

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION  
(EMERGENCY)

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ONE-HUNDREDDTH LEGISLATURE

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**Legislative Document**

**No. 1660**

H. P. 1207

House of Representatives, November 27, 1961

Committee on Towns and Counties suggested.

HARVEY R. PEASE, Clerk

Presented by Mr. Swett of Howland by request.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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**AN ACT to Divide the Town of Enfield, Penobscot County, Into Two Communities.**

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**Emergency preamble.** Whereas, the Town of Enfield is made up of 2 separate villages, namely: Enfield and West Enfield; and that said villages are geographically separate, different in culture with each village having its own civic bodies and local organizations; that clashes of interest have developed between them which have grown into rivalry, bitter feelings and animosity, more so since the destruction by fire in the spring of 1961 of a grammar school located in the village of Enfield; and

Whereas, the inhabitants residing in West Enfield are principally and wholly interested in West Enfield, without consideration of the needs, wants and education facilities for the inhabitants residing in Enfield; and

Whereas, it has become impossible to hold a town meeting in peace and harmony without the animosity which now exists between the village of Enfield and the village of West Enfield; and

Whereas, the inhabitants in the village of Enfield are unable to protect their legitimate interests, to secure proper schools and education for their children and to secure proper roads, police protection and a proper consideration of their needs and wants; and

Whereas, certain commitments were made at a special town meeting to spend insurance money collected for the destruction by fire of a school formerly located at Enfield, without consideration to erect a school in said village of Enfield, and without consideration of an offer made by a former inhabitant of Enfield

to pay certain building costs, if said school should be erected in the village of Enfield, and without consideration of the necessity of a school in the village of Enfield and without consideration of the increase in taxes by virtue of the refusal to accept said offer of payment of said building costs; 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.** All that part of the Town of Enfield, so called, lying easterly and northerly of the following described line, namely: Beginning where the south line of the Town of Enfield is crossed by the Maine Central Railroad main line from Bangor to Lincoln, Maine, and more specifically the center of the existing tracks. Thence northerly on the center of said tracks to the north line of the I. M. Pierce Company land, a distance of about 80 chains. Thence westerly on said north line of I. M. Pierce Company about 21 chains to a corner of said land. Thence northerly on the easterly line of I. M. Pierce Company land, crossing the spur railroad track to West Enfield and the main highway connecting West Enfield and Enfield to the corner of said I. M. Pierce Company land a distance of about 25 chains, and continuing on the same course through land of Coles Realty Company about 27 chains to a corner of the I. M. Pierce Company land, and continuing same on the easterly line of I. M. Pierce Company land about 22 chains to a corner of said land, and continuing the same course northerly about 26 chains through land of Coles Realty Company to the southern line of the I. M. Pierce Company land. Thence easterly on said South line about 26 chains to a corner. Thence northerly on the eastern line of I. M. Pierce Company land about 24.30 chains to a corner, and continuing the same course through land of Nicholas Battista about 79 chains to a corner of the I. M. Pierce Company land and continuing the same course on the easterly line of said Pierce Company land about 18.75 chains to a corner of same. Thence easterly on the southerly line of said Pierce Company land about 25.50 chains to a corner. Thence northerly on the easterly line of said Pierce Company land about 25.10 chains to a corner of said land, and continuing the general northerly course through land of I. M. Pierce Company about 45 chains to a corner of same. Thence northerly on the easterly line of said Pierce Company land 55.80 chains to a corner. Thence continuing the same general northerly course through land of I. M. Pierce Company 18 chains to a corner, and continuing northerly on the easterly line of said Pierce Company land, crossing U. S. No. 2 Highway, 15.50 chains to the most northerly corner of same. Thence southwesterly on the line between the river lots and said I. M. Pierce Company land to the southeast corner of river lot 6, a distance of about 57.70 chains. Thence westerly on the dividing line between land of Adelbert Briggs and Charles St. Peter, which is also the line between river lots 6 - 7 to the Penobscot River.

