

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 496

H. D. No. 101

House of Representatives, Feb. 11, 1925

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Lait of Old Town.

STATE OF MAINE

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

AN ACT to Incorporate Old Town Herbert Gray School
District.

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

Section 1. City of Old Town Herbert Gray School District incorporated; purposes. Subject to the provisions of section eight hereof the city of Old Town shall constitute a body politic incorporated under the name of the City of Old Town Herbert Gray School District for the purpose of taking over and maintaining the Herbert Gray School, so called, within said district and the land on which it stands and connected therewith, located at the corner of

9 Stillwater avenue and Veazie street as is hereinafter pro-
10 vided for the benefit of the inhabitants thereof.

Sect. 2. Conveyance of building and land. The Old
2 Town Improvement Company, a corporation existing by
3 law, located at Old Town, now holding the title to said
4 school building and land, is hereby expressly authorized
5 to convey to said district the land and buildings referred
6 to in section one of this act.

Sect. 3. Board of Trustees. All the affairs of said dis-
2 trict as are herein provided shall be managed by a board
3 of trustees composed of the mayor of the city of Old Town
4 for each year ex-officio and four trustees who shall be elected
5 as is hereinafter provided.

Sect. 4. Trustees, how elected; nominations, how made;
2 ballots, how prepared; conduct of elections; organization
3 of board. The trustees so to be elected may be elected
4 by a plurality vote of the legal voters of said district at the
5 annual municipal election as provided for in section nine.
6 All nomination of candidates so to be voted for shall be
7 made at the general mayoralty caucuses by the political
8 parties nominating candidates for mayor of Old Town for
9 the year nineteen hundred and twenty-five. The provisions
10 of law regulating the nomination of mayor in said city of
11 Old Town are hereby made applicable to the nomination
12 of said trustees excepting that the names of all candidates so
13 nominated in said district alphabetically arranged shall be
14 printed in one column on a separate ballot provided for in

15 section nine under the heading "For Trustees of Old Town
16 Herbert Gray School District." Above such heading shall
17 be printed "Vote for four. Make a cross to the right of
18 each name voted for." As many blank spaces shall be left
19 after the names of the candidates as there are trustees to
20 be elected, in which the voter may by writing insert the
21 name of any person or persons for whom he desires to
22 vote. In preparing his ballot the voter shall mark a cross
23 against and to the right of such name on said ballot as
24 he desires to vote for, not to exceed the number of trustees
25 so to be elected in said district. If the voter shall desire
26 to vote for any person or persons whose name or names
27 are not printed on the ballot, he may fill in such name or
28 names in the blank spaces left therefor by writing the same
29 therein, or by using a sticker or stickers containing such
30 new name or names. Where the voter so adds by writing
31 such new name or names his vote for such new name or
32 names shall be counted therefor although he may fail to
33 mark against the same. The result of such election shall
34 be declared by the municipal officers of the city of Old
35 Town and due certificate thereof filed with the city clerk
36 thereof. The term of office of the trustee shall begin on
37 the date when this act shall become a law under the pro-
38 visions of the constitution of Maine. As soon as convenient
39 after the commencement of their term of office the trus-
40 tees shall hold a meeting at the city rooms in the city of
41 Old Town, to be called by one of the trustees upon such

42 reasonable notice therefor as he may deem proper. They
43 shall organize by the election from their own membership
44 of a president, clerk and treasurer, adopt a corporate seal
45 and may employ all needful officers and agents for the
46 proper conduct and management of the affairs of the dis-
47 trict and annually thereafter at the beginning of each mu-
48 nicipal year the trustees shall organize as herein before pro-
49 vided.

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 Old Town follow-
7 ing the acceptance of this act, and thereafter the term of
8 office of a trustee shall expire and his successor shall be
9 elected by a plurality vote of the voters of said district
10 voting upon the date of the annual election of said city
11 and upon nomination made as is herein provided for the
12 first election of trustees. The trustees so elected shall serve
13 the full term of four years and in case any vacancy arises
14 in the membership of the board of trustees it shall be filled
15 by the city council of said city of Old Town for the un-
16 expired term. When any trustee ceases to be a resident
17 of said district he vacates the office of the trustee and the
18 vacancy shall be filled as aforesaid. All such trustees shall
19 be eligible to re-election. No member except the treasurer

