

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 773

H. P. 558

House of Representatives, January 29, 1963

Read and on motion of Mr. Dudley of West Enfield, referred to Committee on Municipal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Minsky of Bangor by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT to Divide the Town of Enfield, Penobscot County, into Two Municipalities, One to be Designated as Enfield and the Other as West Enfield.

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 mail 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 and 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 by this act, and all the area lying westerly of the above described division line which is approximately 7,558 acres, together with the inhabitants thereof, shall constitute and continue to constitute the Town of West Enfield, hereunder.

Sec. 2. Taxes assessed before this act becomes effective. The several inhabitants of the Municipalities of Enfield and West Enfield as created by this act, shall be holden to pay all taxes which have been legally assessed upon them by the Town of Enfield, as presently constituted, and the collectors of taxes for said Town of Enfield, as presently constituted, 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, as presently constituted, and all sums which shall be received from taxes heretofore assessed shall be applied to the several purposes for which they were raised.

Sec. 3. Enfield government, as presently constituted, to continue until municipalities of Enfield and West Enfield are created by this act. The officials of the Town of Enfield, as presently constituted, shall have jurisdiction and continue all municipal functions, and the bylaws and ordinances of the Town of Enfield, as presently constituted, shall have full force and effect until the separate municipalities of Enfield and West Enfield are created by this act.

Sec. 4. Apportionment of liabilities and obligations. Any and all indebtedness incurred for the remodeling and alteration of the West Enfield School, so called, shall be paid for by the municipality where said school is located. Any debt not directly attributable to a capital improvement located in either of said municipalities, namely Enfield and West Enfield, as created by this act, shall be paid for by said municipalities in proportion to the tax valuation in their respective territories as taken by the Enfield assessors as of April 1, 1962. Nothing contained in this act shall be held to impair the rights of any existing creditors of the Town of Enfield, as presently constituted.

All paupers now supported by the Town of Enfield, as presently constituted, shall, after the division as created by this act, be maintained and supported by the municipality in whose territory they resided when they became paupers.

Each municipality thus created, 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.

Sec. 5. Apportionment of surplus funds and reserves. Any 1962 year-end surplus of the Town of Enfield, as presently constituted, shall be apportioned to the respective municipality as created by this act, namely, Enfield and West Enfield, on the bases of the 1962 tax valuation. Any 1962 reserve funds of the Town of Enfield, as presently constituted, shall be apportioned to the respective municipality as created by this act, namely, Enfield and West Enfield, on the bases of the 1962 tax valuation. If the board of selectmen of the 2 municipalities, as created by this act, are unable to agree on the proper apportionment of surplus or reserve funds or on any other apportionment of funds or physical property, the question shall be submitted to the county commissioners of Penobscot County for decision. Such questions shall be determined by the county commissioners after due notice and hearing, and such decisions shall be final and binding upon said municipalities.

Sec. 6. Division of physical property. All property, both real and personal, owned by the Town of Enfield, as presently constituted, and which is located in the Municipality of Enfield, as created by this act, shall thereupon automatically become the property of said Municipality of Enfield without the necessity of any instrument or transfer or the payment of any consideration. All property, both real and personal, owned by the Town of Enfield, as presently constituted, and which is located in the Municipality of West Enfield, as created by this act, shall thereupon automatically become the property of said Municipality of West Enfield 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 presently constituted, on real estate located in the Municipality of Enfield as created by this act, shall remain the property of said Municipality of Enfield, and the real estate acquired by tax deeds or tax lien certificates for taxes assessed for any year by the Town of Enfield as presently constituted, on real estate located in the Municipality of West Enfield, as created by this act, shall remain the property of the said Municipality of West Enfield.

Sec. 7. Town records. All municipal records located in the Town of Enfield, as presently constituted, shall be retained by the Municipality of West Enfield, as created by this act; provided, however, that full power is hereby given to the citizens of the Municipality of Enfield, as created by this act, to make inspection and use of said records at any and all reasonable 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 Municipality of Enfield, as created by this act, 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 voters entitled to vote at said town meeting shall be those voters who are legally enrolled on the lists of the Town of Enfield, as presently constituted, whose residence is within the geographical limits of the Municipality

of Enfield as created by this act. Any other provision of law to the contrary notwithstanding, the selectmen of the Municipality of Enfield, as created by this act, shall have authority to borrow money temporarily, in anticipation of taxes, the amount of such loan for the Municipality of Enfield, as created by this act, not to exceed the total tax levy of the Town of Enfield, as presently constituted, for the year 1962, assessed in respect to the area comprising the Municipality of Enfield as created by this act.

Sec. 9. Legislative representation for the municipalities of Enfield and West Enfield. Until the next legislative apportionment of Representatives, the Municipalities of Enfield and West Enfield, as created by this act, shall remain in the same legislative district with which the Town of Enfield, as presently constituted, is now classed.

Local referendum provided for; procedure of election; form of question; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters within the territory embraced within the limits of said Municipality of Enfield, as created by this act, voting by ballot at an election to be specially called and held for the purpose within 60 days of the effective date of this act. The board of selectmen of the Town of Enfield, as presently constituted, shall call said election to be held at a place within said territory 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 Municipality of Enfield, as created by this act, as are legal voters therein, and the call for such election shall be varied accordingly to show that only such voters are entitled to vote therein. Such election shall otherwise be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen shall not be required to prepare nor the town clerk to post 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 thereof 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 question: "Shall the Act to Incorporate the Municipality of Enfield, as passed by the 101st 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 hereof immediately upon its acceptance by 65% of the legal voters voting at said special election.

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