Said area lying easterly and northerly of the above described division line, or approximately 14.250 acres, together with the inhabitants thereof, is incorporated into the Town of Enfield, and all the area lying westerly of the above described division line is approximately 7,558 acres, together with the inhabitants thereof shall constitute the Town of West Enfield.

**Sec. 2. Taxes assessed before this act becomes effective.** The several inhabitants of the villages of Enfield and West Enfield shall be holden to pay all taxes which have been legally assessed upon them by the Town of Enfield and the collectors of taxes for said Town of Enfield are authorized and required to collect and pay over all unpaid taxes to them already committed, agreeably to their respective warrant. All moneys now in the treasury of the Town of Enfield and all sums which shall be received from taxes heretofore assessed shall be applied for the several purposes for which they were raised, excepting the building of any schools or public buildings of any kind.

**Sec. 3. Enfield government to continue until the village of Enfield is separated from the village of West Enfield and until the village of Enfield is organized.** The officials of the Town of Enfield shall have jurisdiction and continue all municipal functions and the by-laws shall have full effect in the village of Enfield and in the village of West Enfield as described in section 1, until the first meeting of the Town of Enfield as described in section 1, is held pursuant to this act and the officials of said Town of Enfield shall be elected and shall then become a separate incorporated community from the village of West Enfield.

**Sec. 4. Apportionment of liabilities and obligations.** Any and all indebtedness shall be paid for by the Town of Enfield as described in section 1, and the Town of West Enfield as described in section 1, in proportion to the tax valuations in their respective territories as taken by the Town of Enfield assessors as of April 1, 1961. On presentation by the Town of Enfield to the Town of West Enfield of any bill for its proportionate or full share of said debt, the Town of West Enfield shall promptly pay such bill, and upon presentation by the Town of West Enfield to the Town of Enfield of any bill for its proportionate or full share of said debt, the Town of Enfield shall promptly pay such bill. Nothing contained in this act shall be held to impair the rights of any existing creditors of the Town of Enfield, as now constituted.

All paupers now supported by the Town of Enfield, as it is now constituted, shall, after division, as set out in section 1, be maintained and supported by the town in whose territory they resided when they became paupers. Each town, that is Enfield and West Enfield, shall henceforth be responsible for the care and maintenance of all roads, bridges, schools, public buildings and other property within its respective limits, as described in section 1.

**Sec. 5. Apportionment of surplus funds and reserves.** Any 1961 year-end surplus of the Town of Enfield, as it is now constituted, shall be apportioned between the 2 towns, that is Enfield and West Enfield, as described in section 1, on the basis of the 1961 tax valuations for the Town of Enfield, as it is now constituted, and the share apportioned for the Town of Enfield as described in section 1, shall be paid for by the Town of West Enfield as described in section 1, and the share apportioned for the Town of West Enfield as described in section 1, shall be paid for by the Town of Enfield as described in section 1. Any surplus or reserve funds or moneys which have been collected for the destruction by fire of the school at Enfield in the spring of 1961, shall be paid directly to the Town of Enfield as described in section 1. If the board of selectmen of the 2 towns, namely: the Town of Enfield as described in section 1, and the Town

of West Enfield as described in section 1, are unable to agree on a proper apportionment of surplus or reserve funds, as hereinabove described, or on any apportionment of funds or physical property, the questions shall be promptly submitted to the county commissioners of Penobscot County for decision. Such questions shall be determined by said county commissioners after due notice and hearing and such decision shall be final and binding upon the Town of Enfield and the Town of West Enfield, both as described in section 1.

