

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

One Hundredth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1961

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

and record the same in its records. The commission shall further assign a number and issue a certificate of organization to the district, which shall be the official title of the school administrative district. The certificate of organization shall be delivered by the Maine School District Commission to the district directors on the date set for the first meeting of the board of school directors. The district shall, within 90 days from the date of filing the returns with the Maine School District Commission, call a meeting to elect the board of school directors and the clerk shall forward the names of the directors elected and their respective terms of office. Upon receipt of the names of the directors, the Maine School District Commission shall set a date for the first meeting of the board of school directors. On the date so set, the school administrative district shall become operative and the directors shall assume the management and control of the operation of all the public schools within said district and after such date the Town of Lubec shall have no responsibility for the control or operation of the public schools within its jurisdiction.

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

Effective February 24, 1961

Chapter 29

AN ACT to Incorporate the Town of Bucksport School District.

Emergency preamble. Whereas, the buildings which house the school pupils of the Town of Bucksport are overcrowded, inadequate and in need of repair; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve these conditions; and

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

Whereas, if this act cannot be voted upon until 90 days after adjournment of the Legislature, construction will be held up for another year; 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, 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:

Sec. 1. Incorporation; name; purposes. Subject to the provisions of section 7 and the referendum, the inhabitants of and the territory within the Town of Bucksport are created a body politic and corporate under the name of "Town of Bucksport School District" for the purpose of acquiring property within the said town for school and related athletic and recreational purposes; for the pur-

pose of erecting, enlarging, repairing, equipping and maintaining on said property a school building or school buildings, school bus garage, and related athletic and recreational facilities; for the purpose of completing, grading, furnishing, rebuilding, renovating and otherwise bettering the condition of any or all buildings within said town used for school purposes or which may hereafter be used for school purposes for the purpose of leasing or letting any property of said district to said town for the purpose of receiving, accepting and holding gifts, grants or devises of property real, personal or mixed to be used for school and related athletic and recreational purposes; all for the benefit of the inhabitants of said town.

Sec. 2. Trustees, powers and duties; limitations. All the affairs of said district, except election of teachers who shall serve in the said schools and the fixing of their salaries, the course of study, the terms of school and all other matters pertaining to the education of pupils, which matters shall be controlled by the school board of the Town of Bucksport, shall be managed by a board of 5 trustees who shall be elected as is hereinafter provided. The board of trustees, acting for said district, shall have and exercise all the powers and authorities necessary to carry out the purposes of this act and the powers and authorities granted herein.

Sec. 3. Trustees; and how elected, tenure of office, organization of board officers, vacancies; compensation; reports. There shall be 5 trustees, one of whom shall be a member of the school board and one a member of the board of selectmen. The superintending school committee and the board of selectmen shall appoint their members within 2 weeks after each annual town meeting, and in case a vacancy should occur, a new member shall be chosen to take his place within 10 days. The remaining 3 trustees shall be chosen in the following manner. As soon as may be after the acceptance of this act hereinafter provided, the municipal officers of the Town of Bucksport shall appoint 3 trustees of said district, to hold office as follows respectively: one until the next annual town meeting, one until the annual town meeting one year following, and one until the annual town meeting 2 years following. At each annual town meeting of the Town of Bucksport, beginning with the annual town meeting after the acceptance of this act, one trustee shall be elected to serve until the annual town meeting occurring 3 years thereafter. When any trustee ceases to be a resident of said district he vacates the office of trustee. Any vacancy upon the board of trustees occurring because of change of residence of trustee, resignation, death or any cause except normal expiration of term of office shall be filled by the municipal officers of the Town of Bucksport for the remainder of that year, except the member appointed by the school board and the selectmen, in the same manner in which the original board was appointed and for the unexpired portion of the term of the vacant office. All trustees shall be eligible for reelection or reappointment.

The first meeting of the board of trustees shall be held as soon as convenient after they have been appointed as above provided. At this original meeting, they shall elect from their membership a president, a clerk and a treasurer, shall adopt a corporate seal, may ordain and establish such by-laws consistent with the laws of the State as are necessary for their own convenience and the proper management of the affairs of said district, and may do all other acts, matters and things necessary to perfect their organizations. Within 2 weeks after each annual town meeting of the Town of Bucksport, the trustees shall meet for the purpose of electing a president, clerk and treasurer for the ensuing year and until their successors are elected and qualified. The trustees shall have the right and authority to employ and fix compensation of such officers and agents

as they may deem necessary for the proper conduct and management of the affairs of the district.

