

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 17

H. D. No. 8

House of Representatives, Jan. 15, 1925.

Referred to Committee on Legal Affairs and 500 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-FIVE

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

EMERGENCY PREAMBLE: Whereas, the necessity of erecting at the earliest possible date; taking advantage of the spring and summer months for building; relieving the overcrowded and unsanitary conditions now existing and condemned by the school board, facts in which the State Superintendent of Schools coincides; and

Whereas, if this act is obliged to take the regular course of awaiting ninety days after the adjournment of the Legislature would mean a delay in occupancy of the proposed building nearly a year, and

Whereas, in the judgment of the Legislature these facts create an emergency within the meaning of the constitution of the State of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore,

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

Section 1. *City of Brewer High School District incorporated; purposes.* Subject to the provisions of section eight hereof, 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 already secured for the purpose and located at the corner of Center and Somerset streets, as is hereinafter provided, for the benefit of the inhabitants thereof.

Sect. 2. *Conveyance of Building Site.* The city of Brewer is hereby expressly authorized to convey to said district the land situated at the corner of Center and Somerset streets now owned by it, upon which a foundation for a new high school building is already under construction, together with the plans, for a new building, already contracted for and approved by the city council.

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

Sect. 4. *Trustees, how elected; nomination papers, how*

2 *prepared and filed; ballots, how prepared; conduct of elec-*
3 *tions; organization of board.* The trustees so to be elected
4 shall be elected by a plurality vote of the legal voters of
5 said district voting at the special election provided for in
6 section nine. All nominations of candidates so to be voted
7 for shall be made by nomination papers signed in the aggre-
8 gate for each candidate by no less than fifty qualified voters
9 resident in said district. Each voter signing a nomination
10 paper shall make his signature in person, and each voter
11 may subscribe to as many nominations as there are trustees
12 to be elected in said district and no more. Such nomination
13 papers shall, before being filed, be submitted to the city
14 clerk of the city of Brewer, who shall forthwith certify
15 thereon what number of the signatures are names of quali-
16 fied voters resident in said district; one of the signers to
17 each such separate paper shall swear to the truth thereof,
18 and the certificate of such oath shall be annexed to or made
19 upon the nomination papers. Such nomination papers shall
20 be filed with the city clerk of said city of Brewer at least
21 seven days, exclusive of Sundays, previous to the day of
22 such election. With such nomination papers shall also be
23 filed the consent in writing of the person or persons nomi-
24 nated. All nomination papers, being filed and being in ap-
25 parent conformity with the foregoing provisions, shall be
26 deemed to be valid; and if not in apparent conformity they
27 may be seasonably amended under oath. In case any can-
28 didate who has been duly nominated under the provisions

29. hereof shall die before the day of election, or shall with-
30 draw in writing, or shall remove his place of residence from
31 said district, the vacancy may be supplied in the manner
32 herein provided for such nominations. The name so sup-
33 plied for the vacancy shall, if the ballots have not been
34 printed, be placed on the ballots instead of the original nom-
35 ination; or if the ballots have been printed, new ballots
36 containing the new nomination shall, if practicable, be fur-
37 nished, or slips containing the new nomination shall be
38 printed under the direction of said city clerk, which shall
39 be pasted upon said ballots and over the name of the can-
40 didate whose nomination has been vacated as aforesaid, and
41 thereafter 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 alphabetically arranged, printed in one column under the
45 heading, "For Trustees of the City of Brewer High School
46 District." Above such heading shall be printed, "Vote for
47 five. Make a cross to the right of each name voted for."
48 As many blank spaces shall be left after the names of the
49 candidates as there are trustees to be elected, in which the
50 voter may by writing insert the name of any person or
51 persons for whom he desires to vote. In preparing his
52 ballot the voter shall mark a cross (X) against and to the
53 right of such name on said ballot as he desires to vote for,
54 not to exceed the number of trustees so to be elected in
55 said district. If the voter shall desire to vote for any per-

56 son or persons whose name or names are not printed on
57 the ballot, he may fill in such name or names in the blank
58 spaces left therefor by writing the same therein, or by using
59 a sticker or stickers containing such new name or names.
60 Where the voter so adds by writing such new name or
61 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 trustee shall begin on the date of the
67 special election provided for in this act. As soon as con-
68 venient after all the members of said board have been so
69 chosen, the trustees shall hold a meeting at the city rooms
70 in the city of Brewer, to be called by one of the trustees
71 upon such reasonable notice therefor as he may deem proper.
72 They shall organize by the election from their own mem-
73 bership of a president, clerk and treasurer, adopt a cor-
74 porate seal and may employ all needful officers and agents
75 for the proper conduct and management of the affairs of
76 the district and annually thereafter at the beginning of each
77 municipal year the trustees shall organize as herein before
78 provided.

