

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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**Private and Special Laws**  
OF THE  
**STATE OF MAINE**

As Passed by the Ninety-ninth Legislature

At The

SPECIAL SESSION, JANUARY 19-29, 1960

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is hereby constituted to be and to have been since April 27, 1959, a School Administrative District, known as School Administrative District No. 8, with all the powers, privileges and franchises granted to School Administrative Districts according to sections III-A through III-U of chapter 41 of the Revised Statutes, as amended, the provisions of which, except sections III-F and III-G, are hereby incorporated in, made a part of this act and hereby re-enacted with the same effect as if set forth verbatim herein. The proceedings taken at a town meeting held in the Town of Vinalhaven, wherein it was voted to become a School Administrative District are hereby validated, confirmed and made effective.

**Sec. 2. Validation of election and proceedings of school directors and action by officers and agents.** The school directors of School Administrative District No. 8, selected in the said town to serve as such, are hereby declared to be and to have been duly elected and qualified for the respective terms for which each was elected, and all of the proceedings of the board of school directors of said district as said board was from time to time constituted and as shown by the records of said district and all of the action duly taken in accordance therewith by the officers and agents of said district are hereby validated, confirmed and made effective.

**Sec. 3. Amendments.** Any amendments of, additions to, or changes in said sections III-A to III-U which may hereafter be enacted shall, unless otherwise specifically provided therein, be deemed to apply to and to govern said School Administrative District No. 8.

**Sec. 4. Saving clause.** If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Effective April 29, 1960

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## Chapter 201

### AN ACT to Authorize School Administrative District No. 5 to Take a Schoolhouse Lot by Condemnation in the City of Rockland.

**Preamble.** The school directors of School Administrative District No. 5 have determined that it is necessary to construct a new school building to adequately and safely provide for secondary education in said district. The directors have determined that the most suitable site for said building and lot is in the City of Rockland. It is impossible to ascertain some of the owners of portions of said site. This act permits the acquisition of specified property in the City of Rockland by School Administrative District No. 5 for school purposes.

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

**Schoolhouse lot by condemnation.** The school directors of School Administrative District No. 5 are authorized to lay out a schoolhouse lot and playground not exceeding 25 acres in the City of Rockland. When such schoolhouse lot has ceased to be used for school purposes for 2 successive years, said lot reverts to the owner, his heirs or assigns, on demand by him or them in writing to the school directors of School Administrative District No. 5. The directors shall give notice of the taking to all interested parties. Such property is particularly described as follows, to wit:

Beginning at a point located on the southerly side of Cedar Street 110 feet from the intersection of Cedar Street and Broadway at the northeast corner of heirs of William P. Harding; thence south  $58^{\circ}$  west 275 feet by land of Wheaton and Hodgkins on the east to a point and land of Hodgkins; thence southerly 228 feet by land of Hodgkins on the north to a point on the westerly side of Broadway; thence southwesterly  $304\frac{1}{2}$  feet along the westerly side of Broadway to a point and land of Knight; thence north  $35^{\circ}$  west 90 feet by land of Knight on the south to a point at the brook; thence southerly along the brook 375 feet by land of Knight and Clark on the east to a point and house lots on the northerly side of Lawn Avenue; thence northwesterly 440 feet by said house lots on the south to a point and land of Howard; thence northeasterly 75 feet by land of Howard on the west to a point; thence northwesterly 605 feet by land of Howard, Penney and Gray on the south to a brook and Melrose Park Development; thence northeasterly along said brook 175 feet by Melrose Park Development on the west to a point; thence north  $44^{\circ}$  45 Minutes, west 277 feet by land of Melrose Park Development on the south to a point and land of Bickford; thence north  $58^{\circ}$  east 555 feet by land of Bickford on the west to a point and land of Winslow; thence southerly 820 feet by land of Winslow and Merrill on the north to a point; thence north  $58^{\circ}$  east 200 feet by land of Merrill and Fields on the west to a point at the southerly side of Cedar Street; thence southeasterly along the southerly side of Cedar Street 279 feet to the point of beginning, containing 21.29 acres.

The school directors of School Administrative District No. 5 shall appraise the damages and tender payment of the damages to the owner. If the owner thereof refuses to sell or, in the opinion of the school directors, asks an unreasonable price for it, or resides without the State and has no authorized agents or attorneys therein, or the owner of said property cannot be ascertained by checking the record title, the directors may deposit damages as appraised with the county treasurer of Knox for said owner's use. In the event that the owner of the property is unknown, the school directors of School Administrative District No. 5 shall advertise in one state paper and in one local paper for 3 consecutive weeks prior to the tendering of appraised damages to the county treasurer.

If the owner is aggrieved by the damages awarded by the school directors, he may apply to the county commissioners within 6 months from the deposit of damages. The county commissioners of Knox County shall constitute a board of appraisers which shall determine the value of the property or land to be taken, make a correct return of their doings signed by them, and state in their return the name of the person to whom the damages are allowed and the amount allowed. The county commissioners shall give 14 days' notice to interested parties of the time and place of their meeting and afford interested parties an opportunity to be heard. The return shall be filed with the clerk of the county commissioners and remain in the custody of their clerk and notice thereof given to the interested parties. If the damages are increased, School Administrative District No. 5 shall pay the damages and costs; otherwise, the cost shall be paid by the applicant.

Any interested party aggrieved by the county commissioners' determination of damages may appeal from their determination within 90 days to the Superior Court of Knox County by filing a notice of appeal with said county clerk of courts. If no such appeal is made, the proceedings shall be closed and become effectual, all claims for damages not allowed by them be forever barred, and all damages allowed by them be final. If an appeal be taken in the manner provided, the court shall determine the damages by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the damages

in judgment for costs in favor of the party entitled thereto. An appeal may be taken to the Supreme Judicial Court.

Effective April 29, 1960

## Chapter 202

**AN ACT to Increase the Indebtedness of the Town of Hermon School District.**

**Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, existing classrooms for students are overcrowded and it is imperative that action be taken immediately to relieve such conditions; 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:*

**P. & S. L., 1949, c. 174, § 4, amended.** The first sentence of section 4 of chapter 174 of the private and special laws of 1949, as amended by chapter 115 of the private and special laws of 1953, is further amended to read as follows:

'To procure funds for the purpose of this act, and for such other expenses as may be necessary to carry out said purposes, the said district, by its trustees, is hereby authorized from time to time to borrow money and to issue its bonds and notes therefor, but shall not incur a total indebtedness exceeding the sum of ~~\$100,000~~ \$200,000.'

**Emergency clause; referendum; certificate to Secretary of State.** In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of Hermon at the next annual town meeting, an appropriate article being inserted in the call for said meeting.

The town clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall an Act to Increase the Indebtedness of the Town of Hermon School District, passed at the First Special Session of the 99th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against 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 vote of the legal voters voting at said meeting; provided the total number of votes cast for and against the acceptance of this act at said meeting equaled or exceeded 20% of the total vote for all candidates for Governor in said town at the next preceding gubernatorial election.

The result of said vote shall be declared by the municipal officers of the Town of Hermon and due certificate thereof filed by the town clerk with the Secretary of State.

Effective January 29, 1960