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

Sect. 5. Authorized to issue notes and bonds; terms and
2 conditions of bonds; treasurer to give bond. To procure
3 funds for the purpose of this act and such other expenses
4 as may be necessary to the carrying out of said purposes,
5 the said district is hereby authorized to issue its notes and
6 bonds, but shall not incur a total indebtedness exceeding
7 the sum due and owing on said building at the time of
8 transfer to it. Each bond shall have inscribed upon its
9 face the words: "City of Old Town Herbert Gray School
10 District" and shall bear interest at such rates as the trus-
11 tees shall determine, payable semi-annually. Said bonds
12 may be issued to mature serially or made to run for such
13 periods as said trustees may determine, but none of which
14 shall run for a longer period than twenty-one years. All

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

Sect. 6. Provision for sinking fund; issuance of refund-
2 ing bonds authorized. In case said bonds are made to run
3 for a period of years a sinking fund shall be established
4 by the trustees of said district, for the purpose of redeem-
5 ing said bonds when they become due, and not less than
6 two per cent of the cost of the Herbert Gray school build-
7 ing land and its appurtenances and the expenses incidental
8 to the carrying out of the purposes of this act shall be
9 added to said sinking fund each year, which may be de-
10 posited in the savings bank within the state or may be
11 invested in any United States government bonds, state bonds
12 or the bonds of any political subdivision thereof as the
13 trustees may determine. Whenever any bonds issued by
14 said district become due or can be purchased by said trus-
15 tees 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 Old Town Herbert Gray School
5 District shall determine the sum to be paid annually into
6 the sinking fund, or if the bonds authorized by this act
7 shall be issued to mature serially what amount is required
8 each year to meet the bonds falling due, and what sum is
9 required each year to meet the interest on said bonds or
10 other obligations, and other necessary expenses in the dis-
11 trict, and shall each year thereafter, before the first day
12 of April, issue their warrant in the same form as the war-
13 rant of the state treasurer for taxes, with proper changes,
14 to the assessors of the city of Old Town, requiring them
15 to assess the sum so determined upon the taxable polls and
16 estates within said district and to commit their assessment
17 to the constable or collector of said city of Old Town, who
18 shall have all authority and powers to collect said taxes
19 as is vested by law to collect state, county and municipal
20 taxes. On or before the thirty-first day of December of

21 the year in which said tax is so levied the treasurer of said
22 city shall pay the amount of the tax so assessed against
23 said district to the treasurer of said district. In the case
24 of the failure on the part of the treasurer of the city to
25 pay said sum, or in the case of his failure to pay any part
26 thereof on or before said thirty-first day of December of
27 the year in which said tax is so levied the treasurer of
28 said district may issue his warrant for the amount of said
29 tax or so much thereof as shall then remain unpaid, to the
30 sheriff of Penobscot county, requiring him to levy by dis-
31 tress and sale on real and personal property of any of the
32 of the inhabitants of said district, and the sheriff or either
33 or any of his deputies shall execute said warrant except
34 as is otherwise provided herein. The same authority as is
35 vested in county officials for the collection of county taxes,
36 under the provisions of the revised statutes, is hereby vested
37 in the trustees of said district in relation to the collection
38 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 board of trustees of the
4 district shall have discharged all of its principal obligations
5 and the property of said district shall be free and clear of
6 all indebtedness the board of trustees shall automatically
7 cease to function and all of the duties, management, care
8 and maintenance shall revert to the school board of the
9 city of Old Town or such other board as may, at that

10 time, have jurisdiction over similar school property, and
11 the then president and treasurer shall cause to be executed,
12 signed and delivered, a good and sufficient deed of all the
13 property in said district, to the city of Old Town. All
14 money, if any remaining in the treasury of the board of
15 trustees at the time it ceases to function, shall be given
16 to the city treasurer of the city of Old Town. This money
17 shall be used only for school purposes and shall be kept
18 separate from all other money until authorized by the city
19 council of the city of Old Town.

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 the municipal election for nineteen hundred and
7 twenty-five, at which said election also the said trustees
8 shall be elected as provided for in section four of this act.
9 The city clerk shall on a ballot separate from the ballot
10 provided for the election of the municipal officers of said
11 city of Old Town at said municipal election reduce the
12 subject matter of this act to the following question: "Shall
13 the act to incorporate the City of Old Town Herbert Gray
14 School District be accepted?" and the voters shall indicate
15 by a cross placed over the words "Yes" or "No" their
16 opinion of the same. The result in said district shall be
17 declared by the municipal officers of the city of Old Town

18 and due certificate filed by the city clerk with the secre-
19 tary of state, and shall also prepare said ballot in accord-
20 ance with the provisions of section four of this act. In
21 the event that said district shall vote to incorporate under
22 this act, said vote and election of trustees shall be valid
23 notwithstanding this act does not take effect until ninety
24 days after the recess of the legislature.