

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

As Passed by the Eighty-First
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commenced within two years from the taking effect of this act, and provided further that the city of Portland shall dedicate for park purposes so much of said lot known as Lincoln Park Extension, above described, as shall not be taken and used for a fire station and the approaches thereto and exits therefrom, subject to the right hereafter to construct additions to said station with the approval of the city council.

Approved March 28, 1923.

Chapter 83.

An Act to Incorporate the City of Brewer High School District.

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

Sec. 1. City of Brewer High School District incorporated; purposes. Subject to the provisions of section eight hereof, the city of Brewer shall constitute a body politic and corporate under the name of the City of Brewer High School District for the purpose of erecting, equipping and maintaining in repair a high school building and the appurtenances thereof within said district upon land secured for that purpose, as is hereinafter provided, for the benefit of the inhabitants thereof.

Sec. 2. Authorized to acquire building site; right of eminent domain conferred; procedure and records; appeals; city authorized to convey to district. Said district is hereby authorized and empowered to accept from the city of Brewer, 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 of suitable size within the territorial limits of said district for a site or location of a high school building and its appurtenances and other lands which may be used in connection therewith. 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 Bangor 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 Brewer is hereby expressly authorized and empowered to convey to said district any property owned by it and may convey to said district

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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 and the school board of said city of their decision.

Sec. 3. Board of trustees. All the affairs of said district, as are herein provided 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; nomination papers, how prepared and filed; ballots, how prepared; conduct of elections; organization of board. 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 nine. 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 resident in said district. Each voter signing a nomination paper shall make his signature in person, 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 Brewer, who shall forthwith certify thereon what number of the signatures are names of qualified voters resident 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 Brewer 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, or shall remove his place of residence from said district, 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 shall be pasted upon said ballots and over the name of the candidate whose nomination has been vacated as aforesaid, 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 alphabetically arranged, printed in one column

under the heading, "For Trustees of the City of Brewer 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 by writing insert the name 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 name on said ballot 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 such new name or names, 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 Brewer and due certificate thereof filed with the city clerk thereof. The term of office of the trustees shall begin on the sixth day of August, A. D. nineteen hundred and twenty-three. 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 Brewer, 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.

Terms of trustees; vacancies; trustees to serve without compensation; reports. 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 Brewer 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 voting 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 city of Brewer for the unexpired term. When any trustee ceases to be a resident of said district he vacates the office of the trustee and the vacancy shall be filled as aforesaid. All such trustees shall be eligible to re-election. No member except the treasurer shall

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receive compensation for his services and the treasurer shall receive in full compensation for his services an amount to be fixed by the city council of the said city of Brewer and such salary and all expenses of the district shall be paid from the funds of 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 high school building, 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 city.

Sec. 5. Authorized to issue notes and bonds; terms and conditions of bonds; treasurer to give 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 one hundred and fifty thousand dollars. Each bond shall have inscribed upon its face the words: "City of Brewer 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. Provision for sinking fund; issuance of refunding bonds authorized. 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 building, the high school building 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 a 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 re-

deemed 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. Trustees of district to determine annual amount necessary to provide for sinking fund and to issue warrant to city assessors; assessment and collection of the tax. The trustees of the city of Brewer 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 or other obligations, 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 Brewer, 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 Brewer, 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 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 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 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 of his deputies shall execute said warrant except as is otherwise provided herein. The same authority is as 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. When payment of indebtedness is completed school building to be conveyed to city, and board cease to function. At such time as the high school building 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

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shall automatically cease to function and all of the duties, management, care and maintenance shall revert to the school board of the city of Brewer or such other board as may, at that time, have jurisdiction over similar school property, and the then president and treasurer shall cause to be executed, signed and delivered, a good and sufficient deed of all the property in said district, to the city of Brewer. All money, if any remaining in the treasury of the Board of Trustees at the time it ceases to function, shall be given to the City Treasurer of the city of Brewer. This money shall be used only for school purposes and shall be kept separate from all other money until authorized by the city council of the city of Brewer to be expended as hereinbefore stated.

Sec. 9. Local referendum provided for; procedure of election; preparation and form of ballots. 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 sixth day of August, nineteen hundred and twenty-three. 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 Brewer 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 City of Brewer 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 Brewer and due certificate filed by the city clerk with the secretary of state.

Approved March 28, 1923.

Chapter 84.

An Act to Amend the Purpose of the Maine Institution for the Blind.

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

Purposes amended. The purpose of The Maine Institution for the Blind shall be amended, by adding in the third line thereof the words, 'and for such longer period as may be deemed necessary by the directors of said