

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
SPRAGUE & SON, PRINTERS TO THE STATE.
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1889.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1889.

Chapter 527.

An Enabling Act for the annexation of Deering to Portland.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. The town of Deering is, subject to the provisions hereinafter contained, hereby annexed to the city of Portland, to constitute an additional ward therein, designated 'ward eight,' and is invested with all the rights, powers, immunities, privileges and franchises, and made subject to the duties and obligations enjoyed by and imposed upon the several wards of the city.

Town of Deering, annexed to Portland.

—ward eight.

SECT. 2. All contracts, indebtedness and liabilities of the town shall be performed, paid and discharged by the city as hereby constituted, and all rights, contracts, claims, immunities, privileges and franchises which might be exercised and enforced by the town, may be exercised or enforced by the city as its successor; and all privileges, exemptions and immunities granted by the town shall remain binding upon the city.

Liabilities of the town, shall be discharged by the city.

SECT. 3. At the next revision of ward lines any portion of said ward eight, in a single piece, may be set off from said ward eight and united with contiguous territory now constituting a part of said city of Portland; and a new ward thus formed which may become and be known as ward eight, and the number, designation of the balance of said annexed territory may be changed to ward nine, but no other division of said annexed territory shall be made, prior to the year nineteen hundred, unless approved by vote of the inhabitants thereof.

Ward lines, may be revised, and ward nine created.

SECT. 4. The city assessors of said Portland, at the request of the municipal officers of the town of Deering, or in case of their neglect, or refusal to make such request, then upon the written application of any ten voters of said town, may make a valuation of the real estate of said town of Deering, prior to the submission of this act to the inhabitants of said town and city as hereinafter provided, which valuation, in case of the acceptance of this act by said town and city, shall continue for the term of ten years for the purposes of taxation and shall not be increased within said period except as changed by general state valuation, or to the extent of actual

Valuation of the town, shall be established prior to submission

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improvements placed upon the land, or by reason of other circumstances which may arise and by which its value may be affected.

Town of Deering, shall issue bonds, to constitute an improvement fund.

SECT. 5. As soon as this act shall have been accepted by the voters of said town of Deering and of said city of Portland as hereinafter provided, the selectmen and treasurer of said town of Deering shall execute bonds of said town, in denomination of five hundred dollars each, to an amount which shall make the total indebtedness of the town equal to five per cent of the last regular valuation by its assessors, and shall deliver the same to the trustees of the improvement fund as soon as they shall be elected as hereinafter provided. Said bonds shall bear interest at four per cent per annum and shall be payable in twenty years after date. In case of neglect or refusal of said selectmen and treasurer to issue said bonds, the trustees of the improvement fund may issue the same at any time thereafter. The corporate existence of said town of Deering shall continue for the purpose of issuing said bonds until the same have been duly issued. The proceeds of said bonds shall be applied to the construction of sewers and such other improvements upon said annexed territory as may from time to time be authorized by the city council of Portland.

—bonds may be issued by trustees of improvement fund, if selectmen neglect.

—proceeds, to be applied to construction of sewers.

Mayor and aldermen, shall build sewers.

SECT. 6. The mayor and aldermen shall cause the building of such sewers and outfalls as may be primarily necessary in the territory annexed, the same to form a part of a general system of sewerage for said territory, having in view the present and probable future wants of the same. The trustees of the improvement fund shall from time to time sell the bonds provided for in the preceding section, and pay over the proceeds thereof to the city treasurer, who shall open an account with the Deering improvement fund, crediting thereto all sums received from the sale of said bonds and from other sources hereinafter named, and charging against said fund all sums expended by said city of Portland for sewers and other improvements upon said annexed territory. Said sewers shall be constructed in accordance with the provisions of chapter three hundred and sixty-eight of the private and special laws of the year eighteen hundred and seventy-three, and of the ordinances of said city of Portland. But all money received by the city from the parties benefited by such sewers shall be held as a fund to be applied to the

—proceeds of bonds, how disposed of.

—how sewers shall be constructed.

building of sewers in other streets in said annexed territory, as the same may become necessary. When, in the opinion of the mayor and aldermen, the further extension of the sewerage system can be provided for from yearly taxation, said trustees shall destroy said town bonds remaining unsold in their custody and be discharged from their trust. They shall keep a precise account of the sales of bonds and the disposition of the proceeds, and report the same yearly to the mayor and aldermen.

—when further extension can be provided for by yearly taxation, bonds unsold shall be destroyed.

SECT. 7. Whenever it shall appear to the mayor and aldermen that the sewer in any street in the territory annexed has cost a larger sum in consequence of increased size to receive the contents of connecting sewers in other streets, that it would have cost if built without reference to such connecting sewers, they may deduct such increased sum before assessing upon the owners of the lots benefited thereby their proportional part of the cost of such sewer. And when there is in any street much land not occupied by buildings the mayor and aldermen may require immediate payment from the lots benefited thereby only for a reasonable lot under dwelling houses, and may defer payment of the assessment upon the unoccupied land until it is built upon.

