

# MAINE STATE LEGISLATURE

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# NINETY-FOURTH LEGISLATURE

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## Legislative Document

No. 466

H. P. 1050

House of Representatives, February 9, 1949.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Bucknam of Whiting.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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### AN ACT to Incorporate the Town of Lubec School District.

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

**Sec. 1. Incorporation; name; purposes.** The inhabitants of the town of Lubec and the territory within said town, subject to the provisions of this act, are hereby created a body politic and corporate under the name of "Town of Lubec School District", for the purposes of acquiring property within the said town for school and related athletic and recreational purposes; for the purpose of erecting, enlarging, repairing, equipping and maintaining on said property a school building or school buildings and related athletic and recreational facilities; for the purpose of maintaining elementary and secondary schools; for the purpose of completing, grading, furnishing, rebuilding, renovating and otherwise bettering the condition of any, or all buildings within said town used for school purposes or which may hereafter be used for school buildings; for the purpose of leasing or letting any property of said district to said town; for the purpose of receiving and holding gifts, grants or devises of property, real, personal or mixed, to be used for school and related athletic and recreational purposes; all for the benefit of the inhabitants of said district.

**Sec. 2. Trustees; powers and duties; limitations.** All the affairs of said district, (except election of teachers who shall serve in the said schools and

fixing of their salaries, the courses of study, the terms of school and all other matters pertaining to the education of pupils, which matters shall be controlled by the school board of the town of Lubec), shall be managed by a board of 5 trustees, who shall be elected as is hereinafter provided. The board of trustees, acting for said district, shall have and exercise all the powers and authorities necessary to carry out the purposes of this act and the powers and authorities granted herein.

The trustees of said district shall submit to the legal voters within said district, at a meeting called and notice given in the same manner as special meetings of the towns are required to be notified and held by the laws of this state, and submit to said district final plans, including cost and type of construction, location and equipment of any proposed construction, remodeling, rebuilding, renovating, grading or furnishing of any building or buildings in said district, which shall be approved by a majority of voters in said district present and voting, before any action of the trustees shall be binding on the district.

**Sec. 3. Trustees, how chosen; organization; compensation.** All the affairs of said district, as are herein provided, shall be managed by a board of trustees composed of 5 members, who shall hold office for a period of 5 years from the date of their appointment. Said trustees shall be chosen by the municipal officers of the town of Lubec as soon as may be after the passage of this act, as hereinafter provided. Removal from the town of Lubec by any trustee shall ipso facto vacate his office. Vacancies upon the board of trustees occurring because of expiration of the official term of 5 years, removal from town, resignation, death or any cause shall be filled by the municipal officers of the town of Lubec in the same manner in which the original board was chosen.

The members of the board, as soon as convenient after they have been chosen as above provided, shall meet upon call of one of their number after such reasonable notice as he shall deem proper. At the first meeting, the trustees so appointed shall determine by lot the term of office of each trustee, so that 1 trustee shall retire each year and the term of office of the 1st trustee to expire shall end at the close of the municipal year of the town of Lubec following the acceptance of this act. And thereafter, the term of office of a trustee shall expire and his successor shall be appointed for a term of 5 years by the municipal officers of Lubec at the close of each municipal year of said town. They shall then elect from their membership a president, clerk and treasurer, adopt a corporate seal, and do all other acts, matters and things necessary to perfect their organization.

Thus organized, the trustees shall have the right and authority to employ such officers and agents as they may deem necessary for the proper conduct and management of the affairs of the district.

The trustees shall serve without compensation, except that the treasurer shall receive for his services an amount to be fixed by the board of trustees not to exceed \$100 per year. The treasurer shall give bond to the district in such sum and with such sureties as the trustees may determine, which bond shall be deposited with the president. The expense of such bond shall be paid by the district. The treasurer's salary, bond premium and all expenses of the district shall be paid from the funds of the district. At the close of the fiscal year, which shall be the same as the close of the fiscal year of the town of Lubec, the trustees shall make a detailed report of their doings, of the financial condition of said district and the physical condition of said school building or buildings, and also 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, said reports to be made, attested to and filed with the municipal officers of said town.

**Sec. 4. How financed.** To procure funds for the purposes of this act, and for such other expenses as may be necessary for the carrying out of said purposes, said trustees are authorized to issue notes and bonds of the district in one series, or in separate series from time to time, to an amount not exceeding the sum of \$175,000. Said notes or bonds shall be a legal obligation of said district and shall be legal investments for trust companies and savings banks, and shall be tax exempt. Said district is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 40 of the revised statutes, and all the provisions of said section shall be applicable thereto. The district is hereby authorized and empowered to enter into such an agreement with the federal government or the state government, or any agency thereof, or any corporation or board authorized by the federal government or state government to loan money or otherwise assist in the financing of such projects as this school district is authorized to carry out, as may be necessary or desirable to accomplish the purpose of this act. Each bond or note shall have inscribed on its face the words, "Lubec School District Bond" or "Lubec School District Note", as the case may be, and shall bear interest at such rates as the trustees shall determine. If said bonds or notes be issued from time to time, each authorized issue shall constitute a separate loan. Each loan shall be payable in annual amounts of principal, beginning not more than 1 year from its

date, or made to run for such period as said trustees shall determine, but no series shall run for a longer period than 30 years from its date.

All bonds or notes issued by said district shall bear the district seal and shall be signed by the treasurer and countersigned by the president of said district, and if coupon bonds be issued, each coupon shall bear the facsimile signatures of the president and treasurer.

