

MAINE STATE LEGISLATURE

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EIGHTY-THIRD LEGISLATURE

House Document

No. 512

H. P. 602 House of Representatives, Mar. 28, 1927.

Reported by Mr. Aldrich from Committee on Judiciary and
laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Incorporate the City of Belfast 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 over-crowded 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 im-

mediately 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 Belfast School District incorporated; 2 purposes. Subject to the provisions of section seven here- 3 of, the city of Belfast shall constitute a body politic and 4 corporate under the name of the City of Belfast School 5 District for the purpose of erecting, equipping, and main- 6 taining a school within said district upon land already se- 7 cured for the purpose and located on upper High Street in 8 said Belfast, as is hereinafter provided, for the benefit of 9 the inhabitants thereof.

Sect. 2. 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 five members who shall be elected 4 as is hereinafter provided.

Sect. 3. 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 eight. All nominations of candidates so to be voted 7 for shall be made by nomination papers signed in the ag- 8 gregate for each candidate by no less than fifty qualified 9 voters resident in said district. Each voter signing a nom- 10 ination paper shall make his signature in person, and each 11 voter may subscribe to as many nominations as there are 12 trustees to be elected in said district and no more. Such

13 nomination papers shall, before being filed, be submitted to
14 the city clerk of the city of Belfast, who shall forthwith
15 certify thereon what number of the signatures are names
16 of qualified voters resident in said district; one of the sign-
17 ers to each such separate paper shall swear to the truth
18 thereof, and the certificate of such oath shall be annexed
19 to or made upon the nomination papers. Such nomination
20 papers shall be filed with the city clerk of said city of Bel-
21 fast at least seven days, exclusive of Sundays, previous to
22 the day of such election. With such nomination papers
23 shall also be filed the consent in writing of the person or
24 persons nominated. All nomination papers, being filed and
25 being in apparent conformity with the foregoing provisions,
26 shall be deemed to be valid; and if not in apparent con-
27 formity they may be seasonably amended under oath. In
28 case any candidate who has been duly nominated under the
29 provisions hereof shall die before the day of election, or
30 shall withdraw in writing, or shall remove his place of res-
31 idence from said district, the vacancy may be supplied in
32 the manner herein provided for such nominations. The
33 name so supplied for the vacancy shall, if the ballots have
34 not been printed, be placed on the ballots instead of the
35 original nomination; or if the ballots have been printed,
36 new ballots containing the new nomination shall, if prac-
37 ticable, be furnished, or slips containing the new nomina-
38 tion shall, if practicable, be furnished, or slips containing
39 the new nomination shall be printed under the direction of
40 said city clerk, which shall be pasted upon said ballots and

41 over the name of the candidate whose nomination has been
42 vacated as aforesaid, and thereafter shall become part of
43 said ballots as if originally printed thereon. The ballot
44 in said district shall contain the names of all candidates so
45 nominated in such district alphabetically arranged, printed
46 in one column under the heading, "For Trustees of the
47 City of Belfast School District." Above such heading shall
48 be printed, "Vote for five. Make a cross to the right of
49 each name voted for." As many blank spaces shall be left
50 after the names of the candidates as there are trustees to
51 be elected, in which the voter may by writing insert the
52 name of any person or persons for whom he desires to
53 vote. In preparing his ballot the voter shall mark a cross
54 (X) against and to the right of such name on said ballot
55 as he desires to vote for, not to exceed the number of trus-
56 tees so to be elected in said district. If the voter shall de-
57 sire to vote for any person or persons whose name or names
58 are not printed on the ballot, he may fill in such name or
59 names in the blank spaces left therefor by writing the same
60 therein, or by using a sticker or stickers containing such
61 new name or names. Where the voter so adds by writing
62 such new name or names, his vote for such new name or
63 names shall be counted therefor although he may fail to
64 mark a cross against the same. The result of such elec-
65 tion shall be declared by the municipal officers of the city
66 of Belfast and due certificate thereof filed with the city
67 clerk thereof. The term of office of the trustee shall begin
68 on the date of the special election provided for in this act.