Cost of constructing sewers, how assessed.

SECT. 8. The several inhabitants of the town of Deering shall be holden to pay all taxes which have been legally assessed upon them by said town, and the several collectors of taxes are hereby required to collect all taxes committed to them according to their several warrants and pay the same to the city treasurer. In case of failure of either of said collectors to collect said taxes the city or its officers shall enforce the same remedies against said collectors which the town might have enforced. The treasurer of the town shall pay all moneys in the treasury to the city treasurer. All money so received by the city treasurer from town collectors or treasurer shall be applied by the city to the several purposes for which they were raised, and in case of any surplus, the same shall be passed to the order of the Deering improvement fund, and expended for the purposes specified in section five.

Town shall be holden to pay all taxes which have been legally assessed.

—how taxes may be collected, if collectors fail.

—all moneys shall be paid to city treasurer, but shall be applied to purpose for which raised.

SECT. 9. All moneys which have been raised by vote of the town, but the tax therefor not assessed when this act becomes operative, shall be assessed by the city assessors and collected, as in the case of city taxes, and applied by the city

Moneys raised, but not assessed, shall be assessed by city.

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government to the purposes for which they were raised, any surplus to be carried to the credit of the Deering improvement fund, to be applied to the purposes specified in said section five.

All property of town, shall vest in city.

SECT. 10. All the real and personal property of the town of Deering not needed for educational purposes or fire department, shall vest in the city in trust to be sold, and the proceeds applied to the erection of suitable ward rooms within said annexed territory. Any surplus not needed for such purpose shall be added to the Deering improvement fund, and expended as in the cases before enumerated.

Polling districts, shall be established.

SECT. 11. The board of mayor and aldermen may establish in each of the ward or wards into which said annexed territory may be divided under the provisions of this act, as many polling districts as may be deemed advisable, and shall provide lists of voters to be used in each district, and for the election of a warden and ward clerk for each district.

Shall be entitled to one representative.

SECT. 12. Until the next apportionment, the residents of said annexed territory may send one representative to the legislature. An additional member of the school committee shall also be elected by said city of Portland, who shall be a resident of said annexed territory, and shall be elected by the voters thereof, at the next municipal election which shall occur after annexation shall have taken place under the provisions of this act. Such member of the school committee shall hold his office for the period, and any vacancy shall be filled in the manner provided by chapter three hundred and ninety-two of the private and special laws of eighteen hundred and eighty-five.

—additional member of school committee, shall be elected.

—tenure.

Election of officers in ward eight.

SECT. 13. Immediately after the acceptance of this act by the inhabitants of said Deering and Portland, the municipal officers of said city of Portland shall call a meeting of the voters of said ward eight for the election of an alderman, three councilmen and two constables for said ward, and for a warden and ward clerk for each polling district established therein under the provisions of section eleven of this act. Said meeting shall be called and held, and the returns of the votes cast thereat shall be made in accordance with the rules which now govern elections in the several wards of said city of Portland, except that the voters of said annexed territory shall have power to elect two of their number to serve respectively as warden and clerk pro tempore of said meeting.

—meeting, how called and held.

Said officers shall be elected by plurality vote. The city clerk shall notify the several officers of their election within twenty-four hours. The aldermen and councilmen-elect shall qualify in joint convention of the mayor and aldermen and common council. The city council of said city of Portland shall thereupon elect three persons to serve as trustees of the improvement fund named in section five of this act, and any vacancies caused by the death, removal or resignation of such trustees shall be filled in the same manner. Upon the election of such trustees and the issue and delivery to them, or upon the issue by them, of the bonds of said town of Deering as provided in section five of this act, the corporate existence of the town of Deering shall cease and all town books, records and papers shall be deposited with the city clerk and remain subject to the order of the city council.

—trustees of improvement fund.

—when corporate existence shall cease.

SECT. 14. This act may be accepted by said town of Deering at any legal meeting of the voters thereof, called for that purpose, and held not prior to June first, in the year of our Lord eighteen hundred and eighty-nine; provided, it shall be accepted before June first, in the year of our Lord eighteen hundred and ninety-one. But if the act shall fail of acceptance at any meeting, another meeting shall not be called until after the expiration of one year from the date of the meeting next preceding. The vote shall be by written or printed ballot, the ballots in favor of accepting this act having thereon the word "yes," and those opposed, the word "no," and if a majority of the ballots received are in favor of accepting the same, the town clerk shall certify the vote to the municipal officers of the city of Portland, who shall submit the acceptance of the act to the voters of the city in ward meetings to be called immediately after the receipt of such certificate. The votes shall be by written or printed ballots, those in favor of its acceptance having thereon the word "yes," and those opposed, "no." If a majority of the voters are in favor of its acceptance, then the city clerk shall certify that vote to the municipal officers of the town of Deering, and the same shall be entered upon the town records, and thereupon said annexation shall become effectual, and the corporate existence of said town of Deering shall be extinguished, except for the purpose of issuing the bonds mentioned in section five of this act.

How meetings for acceptance of act may be held.

—question, how taken.