60 the voter so adds by writing or by sticker such new name
61 or names, his vote for such new name or names shall be
62 counted therefor although he may fail to mark a cross
63 against the same. The result of such election shall be de-
64 clared by the municipal officers of the city of Brewer and
65 due certificate thereof filed with the city clerk thereof. The
66 term of office of the trustees shall begin on the sixth day

67 of August, A. D. nineteen hundred and twenty-three. As
68 soon as convenient after all the members of said board have
69 been so chosen, the trustees shall hold a meeting at the
70 city rooms in the city of Brewer to be called by one of
71 the trustees upon such reasonable notice therefor as he
72 may deem proper. They shall organize by the election of
73 a president and a clerk, adopt a corporate seal and shall
74 choose a treasurer and all needful officers and agents for
75 the proper conduct and management of the affairs of the
76 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 City of Brewer following the acceptance of this act,
6 and thereafter the term of office of a trustee shall expire
7 and his successor shall be elected by a plurality vote of the
8 voters of said district upon the date of the annual election
9 of said city and upon nomination made as is herein pro-
10 vided for the first election of trustees. The trustees so
11 elected shall serve the full term of five years and in case
12 any vacancy arises in the membership of the board of trus-
13 tees it shall be filled by the city council of said City of
14 Brewer 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 per-

18 son holding a municipal office in said city shall be eligible
19 to said election as trustee. No member except the treas-
20 urer shall receive compensation for his services and the
21 treasurer shall receive in full compensation for his serv-
22 ices an amount to be fixed by the city council of the said
23 City of Brewer. At the close of each fiscal year the trus-
24 tees shall make a detailed report of their doings, of the
25 financial condition of said district and the physical condi-
26 tion of said high school building, and all such other mat-
27 ters and things pertaining to said district as shall show the
28 inhabitants thereof how said trustees are fulfilling the du-
29 ties and obligations of their trust, said reports to be made
30 and filed with the municipal officers of said city.

Sect. 5. *Bond issue authorized; treasurer's bond.* To
2 procure funds for the purpose of this act and such other
3 expenses as may be necessary to the carrying out of said
4 purposes, the said district is hereby authorized to issue its
5 notes and bonds, but shall not incur a total indebtedness
6 exceeding the sum of one hundred and fifty thousand dol-
7 lars (\$150,000). Said bonds shall be a legal investment for
8 savings banks in the State of Maine. Each bond shall have
9 inscribed upon its face the words: "City of Brewer School
10 District" and shall bear interest at such rates as the trustees
11 shall determine, payable semi-annually. Said bonds may
12 be issued to mature serially or made to run for such periods
13 as said trustees may determine, but none of which shall
14 run for a longer period than twenty-five years. All notes

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

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

19 cannot be redeemed from the sinking fund is hereby granted
20 to said district, but in no case shall new bonds run beyond
21 twenty-five years from the date of the original issue.

Sect. 7. *How money shall be raised for sinking fund.*

2 The trustees of the City of Brewer High School District
3 shall determine the sum to be paid annually into the sinking
4 fund, or if the bonds authorized by this act shall be issued
5 to mature serially what amount is required each year to
6 meet the bonds falling due, and what sum is required each
7 year to meet the interest on said bonds, and other necessary
8 expenses in the district, and shall each year thereafter, be-
9 fore the first day of April, issue their warrant in the same
10 form as the warrant of the state treasurer for taxes, with
11 proper changes, to the assessors of the City of Brewer, re-
12 quiring them to assess the sum so determined upon the tax-
13 able polls and estates within said district and to commit their
14 assessment to the constable or collector of said City of
15 Brewer, who shall have all authority and powers to collect
16 said taxes as is vested by law to collect state, county and
17 municipal taxes. On or before the thirty-first day of De-
18 cember of the year in which said tax is so levied the treas-
19 urer of said city shall pay the amount of the tax so assessed
20 against said district to the treasurer of said district. In
21 the case of the failure on the part of the treasurer of the
22 city to pay said sum, or in the case of his failure to pay any
23 part thereof on or before said thirty-first day of December
24 of the year in which said tax is so levied the treasurer of

25 said district may issue his warrant for the amount of said
26 tax or so much thereof as shall then remain unpaid, to the
27 sheriff of Penobscot county, requiring him to levy by dis-
28 tress and sale on real and personal property of any of the
29 inhabitants of said district, and the sheriff or either of his
30 deputies shall execute said warrant except as is otherwise
31 provided herein. The same authority as is vested in county
32 officials for the collection of county taxes, under the provi-
33 sions of the revised statutes, is hereby vested in the trustees
34 of said district in relation to the collection of taxes within
35 said district.

Sect. 8. *Subject to local referendum.* This act, as is pro-
2 vided in section one hereof, shall not take effect unless ac-
3 cepted and approved by a majority vote of the legal voters
4 of the territory embraced within the limits of said district
5 voting at an election to be specially called and held for the
6 purpose and for the purpose of electing trustees as pro-
7 vided for in section four, on the sixth day of August, nine-
8 teen hundred and twenty-three. Such special election shall
9 be called, advertised and conducted according to the law
10 relating to municipal elections, provided, however, that the
11 board of registration in said City of Brewer shall not be
12 required to prepare for posting or the city clerk to post a
13 new list of voters, and for the purpose of registration of
14 voters said board shall be in session the three secular days
15 next preceding such elections, the first two days thereof to
16 be devoted to registration of voters and the last day to en-

17 able the board to verify the corrections of said lists and
18 to complete and close up their records of said sessions. The
19 city clerk shall reduce the subject matter of this act to the
20 following question: "Shall the act to incorporate the City
21 of Brewer High School District be accepted?" and the vot-
22 ers shall indicate by a cross placed over the words "Yes" or
23 "No," their opinion of the same. The result in said district
24 shall be declared by the municipal officers of the City of
25 Brewer and due certificate filed by the city clerk with the
26 secretary of state.