

# MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D      L E G I S L A T U R E

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**Legislative Document**

**No. 148**

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H. P. 334

House of Representatives, January 25, 1945.

Referred to Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Cousins of Old Town.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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**AN ACT to Incorporate City of Old Town Municipal Building District.**

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

**Sec. 1. Territorial limits; name; purposes.** Subject to the provisions of section 7, the territory comprising the city of Old Town and the people therein shall constitute a body politic and corporate under the name of City of Old Town Municipal Building District, for the purpose of constructing and maintaining a municipal building, or buildings, so called, within said district, located on the site of the present municipal lot at the corner of Middle and Brunswick streets, or at some other suitable site to be provided and determined by the municipal officers of the city of Old Town, as is hereinafter provided for the benefit of the inhabitants thereof.

**Sec. 2. Trustees, powers and duties; limitations.** All the affairs of said district, except matters pertaining to the municipal government of the city, shall be managed by a board of 5 trustees who shall be elected as is hereinafter provided.

**Sec. 3. Trustees, how elected; tenure of office; organization of board; officers; vacancies; annual report.** The trustees to be elected shall be chosen by the municipal officers of the city of Old Town, but no member of the city council shall, during the term for which he is elected, be chosen one of said board of trustees. The term of office of the trustees shall begin

on the date when this act shall become a law under the provisions of the constitution of Maine. As soon as convenient after the commencement of their term of office the trustees shall hold a meeting at the city rooms in the city of Old Town, to be called by one of the trustees upon such reasonable notice therefor as he may deem proper. They shall organize by the election from their own membership of a president, clerk and treasurer, adopt a corporate seal, and may employ all needful officers and agents for the proper conduct and management of the affairs of the district, and annually thereafter at the beginning of each municipal year the trustees shall organize as hereinbefore provided. At the first meeting the trustees so elected shall determine by lot the term of office of each trustee, so that one trustee shall retire each year and the term of office of the first trustee to expire shall end at the end of the municipal year of the city of Old Town following the acceptance of this act, and whenever the term of office of a trustee expires, his successor shall be appointed by the municipal officers of the city of Old Town to serve for the full term of 5 years, and in case any other vacancy arises it shall be filled in like manner for the unexpired term. When any trustee ceases to be a resident of said district he vacates the office of trustee, and the vacancy shall be filled as aforesaid. All such trustees shall be eligible to reappointment. The said trustees may ordain and establish such by-laws not inconsistent with the laws of the state as are necessary for their own convenience and the proper management of the affairs of said district. No member except the treasurer shall receive compensation for his services, and the treasurer shall receive in full compensation for his services an amount to be fixed by the trustees, and such salary and all expenses of the district shall be paid from the funds of the district. 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 such bond shall be paid by the district. At the close of each fiscal year the trustees shall make a detailed report of their doings, of the financial condition of said district and the physical condition of said Old Town Municipal Building District, also all such other matters and things pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling the duties and obligations of their trust. Such report shall be made and filed with the municipal officers of the city of Old Town on or before March 1st of each year.

**Sec. 4. Bond issue authorized; temporary loans; notes and bonds legal investment for savings banks.** To procure funds for the purposes of this act, the said district is hereby authorized to issue its bonds to an amount

not exceeding the sum of \$250,000. Each bond shall have inscribed upon its face the words "City of Old Town Municipal Building 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 25 years. The said district is also authorized to borrow money for temporary purposes and to issue therefor the interest-bearing negotiable notes of the district, not exceeding in amount \$10,000 outstanding at any one time, which said notes shall be payable not later than 1 year from the date thereof. All the aforesaid 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. Said notes and bonds shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes and all the provisions of said section shall be applicable thereto. The said notes and bonds shall be legal investments for savings banks.

**Sec. 5. Sinking fund; refunding bonds provided for.** 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 2% of the cost of the Old Town Municipal Building land and its appurtenances and the expenses incidental to the carrying out of the purposes of this act shall be added to said sinking fund each year, which may be deposited in any savings bank within the state or may be invested in any United States government bonds, state bonds or the bonds of any political subdivision thereof as the trustees may determine. Whenever any bonds issued by said district become due or can be purchased by said trustees on favorable terms, said trustees shall, if sufficient funds have accumulated in said sinking fund, redeem or purchase said bonds and cancel them. In no case shall bonds so cancelled or redeemed be reissued. In case the amount in the sinking fund shall not be sufficient to pay the total amount of the bonds falling due at any one time, authority to issue new bonds sufficient to redeem so many of said bonds, as cannot be redeemed from the sinking fund is hereby granted to said district, but in no case shall new bonds run beyond 25 years from the date of the original issue.

**Sec. 6. Assessment of taxes authorized to meet indebtedness; how collected; procedure.** The trustees of the city of Old Town Municipal Build-

ing District shall determine the sum to be paid annually into the sinking fund, or if the bonds authorized by this act shall be issued to mature serially what amount is required each year to meet the bonds falling due, and what sum is required each year to meet the interests on said bonds and other necessary expenses in the district, and shall each year thereafter, before the 1st day of April, issue their warrant in the same form as the warrant of the state treasurer for taxes, with proper changes, to the assessors of the city of Old Town, requiring them to assess the sum so determined upon the taxable polls and estates within said district and to commit their assessment to the constable or collector of said city of Old Town, who shall have all authority and powers to collect said taxes as is vested by law to collect state, county and municipal taxes. On or before the 31st day of December of the year in which said tax is so levied the treasurer of said city shall pay the amount of the tax so assessed against said district to the treasurer of said district. In the case of the failure on the part of the treasurer of the city to pay said sum, or in the case of his failure to pay any part thereof on or before said 31st day of December of the year in which said tax is so levied the treasurer of said district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid, to the sheriff of Penobscot county, requiring him to levy by distress and sale on real and personal property of any of the inhabitants of said district and the sheriff or either or any of his deputies shall execute said warrant except as is otherwise provided herein. The same authority as is vested in county officials for the collection of county taxes, under the provisions of the revised statutes, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

**Sec. 7. Local referendum provided for; form of question; certificate to secretary of state.** This act, as is provided in section 1 hereof, shall not take effect unless accepted and approved by a majority vote of the legal voters within said district, voting at an election called and held for the purpose at the time of the next annual municipal election, by the municipal officers of the city of Old Town, to be held at the voting places in each ward in said city; the city clerk shall reduce the subject of this act to the following question: "Shall the act to incorporate the city of Old Town Municipal Building District be accepted?" and the voters shall indicate by a cross placed against the words "yes" or "no" their opinion of the same. The result shall be declared by the mayor and aldermen and due certificate thereof filed with the secretary of state by the clerk of said city.