

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

LEWISTON JOURNAL PRINTSHOP AND BINDERY
LEWISTON, MAINE

1921

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eightieth
Legislature

1921

filled in like manner for the unexpired term. They may also ordain and establish such by-laws as are necessary for their own convenience and the proper management of the district's affairs. The term of office of trustees shall begin on the first Monday of April. Said trustees may procure an office and incur such expenses as may be necessary. They shall render their services without compensation, but shall receive an allowance of five dollars apiece for each meeting of the board actually attended.'

Approved April 5, 1921.

Chapter 118.

An Act Authorizing the Town of Bar Harbor to Lay Out and Maintain Paths within its Limits.

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

Laying out of paths for horseback riding and for use of pedestrians authorized. The Town of Bar Harbor is hereby authorized and empowered to lay out, construct and maintain paths and ways through forests, fields and other suitable places within its limits to be designated paths to be used, except when the ground is frozen solid, only for horseback riding and by pedestrians. All procedure shall be the same as is now provided by law in the case of town ways.

Approved April 5, 1921.

Chapter 119.

An Act to Incorporate the South Portland High School District.

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

Sec. 1. Territorial limits; name and purposes. Subject to the provisions of section eight hereof wards one, two, three, four, five, six and seven of the City of South Portland except that part of said ward seven that lies within the following bounds, to wit: Beginning at a point formed by the intersection of the Cummings road, so-called, in said ward seven, with the line of the Town of Scarboro; thence northwesterly by said Scarboro town line to the line of the City of Westbrook; thence, northeasterly by said Westbrook city line to the Cummings road aforesaid; thence southerly by said Cummings road to the point begun at; shall constitute a body politic and corporate under the name of the South Portland High School District for the purpose of erecting, equipping, and

CHAP. 119

maintaining a high school within said district upon land secured for that purpose, as is hereinafter provided, for the benefit of the inhabitants thereof.

Sec. 2. May acquire land for site of building either by purchase or by right of eminent domain; procedure to be employed; city of South Portland authorized to convey property to district. Said district is hereby authorized and empowered to accept from the City of South Portland, acquire by purchase or by the exercise of the right of eminent domain, which right is hereby expressly delegated to said district for said purpose, a tract of land within the territorial limits of said district, which tract of land shall not exceed seven acres in size, for a site or location of a high school. The officers of said district may exercise the right of eminent domain vested in said district for the purpose of taking land as hereinbefore set forth after hearing, notice of the date and place of hearing being given by publication in two daily papers published in Portland for two weeks at least 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 be signed by a majority of said officers, and which shall set forth a description of the land taken and the owners, if known, and the amount of damage awarded therefor, and upon the signing of said record by said officers, they may enter upon the land and take possession for the purpose of this act. Any person aggrieved by the decision of said officers, so far as it relates to damages awarded for land so taken, shall have the same right of appeal as is provided in the case of town ways. The City of South Portland is hereby expressly authorized and empowered to convey to said district any property owned by it and shall convey to said district any vacant land owned by it, to be used for the purposes of this act, provided the trustees shall by vote determine that said land is necessary for said purposes and shall in writing advise the municipal officers of said city of their decision.

Sec. 3. Management of affairs; proviso. All the affairs of said district, except the election of teachers who shall serve in said high school and the fixing of their salaries, the courses of study, the terms of school and all other matters pertaining to the education of pupils which matter shall be controlled by the school board of the City of South Portland, shall be managed by a board of trustees composed of five members who shall be elected as is hereinafter provided.

Sec. 4. Trustees, how elected; organization; tenure of office to be determined by lot; vacancies, how filled; vacancy created when trustee moves out of the district; incompatibility of office; compensation; annual report. The trustees so to be elected shall be elected by a plurality vote of the legal voters of said district voting at the

special election provided for in section eight. All nominations of candidates so to be voted for shall be made by nomination papers signed in the aggregate for each candidate by no less than fifty qualified voters of said district. Each voter signing a nomination paper shall make his signature in person, and add to it his place of residence, and each voter may subscribe to as many nominations as there are trustees to be elected in said district and no more. Such nomination papers shall, before being filed, be submitted to the city clerk of the City of South Portland, who shall forthwith certify thereon what number of the signatures are names of qualified voters in said district; one of the signers to each such separate paper shall swear to the truth thereof, and the certificate of such oath shall be annexed to or made upon the nomination papers. Such nomination papers shall be filed with the city clerk of said City of South Portland at least seven days, exclusive of Sundays, previous to the day of such election. With such nomination papers shall also be filed the consent in writing of the person or persons nominated. All nomination papers, being filed and being in apparent conformity with the foregoing provisions, shall be deemed to be valid; and if not in apparent conformity they may be seasonably amended under oath. In case any candidate who has been duly nominated under the provisions hereof shall die before the day of election, or shall withdraw in writing, the vacancy may be supplied in the manner herein provided for such nominations. The name so supplied for the vacancy shall, if the ballots have not been printed, be placed on the ballots instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, if practicable, be furnished, or slips containing the new nomination shall be printed under the direction of said city clerk, which may be pasted in proper place upon the new ballots and thereafter shall become part of said ballots as if originally printed thereon. The ballot in said district shall contain the names of all candidates so nominated in such district printed in one column under the heading, "For Trustees of the South Portland High School District." Above such heading shall be printed, "Vote for five. Make a cross to the right of each name voted for." As many blank spaces shall be left after the names of the candidates as there are trustees to be elected, in which the voter may paste on or by writing insert the names of any person or persons for whom he desires to vote. In preparing his ballot the voter shall mark a cross (X) against and to the right of such names on said ballots as he desires to vote for, not to exceed the number of trustees so to be elected in said district. If the voter shall desire to vote for any person or persons whose name or names are not printed on the ballot, he may fill in such name or names in the blank spaces left therefor by writing the same therein or by using a sticker or stickers containing such new name or names. Where the voter so adds by writing or by sticker such new name or names,

