

# MAINE STATE LEGISLATURE

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SECOND SPECIAL SESSION

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**Legislative Document**

**No. 1664**

S. P. 650

In Senate, January 13, 1958

Committee on Legal Affairs suggested.

CHESTER T. WINSLOW, Secretary

Presented by Senator Willey of Hancock

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-EIGHT

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**AN ACT to Ratify and Make Valid the Incorporation of the Winter Harbor School District.**

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**Emergency preamble.** Whereas, the voters of the Town of Winter Harbor at a special town meeting held on March 15, 1957 voted to incorporate the Winter Harbor School District pursuant to the provisions of Chapter 11 of the Private and Special Laws of 1957; and

Whereas, the Trustees of the Winter Harbor School District have entered into a contract for the erection of a four-room elementary school building in the Town of Winter Harbor; and

Whereas, the Winter Harbor School District has applied for a loan of \$60,000.00 for the purpose of erecting and equipping the said school; and

Whereas, the lending institutions to which application was made have raised a question as to the validity of the incorporation of the Winter Harbor School District on the ground that the warrant for the special town meeting held on March 15, 1957 did not contain a notice that the selectmen would be in session for the registration of voters; and

Whereas, the buildings which presently house the school pupils of the Town of Winter Harbor are overcrowded, inadequate and in need of repair; and

Whereas, the overcrowded and inadequate conditions of the schools are detrimental to the health, safety and quality of schooling of the pupils; and

Whereas, acts passed by the Legislature do not become effective until 90 days after adjournment unless passed as emergency measures; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution 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:

**Incorporation of the Winter Harbor School District validated.** The incorporation of the Winter Harbor School District on March 15, 1957, under the provisions of chapter 11 of the private and special laws of 1957, is hereby ratified, affirmed and made valid, and all acts and doings of its trustees and officers in their capacity as such trustees and officers, as shown by the records of the Winter Harbor School District, are hereby approved, ratified and declared to be valid and legal.

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.

#### SUMMARY STATEMENT

During the regular session, the Legislature authorized the incorporation of the Winter Harbor School District. This was subject to ratification by local town meeting, which town meeting was to be conducted according to the regulations governing regular municipal elections. These regulations specified, among other things, that the warrant for town meeting shall contain the notice that the selectmen will be in session for registration of voters. The town meeting was held on March 15, 1957 and unanimously approved the formation of the school district. It was later discovered that the warrant did not contain the necessary notice regarding the selectmen receiving registration of voters and for that reason a question has been raised as to the validity of the action taken by the town meeting. The purpose of this bill is to correct that situation by validating the action of the town meeting.