The trustees shall serve without compensation except that the treasurer may receive for his services an amount to be fixed by the board of trustees not in excess of \$100 per year. The treasurer shall give bond to the district in such sum and with such sureties as the trustees may determine, which bond shall remain in the custody of the president. The cost of such bond shall be paid by the district.

At the close of each fiscal year of said district, which shall coincide with the fiscal year of the Town of Bucksport, the trustees shall make a detailed report of their doings, of the financial condition of said district, of the physical condition of its property, and also of 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. Such report shall be made and filed with municipal officers of the Town of Bucksport on or before February 15 of each year.

Sec. 4. How financed. 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 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 \$750,000. Each bond and note shall have inscribed upon its face the words "Town of Bucksport School District," shall bear interest at such rates as the trustees shall determine, payable semiannually, and shall be subject to such other provisions as the trustees shall determine. Said bonds and notes may be issued to mature serially or made to run for such periods as said trustees shall determine, but none of which shall run for a longer period than 30 years from the date of the original issue thereof. All bonds may be made callable. All bonds and notes issued by said district shall be signed by the treasurer and countersigned by the president of said district, and if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the president and treasurer printed thereon. Said bonds and notes shall be legal obligations of said district, which is declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1954, chapter 53, section 137 and chapter 90-A, section 23, as enacted by public laws of 1957, chapter 405, section I, and all the provisions of said sections shall be applicable thereto. The said bonds and notes shall be legal investments for savings banks. The said district is authorized and empowered to enter into such an agreement with the Federal Government, or any agency thereof or any corporation or board authorized by the Federal Government to loan money or otherwise assist in the financing of such projects as this school district is authorized to carry out, as may be necessary or desirable to accomplish the purposes of this act.

Sec. 5. Sinking fund; refunding bonds provided for. In case any bonds or notes at any time issued are made to run for a period of years, as distinguished from serial maturity, the trustees shall establish a sinking fund for such bonds or notes for the purpose of redeeming the same when they become due. The amount to be paid annually into such sinking fund shall not be less than 4% of the total principal amount of such bonds or notes originally issued. In addition to such annual sinking fund payment, the trustees shall have authority from time to time to add to any such sinking fund any funds of said district not required for other purposes. Funds in any sinking fund may be deposited in any national bank, savings bank or trust company within the State or may be

invested in whole or in part in any bonds of the United States, of the State of Maine, or of any political subdivision thereof, as the trustees may determine. Interest received on any funds so invested shall be added to the sinking fund. When and if the amount accumulated in any sinking fund, together with interest received or to be received thereon, shall be sufficient to pay at maturity or, at the option of the trustees, to redeem the bonds or notes for the benefit of which such sinking fund was established, all further payments to such sinking fund shall cease.

Whenever any bonds or notes issued by said district may become due or can be purchased or called for redemption by said district on favorable terms said trustees, if sufficient funds have accumulated in the sinking fund provided therefor, shall pay, purchase or redeem said bonds or notes and cancel them. In no case shall bonds or notes so paid, purchased or redeemed, and cancelled, be re-issued.

In case the amount in any sinking fund shall not be sufficient to pay the total amount when due of the bonds and notes for which such sinking fund was provided, or in case it shall become desirable in the opinion of the trustees to call for redemption any outstanding bonds or notes and to issue new bonds or notes in their stead, authority is granted to refund so many of said original bonds or notes as cannot be paid or redeemed from the sinking fund provided therefor, if any, but in no case shall such new bonds or notes mature more than 40 years from the original date of issue of the original bonds or notes so refunded.

Sec. 6. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the "Town of Bucksport School District" shall determine what sum is required each year for sinking fund payments, or if the bonds or notes authorized by this act shall be issued to mature serially what sum is required each year to meet the bonds and notes falling due, and what sum is required each year to meet other necessary expenses in the district, and shall each year, before the first day of April, issue their warrant in the same form as the warrant of the Treasurer of State for taxes, with proper changes, to the assessors of the Town of Bucksport, requiring that they assess the total sum so determined upon the taxable polls and estates within said district and to commit their assessment to the constable or collector of said Town of Bucksport, 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 31st 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 case of a failure on the part of the treasurer of the town to pay said sum, or in case of his failure to pay any part thereof on or before said 31st day of December of the year in which said tax is 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 Hancock 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 any 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 Revised Statutes, is vested in the trustees of said district in relation to the collection of taxes within said district.