**Sec. 6. Division of physical property.** All property, both real and personal owned by the Town of Enfield, as now constituted, and which is located in the Town of West Enfield as described in section 1, at the time of the first meeting of the Town of Enfield as set out in section 8, shall thereupon automatically become the property of the Town of West Enfield without the necessity of any instrument or the payment of any consideration, and all property owned by the Town of West Enfield and located in the Town of Enfield, as described in section 1, shall thereupon become the property of the Town of Enfield as described in section 1, without the necessity of any instrument or transfer or the payment of any consideration. However, real estate acquired by tax deeds or tax lien certificates for taxes assessed for any year by the Town of Enfield, as now constituted, on real estate located in Enfield, as described in section 1, shall remain the property of the Town of Enfield as described in section 1, and real estate acquired by tax deeds or tax lien certificates for taxes assessed for any year by the Town of Enfield, as now constituted, on real estate located in West Enfield, as described in section 1, shall remain the property of West Enfield as described in section 1.

**Sec. 7. Town records.** All municipal records located in the Town of Enfield, as now constituted, at the time of the acceptance of this act, shall be retained by the Town of Enfield as described in section 1.

All records and papers of both the Town of Enfield and the Town of West Enfield shall be available for examination by any official of either town at any and all reasonable and proper times.

**Sec. 8. First meeting, how called.** Any justice of the peace in the County of Penobscot may issue his warrant to any resident of the Town of Enfield as described in section 1, directing him to notify the inhabitants thereof to meet at a time and place specified in said warrant, giving at least 7 days' notice thereof for the election of town officers and to transact such business as towns are authorized to do. The voting list then current for the Town of Enfield, as described in section 1, shall be used at said meeting and shall constitute, initially, the official voting list of the Town of Enfield as described in section 1. Said first meeting shall, if practicable, be called in late February, 1962, or as soon thereafter as possible. Any justice of the peace in the County of Penobscot may issue his warrant to any resident of the Town of West Enfield as described in section 1, directing him to notify the inhabitants thereof to meet at a time and place specified in said warrant, giving at least 7 days' notice thereof for the election of town officers and to transact such business as towns are authorized to do. The voting list then current for the Town of West Enfield, as described in section 1, shall be used at said meeting and shall constitute, initially, the official voting list of the Town of West Enfield as described in section 1. Said

first meeting shall, if practicable, be called in late February, 1962, or as soon thereafter as possible.

Any other provision of law, to the contrary notwithstanding, the selectmen of the Town of Enfield and the selectmen of the Town of West Enfield shall have authority to borrow money temporarily in anticipation of taxes, the amount of such loan for the Town of Enfield not to exceed the total tax levy of the Town of Enfield for the year of 1961 assessed in respect of the area comprising the Town of Enfield described in section 1, and the amount of such loan for the Town of West Enfield not to exceed the total tax levy of the Town of West Enfield for the year of 1961 assessed in respect of the area comprising the Town of West Enfield described in section 1.

**Sec. 9. Legislative representation for the town of Enfield and West Enfield.** Until the next legislative apportionment of representatives, the Town of Enfield and the Town of West Enfield as described in section 1 shall remain in the same legislative district with which the Town of Enfield, as now constituted, is classed.

**Sec. 10. Local referendum provided for; procedure of election; form of question; 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 within the territory embraced within the limits of said proposed Town of Enfield, described in section 1, voting by ballot at an election to be specially called and held for that purpose within 60 days of the effective date of this act. The board of selectmen of the Town of Enfield, as now constituted, shall call said special election to be held at a place within said Town of Enfield as described in section 1, and upon a date to be specified in writing by them. Said board of selectmen shall make and provide a separate check list for such of the voters within said territory comprising the Town of Enfield as described in section 1, as are then legal voters therein; and the call for such election shall accordingly show that only such voters are entitled to vote therein. Said election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen shall not be required to prepare a new check list of voters, and for this purpose said board shall be in session the 2 secular days next preceding such election, the first day to be devoted to the registration of voters and the last day to enable the board to verify the corrections of said list and to complete and close up the records of said sessions.

The town clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following questions: "Shall the Act to Incorporate the Town of Enfield, as 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 purposes immediately upon its acceptance by a majority of the legal voters within the territory embraced within the limits of said proposed Town of Enfield, described in section 1, at said special election.

The result of the vote shall be declared by the municipal officers of the Town of Enfield, as now constituted, and a due certificate thereof shall be filed by the town clerk with the Secretary of State.