

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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Private and Special Laws

OF THE

STATE OF MAINE

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words 'the city of Augusta, the town of Manchester, and the reservation or district known as the National Home for Disabled Volunteer Soldiers, situated partly in said Augusta and partly in the town of Chelsea, together with the inhabitants thereof,' so that said section, as amended, shall read as follows:

'Sec. 1. Towns of China, Vassalborough, and that part Chelsea outside Soldiers' Home, excluded from limits. The following territory and the people within the same, namely: Wards one, two, three, four, six, seven and eight in the city of Augusta, shall constitute a body politic and corporate under the name of the Augusta Water District for the purpose of supplying the city of Augusta, the town of Manchester, and the reservation or district known as the National Home for Disabled Volunteer Soldiers, situated partly in said Augusta and partly in the town of Chelsea, together with the inhabitants thereof, with pure water for domestic and municipal purposes.'

Sec. 2. P. & S. L., 1903, c. 334, sec. 4, relating to authority to lay pipes, etc., amended. Section four of said act is hereby amended by striking out the words "Vassalborough, China" in the third line thereof, so that said section, as amended, shall read as follows:

'Sec. 4. Authority to lay pipes in towns of Vassalborough and China revoked. Said district is hereby authorized to lay in and through the streets and highways thereof and of said towns of Chelsea and Manchester, and to take up, repair and replace all such pipes, aqueducts and fixtures as may be necessary for the objects above set forth, and whenever said district shall lay any pipes or aqueducts in any street or highway it shall cause the same to be done with as little obstruction as possible to the public travel, and shall at its own expense without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition.'

Approved February 15, 1923.

Chapter 5.

An Act to Incorporate the Boothbay Harbor School District.

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

Sec. 1. Territorial limits; purposes. Subject to the provisions of section eight hereof, all that part of the Town of Boothbay Harbor, with the exception of the Isle of Springs, lying northerly and westerly of the territory embraced within the limits of the Bayville Village Corporation, together with the inhabitants thereof, is hereby created a body politic and corporate under the name of the Boothbay Harbor School District for the purpose of erecting, equipping and maintaining a high school or common

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school or either or both of them within said district upon land secured for the purpose, as hereinafter provided, for the benefit of the inhabitants thereof.

Sec. 2. Building site may be acquired by purchase or eminent domain; procedure; town of Boothbay Harbor authorized to convey to district. Said district is hereby authorized and empowered to acquire by purchase or by 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 be of such size as said district may determine, for a site or location of a high school or common school, or of a high school and common 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 any newspaper published in said Boothbay Harbor, three weeks in succession, the last publication to be at least one week prior 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 purposes 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 Town of Boothbay Harbor is hereby expressly authorized and empowered to convey to said district any property owned by it.

Sec. 3. Management of affairs; town school committee to control election of teachers and school affairs. All the affairs of said district, except the election of teachers who shall serve in said school or schools 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 superintending school committee of the Town of Boothbay Harbor, shall be managed by a board of trustees composed of five members who shall be elected as hereinafter provided.

Sec. 4. Trustees, how elected; first meeting; tenure of office; vacancies, how filled; trustee must be resident of district; compensation; annual report. The trustees so to be elected shall be elected by ballot by a majority of the legal voters of said district at a special meeting of said district, called, held and conducted in the same manner as town meetings are called, held and conducted in said Boothbay Harbor, said special meeting to be

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called by the selectmen of said Boothbay Harbor within thirty days after the acceptance of this act by the voters of said district as hereinafter provided. The result of such election shall be declared by the selectmen of the Town of Boothbay Harbor and due certificate thereof filed with the town clerk thereof. The term of office of the trustees shall begin on the day on which said special election is held. As soon as convenient after the members of said board have been chosen, the trustees shall hold a meeting at the town office in the Town of Boothbay Harbor, 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 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 Town of Boothbay Harbor following the acceptance of this act, and thereafter the term of office of a trustee shall expire and his successor shall be elected by ballot by a majority vote of the voters of said district at the annual meeting of said district to be held upon the date of the annual town meeting of said town, and called, held and conducted in the same manner as is provided by statute for the calling, holding and conducting of town meetings. 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 selectmen of said Boothbay Harbor 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, and a person holding a municipal office in said town shall not by reason thereof be ineligible to said election as trustee. Each member shall receive in full compensation for his services an amount to be fixed by the Town of Boothbay Harbor. At the close of each fiscal year which for the purposes of this act shall be the calendar year, 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 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 town.