**Sec. 5. Sinking fund provided for; issue of refunding bonds or notes authorized.** In case any of said bonds or notes 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 term bonds or notes when they become due, and not less than 3½% of the aggregate principal of the outstanding sinking fund bonds or notes issued on account of or in behalf of said school district, as aforesaid, shall be turned into said sinking fund each year, to provide for the final extinguishment of said district funded debt.

The money set aside for the sinking fund shall be devoted to the retirement of said notes and bonds, and shall be used for no other purpose, and shall be invested in such securities as savings banks are allowed to hold.

All sums of money received or recovered by said trustees by reason of any assessment upon the persons or property of individuals in said district shall be added to said sinking fund, or used for the payment of notes or bonds or temporary loans.

Whenever any notes or bonds of 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 notes or bonds and cancel them. In no case shall notes or bonds so cancelled or redeemed be reissued.

In case the amount in said sinking fund shall not be sufficient to pay the total amount of the notes or bonds falling due at any one time, authority to issue new notes or bonds sufficient to redeem so many of said notes or bonds as cannot be redeemed from the sinking fund is hereby granted to said trustees, but in no case shall new notes or bonds run beyond 30 years from the date of the original issue so refunded.

**Sec. 6. Assessment of taxes authorized to meet indebtedness; how collected; procedure.** The trustees of the "Town of Lubec School District" shall determine what sum is required each year for sinking fund payments, or if the bonds or notes authorized by this act shall be issued to mature

serially, what sum is required each year to meet the bonds and notes falling due, and what sum is required each year to meet the interest on said bonds, notes or other obligations, and what sum is required each year to meet other necessary expenses in the district, and shall each year, before the 1st day of April, issue their warrant in the same form as the warrant of the treasurer of the state for taxes, with proper changes, to the assessors of the town of Lubec, requiring that they assess the total sum so determined upon the taxable polls and estates within said district and commit their assessment to the constable or collector of said town of Lubec, 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 town shall pay the amount of the tax so assessed to the treasurer of said district.

In case of the failure on the part of the treasurer of said town of Lubec to pay said sum, or in 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 remain unpaid, to the collector or constable of said town of Lubec, requiring him to levy by distress and sale on real and personal property of all of the delinquent inhabitants of said district, and said collector or constable shall execute said warrant, except as is otherwise provided herein. The same authority as is vested in municipal officers of the towns and cities of this state for the collection of town or municipal taxes under the provisions of the revised statutes is hereby vested in the trustees of said district. All incidental powers, rights and privileges necessary to the accomplishment of the main objects of this act, as hereinbefore set forth, are granted to the district hereby created.

**Sec. 7. Provisions for termination of the board of trustees.** At such time as the school building or buildings and related athletic and recreational facilities shall have been completed, equipped and occupied by pupils of said district, and the board of trustees of the district shall have discharged all of its principal obligations, and the property of said district shall be free and clear of all indebtedness, the board of trustees shall automatically cease to function and all of the duties, management, care and maintenance of the property of said district shall revert to the school board of the town of Lubec or such other board as may at that time have jurisdiction over similar school property, and the then president and treasurer of said district shall cause to be executed, signed and delivered, a good and sufficient deed of all the property of said district to the town of Lubec.

All money, if any, remaining in the treasury of said district at the time said trustees cease to function, shall be given to the town treasurer of the town of Lubec. This money shall be used only for school purposes and shall be kept separate from all other money until authorized by the selectmen of the town of Lubec to be expended for one or more of the purposes stated in this act.

**Sec. 8. Procedure in exercise of right of eminent domain.** The trustees of said district may exercise the right of eminent domain, vested in said district for the purposes of this act, after hearing, notice of the time and place of said hearing having been given by publication in the Lubec Herald, a weekly newspaper published in said Lubec, or some other weekly newspaper published in Washington county, for 3 consecutive weeks 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 set forth a description of the land or easement taken, and the owners, if known, and the amount of damages awarded therefor, and upon the signing of said record by said trustees and the filing of the same in the registry of deeds for the county of Washington, said trustees may enter upon such land and take possession of the same, or an easement therein, as the case may be, for the purpose of this act. Any person aggrieved by the decision of said trustees, so far as it relates to the damages for land or easement therein so taken, shall have the same rights of appeal as are provided in the case of the laying out of town ways, or as otherwise provided by statute.

**Sec. 9. Referendum; effective date.** This act shall take effect 90 days after the adjournment of the legislature only for the purpose of permitting its submission to the legal voters of the territory embraced within the limits of said district, present and voting at a special meeting called and held for the purpose or at an annual town meeting of the town of Lubec. Such special meeting or annual town meeting shall be held not later than 1 year after the effective date of this act. In the event a special meeting is called for the purpose, it shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said town of Lubec shall not be required to prepare for posting, or the town clerk to post, a new list of voters. For the purpose of registration of voters, said board shall be in session the 3 secular days next preceding such special meeting, the 1st and 2nd days thereof to be devoted to the registration of voters, and the 3rd day to enable the board to verify the corrections of said list and to complete and close up their records of said sessions. The town clerk shall prepare the required

ballots on which he shall reduce the subject matter of this act to the following question: "Shall the Act To Incorporate the Town of Lubec School District be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said meeting. The result in said district shall be declared by the municipal officers of the town of Lubec and due certificate thereof filed by the town clerk with the secretary of state.