Sec. 7. Provisions for termination of the board of trustees. At such time as the school building or buildings and related athletic and recreational facilities

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 shall automatically cease to function and all of the duties, management, care and maintenance of the property of said district shall revert to the school board of the Town of Bucksport or such other board as may be at that time have jurisdiction over similar school property, and the then president and treasurer of said district shall cause to be executed, signed and delivered, a good and sufficient deed of all the property of said district of the Town of Bucksport. All money, if any, remaining in the treasury of said district at the time said trustees cease to function, shall be given to the town treasurer of the Town of Bucksport. This money shall be used only for school purposes and shall be kept separate from all other money until authorized by the selectmen of the Town of Bucksport to be expended for one or more of the purposes stated in this act.

Sec. 8. Authority to receive property from the Town of Bucksport. The "Town of Bucksport School District" is authorized to receive from the Town of Bucksport, and said Town of Bucksport is authorized to transfer and convey to said district, any property, real, personal or mixed, now or hereafter owned or held by the Town of Bucksport for school purposes, and any sums of money or other assets which the said Town of Bucksport has raised or may raise, either by taxation, borrowing or otherwise, for school purposes. Before transferring and conveying any of said property or turning over any of said funds or assets, the municipal officers of the Town of Bucksport shall be duly authorized to do so by a majority vote of the legal voters present at any annual or special town meeting, the call for which shall have given notice of the proposed action.

Emergency clause; effective date; referendum. 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 Bucksport present and voting at the next annual town meeting or at a special town meeting called and held for the purpose not later than 4 months after approval of this act. In the event a special meeting is called for the purpose, it shall be called, advertised and conducted according to the law relating to municipal elections; provided that the board of registration shall not be required to prepare, nor the town clerk to post, a new list of voters and for the purpose of registration of voters, said board shall be in session 2 hours next preceding such special 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 the Act to Incorporate the Town of Bucksport School District, passed by the 100th 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 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 cast for all candidates for Governor in said town at the next preceding gubernatorial election; but failure of approval of this charter either by the necessary percentage of voters at such election or otherwise shall not prevent a 2nd election held at any annual town meeting of the Town of Bucksport or a special town meeting called and held for the purpose held on or before the first day of April, 1963.

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

Effective February 24, 1961

Chapter 30

AN ACT to Clarify the Eminent Domain Appeal Procedure in the Bowdoinham Water District Charter.

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

P. & S. L., 1957, c. 121, § 4, repealed and replaced. Section 4 of chapter 121 of the private and special laws of 1957 is repealed and the following enacted in place thereof:

‘Sec. 4. Damages, appeal. If any person who sustains property damages by reason of a taking as provided in section 3 does not agree with the sum awarded by the trustees therefor, he may appeal as provided in this section.

I. Appeal to county commissioners. Within 90 days from the time the record of the taking is recorded in the registry of deeds, the person wishing to appeal must file a written complaint with the Sagadahoc County commissioners setting forth the particular damages sustained by him, the amount claimed by him in damages, the amount awarded by the trustees and the date the record of taking was recorded in the registry of deeds. A true copy of said complaint must be given in hand to the clerk of the district prior to the time the complaint is filed with the county commissioners.

II. Hearing procedure before county commissioners. The county commissioners shall set a time and place for hearing the appeal at their next regular meeting after the complaint has been filed with them, and shall notify the clerk of the district and the appellant by certified or registered mail of the time and place. They shall mail the notices at least 14 days prior to the time assigned for hearing. The county commissioners may continue the hearing for cause from time to time, but not beyond the time limit hereinafter provided for filing their decision.

A. At the hearing the county commissioners shall swear all witnesses who testify and shall hear all relevant evidence presented or offered by either party. On request of either party the county commissioners may also view the premises involved. The appellant has the burden of proof as in civil cases. The appellant shall present his case first. The district will have the opportunity to cross-examine each one of the appellant's witnesses after each has completed his direct testimony. After the appellant has completed his case, the district may present its case or rest. If the district presents its case, the appellant will have the opportunity to cross-examine each district witness.

B. The county commissioners shall make a list of the names and addresses of all witnesses who testify.