

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 281

In Senate, Feb. 7, 1913.

Came from the House referred to the Committee on Legal Affairs, and on motion by Senator Smith of Penobscot laid on the table for printing pending reference in concurrence.

W. E. LAWRY, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTEEN.

AN ACT to create a body politic and corporate by the name of
Bustin's Island Village Corporation.

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

Section 1. The territory embraced within the limits of
2 Bustin's Island, sometimes known as Bibber's Island, in the
3 town of Freeport, in the County of Cumberland, together
4 with the inhabitants thereon and certain owners of real es-
5 tate thereon as hereinafter specified is hereby created a
6 body politic and corporate by the name of Bustin's Island
7 Village Corporation.

Sect. 2. Said corporation is hereby authorized and vested
2 with the power at any legal meeting called for the purpose to

3 raise money for the following purposes: To create and
4 maintain a fire department with all the necessary equipment,
5 appliances and apparatus for the prevention and extinguish-
6 ment of fires: to build, repair and maintain roads, streets,
7 and ways, sidewalks, sewers and other sanitary works, includ-
8 ing the collection and removal of offal and garbage: to care
9 for and beautify that portion of the island which has been
10 or may hereafter be reserved for and dedicated to public
11 uses to be enjoyed in common by all the owners of lots of
12 land on the island and to that end to build roads and walks
13 upon and through said public lands and to plant and care for
14 trees in the roads and streets and upon said public land;
15 to build, repair and maintain wharves and landings; to estab-
16 lish and maintain police and night watch; to procure water
17 for fire, domestic and other purposes and to produce or
18 procure light for public use and for the use of the inhabi-
19 tants of the island, and for such purposes to contract with
20 any individual, firm or corporation to furnish such water or
21 light for either or both of the purposes named, and to estab-
22 lish reasonable rates to be paid by the inhabitants of the
23 island using such water or light for domestic purposes; to
24 construct, maintain and operate telephone and telegraph lines
25 or to aid in such construction, maintenance and operation and
26 to that end and for that purpose to contract with any corpo-
27 ration, firm or individual therefor and to defray any and all
28 other necessary or proper corporate charges.

Sect. 3. The town of Freeport is hereby relieved from any

2 and all duty to build, repair or maintain roads, streets or
3 ways upon said Bustin's Island or to build schoolhouses or
4 to maintain schools thereon or to perform any of the duties
5 for which said corporation is authorized by Section 2 of this
6 act to raise money, and the said town shall not be liable for
7 defects in streets, ways or roads on said island nor for
8 failure to perform any duty from which it is relieved by this
9 act, but said corporation shall assume all of said duties and
10 be liable for said defects in streets, ways or roads and for
11 failure to perform the duties assumed as the town of Free-
12 port would have been liable except for this act, which liabil-
13 ity may be enforced under the same conditions, in the same
14 manner and with the same remedies as are provided by law
15 in relation to towns.

Sect. 4. Said corporation and the overseers thereof shall
2 have the same power and duties in laying out and discontin-
3 uing and altering town ways on Bustin's Island which the
4 town of Freeport and the selectmen now have to be exer-
5 cised and performed under the same conditions and limita-
6 tions and in the same manner that they are now exercised
7 and performed by said town and its selectmen.

Sect. 5. The Town of Freeport shall annually pay over to
2 the Treasurer of said corporation out of the taxes collected
3 from the inhabitants and estates on Bustin's Island, within a
4 reasonable time after such collection, a sum equal to sixty
5 percentum of all the town taxes, exclusive of the state and
6 county tax, collected from said inhabitants and estates.

Sect. 6. All moneys which shall be raised for the purposes
2 named in Section 2 of this act or for any other purpose,
3 for which the corporation may lawfully raise money, shall be
4 assessed upon the taxable polls and estates embraced within
5 the limits of the corporation by the assessors of the town of
6 Freeport in the same manner as is provided by law for the
7 assessment of town and county taxes. For the purposes of
8 taxation under this act the person or persons entitled to the
9 use or occupation of any lot of land on said island shall be
10 deemed the owner thereof and be taxed for said lot and the
11 improvements, if any, thereon.

Sect. 7. The officers of said corporation shall be a clerk,
2 who shall be a resident of this state, a treasurer and five
3 overseers, who shall be chosen by ballot and such other offi-
4 cers as the by-laws of said corporation may require. Said
5 corporation is empowered to adopt at any legal meeting called
6 for that purpose a code of by-laws for the government of the
7 same and for the proper management of its prudential af-
8 fairs and other purposes connected therewith, provided said
9 by-laws are not repugnant to the laws of the state. Such
10 code of by-laws may be altered or amended at any legal
11 meeting of the corporation in the call for which notices of
12 the proposed change has been given. The officers aforesaid
13 shall be sworn before the clerk or a justice of the peace and
14 the treasurer shall give bond to said corporation in such
15 sums as the overseers may direct, which bond shall be ap-
16 proved by the overseers and clerk.

Sect. 8. Any person who is a legal voter in said corporation may be elected or appointed to any office therein, but shall cease to hold said office whenever he ceases to be such legal voter.

Sect. 9. Said overseers shall be the general municipal officers of said corporation and shall have general charge of its affairs and of the expenditure of all money therein except so far as the same may be committed to other officers or persons.