69 As soon as convenient after all the members of said board
70 have been so chosen, the trustees shall hold a meeting at
71 the city rooms in the city of Belfast, to be called by one of
72 the trustees upon such reasonable notice therefor as he
73 may deem proper. They shall organize by the election from
74 their own membership of a president, clerk and treasurer,
75 adopt a corporate seal and may employ all needful officers
76 and agents for the proper conduct and management of the
77 affairs of the district and annually thereafter at the begin-
78 ning of each municipal year the trustees shall organize as
79 herein before 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 Belfast following
7 the acceptance of this act, and thereafter the term of of-
8 fice 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 five 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 Belfast for the unexpired
16 term. When any trustee ceases to be a resident of said

17 district he vacates the office of the trustee and the vacancy
18 shall 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 Belfast 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 doings,
26 of the financial condition of said district and the physical
27 condition of said school building, and also such other mat-
28 ters and things pertaining to said district as shall show the
29 inhabitants thereof how said trustees are fulfilling the duties
30 and obligations of their trust, said reports to be made, at-
31 tested to and filed with the municipal officers of said city.

Sect. 4. 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 of seventy-five thousand dollars. Each bond shall
8 have inscribed upon its face the words: "City of Belfast
9 School District" and shall bear interest at such rates as
10 the trustees shall determine, payable semi-annually. Said
11 bonds may be issued to mature serially or made to run for
12 such periods as said trustees may determine, but none of

13 which shall run for a longer period than twenty-five years.
14 All notes or bonds issued by said district shall be signed
15 by the treasurer and countersigned by the president of the
16 district, and if coupon bonds be issued, each coupon shall
17 be attested by a facsimile signature of the president and
18 treasurer printed thereon. The treasurer shall give bond
19 to the district in such sum and with such sureties as said
20 trustees may determine, which bond shall remain in the cus-
21 tody of the president. The expenses of said bond shall be
22 paid by the district.

Sect. 5. 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 total cost of the school building and
7 its appurtenances, and the expenses incidental to the carry-
8 ing out of the purposes of this act shall be added to said
9 sinking fund each year, which may be deposited in a sav-
10 ings bank within the state or may be invested in any United
11 States government bonds, state bonds or the bonds of any
12 political subdivision thereof as the trustees may determine.
13 Whenever any bonds issued by said district become due
14 or can be purchased by said trustees on favorable terms,
15 said trustees shall, if sufficient funds have accumulated in
16 said sinking fund, redeem or purchase said bonds and can-
17 cel them. In no case shall bonds so cancelled or redeemed

18 be re-issued. In case the amount in the sinking fund shall
19 not be sufficient to pay the total amount of the bonds fall-
20 ing due at any one time, authority to issue new bonds suffi-
21 cient 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. 6. 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 Belfast School District shall deter-
5 mine 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 Belfast, 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
17 of said city of Belfast, who shall have all authority and
18 powers to collect said taxes as is vested by law to collect
19 state, county and municipal taxes. On or before the thirty-
20 first day of December of the year in which said tax is so

21 levied the treasurer of said city shall pay the amount of
22 the tax so assessed against said district to the treasurer of
23 said district. In the case of the failure on the part of the
24 treasurer of the city to pay said sum, or in the case of his
25 failure to pay any part thereof on or before said thirty-
26 first day of December of the year in which said tax is so
27 levied the treasurer of said district may issue his warrant
28 for the amount of said tax or so much thereof as shall then
29 remain unpaid to the sheriff of Waldo county, requiring
30 him to levy by distress and sale on real and personal prop-
31 erty of any of the inhabitants of said district, and the
32 sheriff or either or any of his deputies shall execute said
33 warrant except as is otherwise provided herein. The same
34 authority as is vested in county officials for the collection
35 of county taxes, under the provisions of the revised stat-
36 utes, is hereby vested in the trustees of said district in re-
37 lation to the collection of taxes within said district.

Sect. 7. 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 school building shall have
4 been completed, equipped, and occupied by pupils of said
5 district and the board of trustees of the district shall have
6 discharged all of its principal obligations and the property
7 of said district shall be free and clear of all indebtedness
8 the board of trustees shall automatically cease to function
9 and all of the duties, management, care and maintenance
10 shall revert to the school board of the city of Belfast or

11 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 Belfast. 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 Belfast. 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 Belfast to be
21 expended as hereinbefore stated.

Sect. 8. 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 vot-
5 ers of the territory embraced within the limits of said dis-
6 trict voting at an election to be specially called and held for
7 the purpose and for the purpose of electing trustees as pro-
8 vided for in section three, thirty days after the approval
9 of 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 Belfast 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
19 close up their records of said sessions. The city clerk shall
20 reduce the subject matter of this act to the following ques-
21 tion: "Shall the act to incorporate the City of Belfast School
22 District be accepted?" and the voters shall indicate by a
23 cross placed over the words "Yes" or "No" their opinion
24 of the same. The result in said district shall be declared
25 by the municipal officers of the city of Belfast and due cer-
26 tificate filed by the city clerk with the secretary of state.

Sect. 9. 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.