

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY-FIRST LEGISLATURE

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HOUSE

NO. 400

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House of Representatives, March 15, 1923.

Reported by Mr. Siddall from Committee on Legal Affairs  
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-THREE

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

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

Section 1. *Territorial limits; names and purposes.* Sub-  
2 ject to the provisions of section eight hereof, the city of  
3 Brewer shall constitute a body politic and corporate under  
4 the name of the City of Brewer High School District for  
5 the purpose of erecting, equipping and maintaining in re-  
6 pair a high school building and the appurtenances thereof  
7 within said district upon land secured for that purpose, as  
8 is hereinafter provided, for the benefit of the inhabitants  
9 thereof.

Sect. 2. *May acquire land for site of building either by purchase or by right of eminent domain; procedure to be employed; city of Brewer authorized to convey property to district.* Said district is hereby authorized and empowered to accept from the city of Brewer, acquire by purchase or by the exercise of the right of eminent domain, which right is hereby expressly delegated to said district for said purpose, a tract of land of suitable size within the territorial limits of said district for a site or location of a high school building and its appurtenances and other lands which may be used in connection therewith. The officers of said district may exercise the right of eminent domain vested in said district for the purpose of taking land as hereinbefore set forth after hearing, notice of the date and place of hearing being given by publication in two daily papers published in Bangor two weeks at least previous to the time appointed for said hearing, and the clerk of said district shall keep a record of their proceedings, and their determination and decision, which shall be signed by a majority of said officers, and which shall set forth a description of the land taken and the owners, if known, and the amount of damage awarded therefor, and upon the signing of said record by said officers, they may enter upon the land and take possession for the purpose of this act. Any person aggrieved by the decision of said officers, so far as it relates to damages awarded for land so taken, shall have the same right of appeal as is provided in

28 the case of town ways. The city of Brewer is hereby ex-  
29 pressly authorized and empowered to convey to said district  
30 any property owned by it and may convey to said district  
31 any vacant land owned by it, to be used for the purposes of  
32 this act, provided the trustees shall by vote determine that  
33 said land is necessary for said purposes and shall in writing  
34 advise the municipal officers and the school board of said  
35 city of their decision.

Sect. 3. *Management of affairs; proviso.* All the affairs  
2 of said district, as are herein provided shall be managed by  
3 a board of trustees composed of five members who shall be  
4 elected as is hereinafter provided.

Sect. 4. *Trustees, how elected; organization; tenure of*  
2 *office to be determined by lot; vacancies, how filled; vacancy*  
3 *created when trustee moves out of the district; incompati-*  
4 *bility of office; compensation; annual report.* The trustees  
5 so to be elected shall be elected by a plurality vote of the  
6 legal voters of said district voting at the special election  
7 provided for in section nine. All nominations of candidates  
8 so to be voted for shall be made by nomination papers signed  
9 in the aggregate for each candidate by no less than fifty  
10 qualified voters resident in said district. Each voter sign-  
11 ing a nomination paper shall make his signature in person,  
12 and each voter may subscribe to as many nominations as  
13 there are trustees to be elected in said district and no more.  
14 Such nomination papers shall, before being filed, be sub-  
15 mitted to the city clerk of the city of Brewer, who shall

16 forthwith certify thereon what number of the signatures  
17 are names of qualified voters resident in said district; one  
18 of the signers to each such separate paper shall swear to  
19 the truth thereof, and the certificate of such oath shall be  
20 annexed to or made upon the nomination papers. Such  
21 nomination papers shall be filed with the city clerk of said  
22 city of Brewer at least seven days, exclusive of Sundays,  
23 previous to the day of such election. With such nomina-  
24 tion papers shall also be filed the consent in writing of the  
25 person or persons nominated. All nomination papers, be-  
26 ing filed and being in apparent conformity with the fore-  
27 going provisions, shall be deemed to be valid; and if not in  
28 apparent conformity they may be seasonably amended under  
29 oath. In case any candidate who has been duly nominated  
30 under the provisions hereof shall die before the day of elec-  
31 tion, or shall withdraw in writing, or shall remove his place  
32 of residence from said district, the vacancy may be supplied  
33 in the maner herein provided for such nominations. The  
34 name so supplied for the vacancy shall, if the ballots have  
35 not been printed, be placed on the ballots instead of the  
36 original nomination; or if the ballots have been printed, new  
37 ballots containing the new nomination shall, if practicable,  
38 be furnished, or slips containing the new nomination shall  
39 be printed under the direction of said city clerk, which shall  
40 be pasted upon said ballots and over the name of the candi-  
41 date whose nomination has been vacated as aforesaid, and  
42 thereafter shall become part of said ballots as if originally