*Terms of trustees; vacancies; trustees to serve without
2 compensation; reports.* At the first meeting the trustees
3 so elected shall determine by lot the term of office of each
4 trustee so that one trustee shall retire each year and the

5 term of office of the first trustee to expire shall end at the
6 end of the municipal year of the city of Brewer following
7 the acceptance of this act, and thereafter the term of office
8 of a trustee shall expire and his successor shall be elected
9 by a plurality vote of the voters of said district voting upon
10 the date of the annual election of said city and upon nomi-
11 nation made as is herein provided for the first election of
12 trustees. The trustees so elected shall serve the full term
13 of five years and in case any vacancy arises in the mem-
14 bership of the board of trustees it shall be filled by the
15 city council of said city of Brewer for the unexpired term.
16 When any trustee ceases to be a resident of said district
17 he vacates the office of the trustee and the vacancy shall
18 be filled as aforesaid. All such trustees shall be eligible
19 to re-election. No member except the treasurer shall re-
20 ceive compensation for his services and the treasurer shall
21 receive in full compensation for his services an amount to
22 be fixed by the city council of the said city of Brewer and
23 such salary and all expenses of the district shall be paid
24 from the funds of the district. At the close of each fiscal
25 year the trustees shall make a detailed report of their do-
26 ings, of the financial condition of said district and the
27 physical condition of said high school building, and also
28 such other matters and things pertaining to said district as
29 shall show the inhabitants thereof how said trustees are
30 fulfilling the duties and obligations of their trust, said re-
31 ports to be made, attested to and filed with the municipal
32 officers of said city.

Sect. 5. *Authorized to issue notes and bonds; terms and conditions of bonds; treasurer to give bond.* To procure funds for the purpose of this act and such other expenses as may be necessary to the carrying out of said purposes, the said district is hereby authorized to issue its notes and bonds, but shall not incur a total indebtedness exceeding the sum of one hundred and fifty thousand dollars. Each bond shall have inscribed upon its face the words: "City of Brewer High School District" and shall bear interest at such rates as the trustees shall determine, payable semi-annually. Said bonds may be issued to mature serially or made to run for such periods as said trustees may determine, but none of which shall run for a longer period than twenty-five years. All notes or bonds issued by said district shall be signed by the treasurer and countersigned by the president of the district, and if coupon bonds be issued, each coupon shall be attested by a facsimile signature of the president and treasurer printed thereon. The treasurer shall give bond to the district in such sum and with such sureties as said trustees may determine, which bond shall remain in the custody of the president. The expenses of said bond shall be paid by the district.

Sect. 6. *Provision for sinking fund; issuance of refunding bonds authorized.* In case said bonds are made to run for a period of years a sinking fund shall be established by the trustees of said district, for the purpose of redeeming said bonds when they become due, and not less than

6 two per cent of the total cost of the site for said high school
7 building, the high school building and its appurtenances, and
8 the expenses incidental to the carrying out of the purposes
9 of this act shall be added to said sinking fund each year,
10 which may be deposited in a savings bank within the state
11 or may be invested in any United States government bonds,
12 state bonds or the bonds of any political subdivision thereof
13 as the trustees may determine. Whenever any bonds issued
14 by said district become due or can be purchased by said
15 trustees on favorable terms, said trustees shall, if sufficient
16 funds have accumulated in said sinking fund, redeem or
17 purchase said bonds and cancel them. In no case shall
18 bonds so cancelled or redeemed be reissued. In case the
19 amount in the sinking fund shall not be sufficient to pay
20 the total amount of the bonds falling due at any one time,
21 authority to issue new bonds sufficient to redeem so many
22 of said bonds, as cannot be redeemed from the sinking fund
23 is hereby granted to said district, but in no case shall new
24 bonds run beyond twenty-five years from the date of the
25 original issue.