Sec. 5. Authorized to issue notes and bonds; bond of treasurer. To procure funds for the purposes of this act and such other expenses as may be necessary for the carrying out of said purposes, the said district is hereby authorized to issue its notes and bonds, but shall not incur a total

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indebtedness exceeding the sum of sixty thousand 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: "Boothbay Harbor 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 period 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 fac-simile 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; cancelled bonds not to be re-issued. 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 five per cent of the total cost of the site or sites for said building or buildings, the said building or buildings and the expenses incidental to carrying out 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 re-issued. In case the amount of 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. To provide money for sinking fund and expenses of district by taxation; tax how collected. The trustees of the Boothbay Harbor 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, except the compensation of said trustees as provided in section four hereof, 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 Town of Boothbay Harbor requiring them to assess the sum

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so determined, together with the compensation of said trustees as fixed by said town, upon the taxable polls and estates within said district and to commit their assessment to the constable or collectors of said Town of Boothbay Harbor 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 town 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 said town to pay said sum, or in the case of his failure to pay any part thereof on or before the 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 such tax or so much thereof as shall then remain unpaid, to the sheriff of Lincoln 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 notified and held for the purpose on the sixth day of August, nineteen hundred and twenty-three. Such special election shall be notified, held and conducted, and the votes received, sorted, counted, declared and recorded by the selectmen of said Boothbay Harbor, according to the law relating to the election of representatives to the legislature, provided, however, that the selectmen of said town of Boothbay Harbor shall not be required to prepare for posting or the town clerk to post a new list of voters, and for the purpose of registration of voters and the correction of the list of voters said board shall be in session the first secular day next preceding such election. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Boothbay Harbor 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 selectmen of the Town of Boothbay Harbor and due certificate filed by the town clerk with the secretary of state.

Sec. 9. Voters outside of district not to participate in elections. In all elections hereunder the selectmen of said Boothbay Harbor shall exclude from their lists and from all check lists the legal voters that are resident

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in that part of the Town of Boothbay Harbor shown by section one hereof to be without the territorial limits of said district.

Approved February 15, 1923.

Chapter 6.

An Act to Authorize the Town of Harrison to Raise Money to Build a Clock Tower in Said Town.

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

Authorized to raise and appropriate \$2,500 to pay for clock tower. The inhabitants of the town of Harrison are hereby authorized and empowered to raise and appropriate at any regular or special town meeting duly called and held after this act goes into effect, a sum not exceeding two thousand five hundred dollars for the purpose of paying for a clock tower in said town, and the action of said town in voting to build said clock tower is hereby made legal and valid.

Approved February 15, 1923.

Chapter 7.

An Act to Relieve the Town of Boothbay Harbor from All Liability and Duty to Sell or Furnish Water for Any Purpose to a Portion of the Town of Southport and the Inhabitants Thereof, by Reason of Chapter Two Hundred and Three of the Private and Special Laws of Nineteen Hundred and Three.

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

P. & S. L., 1895, c. 56, sec. 2; 1903, c. 203; amended. Section two of chapter fifty-six of the private and special laws of eighteen hundred and ninety-five, as amended by chapter two hundred and three of the private and special laws of nineteen hundred and three, is hereby further amended so that said section, as amended, shall read as follows:

'Sec. 2. Authority to convey and sell water to town of Southport, Mouse Island and adjacent islands, revoked. Said town is further authorized and empowered, in case it obtains control of said corporation either directly by purchase, or indirectly through ownership of stock, to take water from Adams Pond in the Town of Boothbay, sufficient for all domestic, sanitary, municipal and commercial purposes, and to take and convey the same, through the Towns of Boothbay and Boothbay Harbor, and to Squirrel Island. Said town is also authorized and empowered, to sell water to the Town of Boothbay and to any company, individual, firm or corporation in the Towns of Boothbay and Boothbay Harbor, and Squirrel Island.'

Approved February 15, 1923.