43 printed thereon. The ballot in said district shall contain  
44 the names of all candidates so nominated in such district  
45 alphabetically arranged printed in one column under the  
46 heading, "For Trustees of the City of Brewer High School  
47 District." Above such heading shall be printed, "Vote for  
48 five. Make a cross to the right of each name voted for."  
49 As many blank spaces shall be left after the names of the  
50 candidates as there are trustees to be elected, in which the  
51 voter may by writing insert the name of any person or per-  
52 sons for whom he desires to vote. In preparing his ballot  
53 the voter shall mark a cross (X) against and to the right  
54 of such name on said ballot as he desires to vote for, not  
55 to exceed the number of trustees so to be elected in said  
56 district. If the voter shall desire to vote for any person or  
57 persons whose name or names are not printed on the ballot,  
58 he may fill in such name or names in the blank spaces left  
59 therefor by writing the same therein, or by using a sticker  
60 or stickers containing such new name or names. Where the  
61 voter so adds by writing such new name or names, his vote  
62 for such new name or names shall be counted therefor al-  
63 though he may fail to mark a cross against the same. The  
64 result of such election shall be declared by the municipal  
65 officers of the city of Brewer and due certificate thereof  
66 filed with the city clerk thereof. The term of office of the  
67 trustees shall begin on the sixth day of August, A. D. nine-  
68 teen hundred and twenty-three. As soon as convenient after  
69 all the members of said board have been so chosen, the

70 trustees shall hold a meeting at the city rooms in the city of  
71 Brewer, to be called by one of the trustees upon such reas-  
72 onable notice therefor as he may deem proper. They shall  
73 organize by the election from their own membership of a  
74 president, clerk and treasurer, adopt a corporate seal and  
75 may employ all needful officers and agents for the proper  
76 conduct and management of the affairs of the district and  
77 annually thereafter at the beginning of each municipal year  
78 the trustees shall organize as hereinbefore provided.

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 end of the municipal year  
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 voting upon the date of the annual  
9 election of said city and upon nomination made as is herein  
10 provided 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 trust-  
13 ees it shall be filled by the city council of said city of Brewer  
14 for the unexpired term. When any trustee ceases to be a  
15 resident of said district he vacates the office of the trustee  
16 and the vacancy shall be filled as aforesaid. All such trust-  
17 ees shall be eligible to re-election. No member except the  
18 treasurer shall receive compensation for his services and the

19 treasurer shall receive in full compensation for his services  
20 an amount to be fixed by the city council of the said city  
21 of Brewer and such salary and all expenses of the district  
22 shall be paid from the funds of the district. At the close of  
23 each fiscal year the trustees shall make a detailed report of  
24 their doings, of the financial condition of said district and  
25 the physical condition of said high school building, and also  
26 such other matters and things pertaining to said district as  
27 shall show the inhabitants thereof how said trustees are ful-  
28 filling the duties and obligations of their trust, said reports  
29 to be made, attested to and filed with the municipal officers  
30 of said city.