CHAP. 119

his vote for such new name or names shall be counted therefor although he may fail to mark a cross against the same. The result of such election shall be declared by the municipal officers of the City of South Portland and due certificate thereof filed with the city clerk thereof. The term of office of the trustees shall begin on the eighth day of August, A.D., nineteen hundred and twenty-one. As soon as convenient after all the members of said board have been so chosen, the trustees shall hold a meeting at the city rooms in the City of South Portland to be called by one of the trustees upon such reasonable notice therefor as he may deem proper. They shall organize by the election of a president and a clerk, adopt a corporate seal and shall choose a treasurer and all needful officers and agents for the proper conduct and management of the affairs of the district.

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 next municipal election of the City of South Portland following the acceptance of this act, and thereafter the term of office of a trustee shall expire and his successor shall be elected by a plurality vote of the voters of said district upon the date of the annual election of said city and upon nomination made as is herein provided for the first election of trustees. The trustees so elected shall serve the full term of five years and in case any vacancy arises in the membership of the board of trustees it shall be filled by the city council of said South Portland 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 re-election, but no person holding a municipal office in said city shall be eligible to said election as trustee. Each member shall receive in full compensation for his services an amount to be fixed by the city council of the said City of South Portland. 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 high school building, and 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, said reports to be made and filed with the municipal officers of said city.

Sec. 5. Bond issue authorized; treasurer's bond. To procure funds for the purpose of this act and such other expenses as may be necessary to the carrying out of said purposes, the said district is hereby authorized to issue its notes and bonds, but shall not incur a total indebtedness exceeding the sum of three hundred dollars. Said bonds shall be a legal investment for savings banks in the State of Maine. Each bond shall have inscribed upon its face the words: "South Portland High School

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 twenty-five years. All 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. 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 said bond shall be paid by the district.

Sec. 6. Sinking fund to be established for refunding bonds.

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 two per cent. of the total cost of the site for said high school, the high school building and the expenses incidental to the carrying out of the purposes of this act shall be added to said sinking fund each year which shall be kept invested 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 twenty-five years from the date of the original issue.

Sec. 7. How money shall be raised for sinking fund. The trustees of the South Portland High School 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 interest on said bonds, and other necessary expenses in the district, and shall each year thereafter, before the first 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 South Portland 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 South Portland 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 thirty-first day of December of the year in which said tax is so levied the treasurer of said city shall pay the

CHAP. 119

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 said city to pay said sum, or in the case of his failure to pay any part thereof on or before said thirty-first 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 Cumberland 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 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. 8. Subject to local referendum. This act, as is provided in section one hereof, shall not take effect unless accepted and approved by a majority vote of the legal voters of the territory embraced within the limits of said district voting at an election to be specially called and held for the purpose and for the purpose of electing trustees as provided for in section four, on the eighth day of August nineteen hundred and twenty-one. Such special election shall be called, advertised and conducted according to the law relating to municipal elections, provided, however, that the board of registration in said City of South Portland shall not be required to prepare for posting or the city clerk to post a new list of voters, and for the purpose of registration of voters said board shall be in session the three secular days next preceding such elections, the first two days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions. The city clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the South Portland High School District be accepted?" and the voters shall indicate by a cross placed over the words "Yes" or "No," their opinion of the same. The result in said district shall be declared by the municipal officers of the City of South Portland and due certificate filed by the city clerk with the secretary of state.

Sec. 9. Voters outside territorial limits not to participate in meetings of district. In all elections hereunder the board of registration shall exclude from their lists and from all check lists, the legal voters that are resident in that part of the City of South Portland shown by section one hereof, to be without the territorial limits of said district, and all warrants issued to the ward of which said territory is a part shall be varied accordingly to show that only the voters resident within the territorial limits of said district are entitled to vote hereunder.