Sect. 10. Upon a certificate being filed with the assessors of the town of Freeport by the clerk of this corporation of the amount of money voted to be raised at any meeting for any of the purposes aforesaid, it shall be the duty of said assessors or their successors in office, at the time of the next annual assessment of town and county taxes in said town of Freeport, to assess in addition thereto the total amounts certified by the clerk of this corporation, upon the polls and estates of persons residing within the limits of said corporation, and upon the estates of non-resident proprietors thereof and to certify and deliver the lists of the assessments so made to the collector of the town of Freeport, whose duty it shall be to collect the same in like manner as county and town taxes are collected, by law, and said collector shall pay over to the Treasurer of said corporation whenever the overseers shall so direct, all money collected by him of said sum assessed in addition to said town, county and state taxes. It shall be the duty of the Treasurer of said corporation to

19 receive all moneys belonging to the corporation and to pay
20 it out only upon the written order or direction of the over-
21 seers and to keep a regular account of all moneys received
22 and paid out and to exhibit the same to the overseers when-
23 ever requested, and said town of Freeport shall have the
24 same power to direct the mode of collecting said taxes that
25 it has in the collection of town taxes, and said collector shall
26 have the same rights and powers to recover any taxes com-
27 mitted to him under the provisions of this act by suit that
28 he has for the collection of the town taxes committed to him,
29 and the town of Freeport shall have the same right to re-
30 cover taxes assessed under this act by suit that it has to re-
31 cover town taxes assessed therein. The collector of Free-
32 port shall be entitled to receive the same percentage for the
33 collection of taxes assessed under this act, and the same
34 fees in connection with the collection thereof, which he re-
35 ceives for the collection of the town taxes.

Sect. 11. All persons residing within the limits of said
2 corporation who would be legal voters in the town of Free-
3 port, and every person of legal age who owns a part or the
4 whole of one or more lots of land upon said island shall be
5 legal voters at any meeting of the said corporation at which
6 they are present. The overseers of the said corporation
7 shall determine who are the legal voters at any meeting and
8 shall prepare a list of such legal voters twenty-four hours
9 at least before every meeting, which said list they may cor-
10 rect at any time before said meeting, or during its progress.

11 The vote upon any proposition at any meeting shall be taken
12 and checked by said list upon the demand of five legal voters.
13 provided, however, that where a lot of land is owned by two
14 or more persons, such persons may agree in writing filed
15 with said Board of Overseers which of the said owners is
16 to be the legal voter at any meeting of the corporation, and
17 in no case shall the ownership of any tract or parcel of land
18 entitle the owner or owners thereof to more than one vote
19 at any of the meetings of the said corporation.

Sect. 12. The first election of officers shall be at the meet-
2 ing at which this charter is accepted. Said officers shall
3 hold their respective offices until the first Monday of Sep-
4 tember following the annual meeting of the corporation, at
5 which said meeting officers shall be elected and thereafter-
6 wards at each annual meeting, but they shall not assume the
7 duties of their respective offices until the first Monday in
8 September following their election, but in any event all
9 officers duly elected shall hold office until their successors
10 are elected and duly qualified. The annual meeting of the
11 said corporation shall be held on the first Saturday of Au-
12 gust in each year.

Sect. 13. This charter may be accepted at any time within
2 five years from its approval by the governor, but only one
3 meeting to vote thereon shall be called in any one calendar
4 year. Fredric D. Fuller, Freeman M. Grant, E. S. Hos-
5 mer, W. C. Russell, C. E. Brainard, Frederic W. Mar, and
6 E. W. Tuttle, or either of them, may call all meetings of

7 the corporation previous to the acceptance of this charter
8 and the election of officers and notify the persons entitled to
9 vote therein to meet at some suitable time and place on said
10 Bustin's Island, by posting of notices in two public places
11 on said island seven days at least before the time of holding
12 said meeting; all subsequent meetings shall be called and
13 notified by the overseers as town meetings are called and
14 notified by the selectmen; either of the above named per-
15 sons are authorized to preside at any meeting previous to the
16 acceptance of the charter until the meeting is organized and
17 until a moderator shall have been chosen by ballot and
18 sworn, at all meetings of the corporation a moderator shall
19 be chosen in the manner, and with the same power as in
20 town meetings.

Sect. 14. The Bustin's Island Cottage Association is here-
2 by authorized to sell, convey, lease or otherwise dispose of
3 any and all real estate or interest therein which it now has
4 to the Bustin's Island Village Corporation, and said latter
5 corporation is hereby authorized to purchase, take title to,
6 lease or otherwise acquire said real estate or interests therein
7 and to hold, manage, and control the same for the benefit
8 of said corporation, and the members thereof, and for the
9 purpose of enabling the corporation to accomplish the ob-
10 jects for which it was created.

Sect. 15. This act shall take effect when approved by the
2 governor, so far as to authorize the calling of a meeting or
3 meetings of said corporation for the purpose of voting upon

4 the acceptance of this charter, and whenever this charter
5 shall be accepted by a majority of the voters of said corpo-
6 ration at a legal meeting called for that purpose, then the
7 same shall take and have complete effect in all its parts.