Sect. 5. *Bond issue authorized; treasurer's bond.* To pro-  
2 cure funds for the purpose of this act and such other ex-  
3 penses as may be necessary to the carrying out of said pur-  
4 poses, the said district is hereby authorized to issue its notes  
5 and bonds, but shall not incur a total indebtedness exceed-  
6 ing the sum of one hundred and fifty thousand dollars  
7 (\$150,000). Each bond shall have inscribed upon its face  
8 the words: "City of Brewer High School District" and  
9 shall bear interest at such rates as the trustees shall deter-  
10 mine, payable semi-annually. Said bonds may be issued to  
11 mature serially or made to run for such periods 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 presi-  
21 dent. The expenses of said bond shall be paid by the  
22 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 building, the high school  
7 building and its appurtenances, and the expenses incidental  
8 to the carrying out of the purposes of this act shall be added  
9 to said sinking fund each year, which may be deposited in  
10 a savings bank within the State or may be invested in any  
11 United States Government Bonds, State Bonds, or the bonds  
12 of any political subdivision thereof as the trustees may de-  
13 termine. Whenever any bonds issued by said district be-  
14 come due or can be purchased by said trustees on favorable  
15 terms, said trustees shall, if sufficient funds have accumu-  
16 lated in said sinking fund, redeem or purchase said bonds  
17 and cancel them. In no case shall bonds so cancelled or re-  
18 deemed be reissued. In case the amount in the sinking fund  
19 shall not be sufficient to pay the total amount of the bonds  
20 falling due at any one time, authority to issue new bonds

21 sufficient to redeem so many of said bonds as cannot be re-  
22 deemed from the sinking fund is hereby granted to said  
23 district, but in no case shall new bonds run beyond twenty-  
24 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 or other obligations,  
8 and other necessary expenses in the district, and shall each  
9 year thereafter, before the first day of April, issue their  
10 warrant in the same form as the warrant of the state treas-  
11 urer for taxes, with proper changes, to the assessors of the  
12 city of Brewer, requiring them to assess the sum so deter-  
13 mined upon the taxable polls and estates within said district  
14 and to commit their assessment to the constable or collector  
15 of said city of Brewer, who shall have all authority and  
16 powers to collect said taxes as is vested by law to collect  
17 state, county and municipal taxes. On or before the thirty-  
18 first day of December of the year in which said tax is so  
19 levied the treasurer of said city shall pay the amount of the  
20 tax so assessed against said district to the treasurer of\* said  
21 district. In the case of the failure on the part of the treas-  
22 urer of the city to pay said sum, or in the case of his failure  
23 to pay any part thereof on or before said thirty-first day of

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

Sect. 8. *Termination of the powers and duties of the  
2 trustees and of the district.* At such time as the high school  
3 building shall have been completed, equipped, and occupied  
4 by pupils of said district and the Board of Trustees of the  
5 district shall have discharged all of its principal obligations  
6 and the property of said district shall be free and clear of  
7 all indebtedness the Board of Trustees shall automatically  
8 cease to function and all of the duties, management, care  
9 and maintenance shall revert to the school board of the city  
10 of Brewer or such other board as may, at that time, have  
11 jurisdiction over similar school property, and the then presi-  
12 dent and treasurer shall cause to be executed, signed and  
13 delivered, a good and sufficient deed of all the property in  
14 said district, to the city of Brewer. All money, if any re-  
15 maining in the treasury of the Board of Trustees at the time

16 it ceases to function, shall be given to the city treasurer  
17 of the city of Brewer. This money shall be used only for  
18 school purposes and shall be kept separate from all other  
19 money until authorized by the city council of the city of  
20 Brewer to be expended as hereinbefore stated.

Section 9. *Subject to local referendum.* This act, as is  
2 provided in section one hereof, shall not take effect unless  
3 accepted 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 provided  
7 for in section four, on the sixth day of August, nineteen  
8 hundred and twenty-three. Such special election shall be  
9 called, advertised and conducted according to the law re-  
10 lating 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  
17 enable 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  
22 voters shall indicate by a cross placed over the words "Yes"

23 or "No" their opinion of the same. The result in said dis-  
24 trict shall be declared by the municipal officers of the city  
25 of Brewer and due certificate filed by the city clerk with  
26 the secretary of state.