Sect. 7. *Trustees of district to determine annual amount
2 necessary to provide for sinking fund and to issue warrant
3 to city assessors; assessment and collection of the tax.* The
4 trustees of the City of Brewer High School District shall
5 determine the sum to be paid annually into the sinking fund,
6 or if the bonds authorized by this act shall be issued to
7 mature serially what amount is required each year to meet

8 the bonds falling due, and what sum is required each year
9 to meet the interest on said bonds or other obligations, and
10 other necessary expenses in the district, and shall each year
11 thereafter, before the first day of April, issue their war-
12 rant in the same form as the warrant of the state treasurer
13 for taxes, with proper changes, to the assessors of the city
14 of Brewer, requiring them to assess the sum so determined
15 upon the taxable polls and estates within said district and
16 to commit their assessment to the constable or collector of
17 said city of Brewer, who shall have all authority and powers
18 to collect said taxes as is vested by law to collect state,
19 county and municipal taxes. On or before the thirty-first
20 day of December of the year in which said tax is so levied
21 the treasurer of said city shall pay the amount of the tax
22 so assessed against said district to the treasurer of said dis-
23 trict. In the case of the failure on the part of the treas-
24 urer of the city to pay said sum, or in the case of his fail-
25 ure to pay any part thereof on or before said thirty-first
26 day of December of the year in which said tax is so levied
27 the treasurer of said district may issue his warrant for the
28 amount of said tax or so much thereof as shall then remain
29 unpaid, to the sheriff of Penobscot county, requiring him
30 to levy by distress and sale on real and personal property
31 of any of the inhabitants of said district, and the sheriff or
32 either or any of his deputies shall execute said warrant ex-
33 cept as is otherwise provided herein. The same authority
34 as is vested in county officials for the collection of county

35 taxes, under the provisions of the revised statutes, is here-
36 by vested in the trustees of said district in relation to the
37 collection of taxes within said district.

Sect. 8. *When payment of indebtedness is completed*
2 *school building to be conveyed to city, and board cease to*
3 *function.* At such time as the high school building shall
4 have been completed, equipped, and occupied by pupils of
5 said district and the board of trustees of the district shall
6 have discharged all of its principal obligations and the prop-
7 erty of said district shall be free and clear of all indebted-
8 ness the board of trustees shall automatically cease to func-
9 tion and all of the duties, management, care and mainte-
10 nance shall revert to the school board of the city of Brewer
11 or such other board as may, at that time, have jurisdiction
12 over similar school property, and the then president and
13 treasurer shall cause to be executed, signed and delivered,
14 a good and sufficient deed of all the property in said dis-
15 trict, to the city of Brewer. All money, if any remaining
16 in the treasury of the board of trustees at the time it ceases
17 to function, shall be given to the city treasurer of the city
18 of Brewer. This money shall be used only for school pur-
19 poses and shall be kept separate from all other money until
20 authorized by the city council of the city of Brewer to be
21 expended as hereinbefore stated.

Sect. 9. *Local referendum provided for; procedure of*
2 *election; preparation and form of ballots.* This act, as is
3 provided in section one hereof, shall not take effect unless

4 accepted and approved by a majority vote of the legal voters
5 of the territory embraced within the limits of said district
6 voting at an election to be specially called and held for the
7 purpose and for the purpose of electing trustees as pro-
8 vided for in section four, thirty days after the approval of
9 this act. Such special election shall be called, advertised
10 and conducted according to the law relating to municipal
11 elections, provided, however, that the board of registration
12 in said city of Brewer shall not be required to prepare for
13 posting or the city clerk to post a new list of voters, and
14 for the purpose of registration of voters said board shall
15 be in session the three secular days next preceding such
16 elections, the first two days thereof to be devoted to regis-
17 tration of voters, and the last day to enable the board to
18 verify the corrections of said lists and to complete and close
19 up their records of said sessions. The city clerk shall re-
20 duce the subject matter of this act to the following ques-
21 tion: "Shall the act to incorporate the City of Brewer High
22 School District be accepted?" and the voters shall indicate
23 by a cross placed over the words "Yes" or "No" their opin-
24 ion of the same. The result in said district shall be de-
25 clared by the municipal officers of the city of Brewer and
26 due certificate filed by the city clerk with the secretary of
27 state.

Sect. 10. *Emergency clause.* In view of the emergency
2 cited in the preamble, this act shall take effect when ap-
3 proved and action is taken by the special election provided
4 for.