

# MAINE STATE LEGISLATURE

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# Sixty-Fourth Legislature.

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HOUSE.

No. 116.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
EIGHTY-NINE.

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AN ACT creating the Mechanic Falls Village Corporation.

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

SECTION 1. That the land embraced within the limits of  
2 land bounded as follows: beginning at the westerly  
3 terminus of Seemer street in Minot; thence by a straight  
4 line to the junction of Pine and Lincoln streets in Portland  
5 thence by a straight line to the south-westerly corner of S.  
6 I. Jewett's place known as the Howard place, on Elm street;  
7 thence by a straight line to the south-easterly corner of J.  
8 M. Libby's homestead lot on Lewiston street; thence by a  
9 straight line to the Campbell bridge in Minot; thence by  
10 a straight line to the junction of Buckman street with the  
11 West Minot road near the camp ground; thence by a  
12 straight line to the junction of Oak and North streets near  
13 Sarah Hall's house; thence by a straight line to the  
14 north-westerly line of D. S. Perkins' homestead lot;

15 thence by a straight line to point of beginning, together  
16 with the inhabitants therein, be and the same is hereby  
17 created a body politic and corporate by the name of the  
18 Mechanic Falls Village Corporation.

SECT. 2. Said corporation is hereby authorized and  
2 vested with power at any legal meeting called for the  
3 purpose to raise money for the following purposes, viz :  
4 To create and maintain a fire department, to maintain  
5 police and a night watch, to light the street and procure  
6 water for fire and domestic purposes, to construct and  
7 repair sewers and sidewalks, and for support of schools,  
8 and may make all suitable contracts for the purposes  
9 aforesaid; and may lay pipes in the public streets for  
10 purposes of sewerage and water supply; and the Poland  
11 Paper Company may contract with the Village Corporation  
12 for furnishing such water, or for pumping.

SECT. 3. The officers of said corporation, unless it shall  
2 otherwise determine, shall consist of three superintending  
3 school committeemen, clerk, treasurer, collector, agent,  
4 assessors, one or more auditors, chief engineer, two or  
5 more assistant engineers, and such other officers as may  
6 be provided for in the by-laws of said corporation; and  
7 such officers, except as herein otherwise provided, shall  
8 have the same qualifications and shall be elected and  
9 qualified in the same way, and shall perform within the  
10 limits of said corporation the same duties as similar officers  
11 elected by towns, and such qualification may be before the  
12 clerk of said corporation.

SECT. 4. Said superintendent school committeemen  
2 shall have and exercise within said corporation all the  
3 rights, power and authority and shall perform all the

4 duties required by law of superintending committeemen  
5 of towns, excepting that they shall report annually to the  
6 superintending school committeemen of the town and not  
7 to the town itself, and that the returns required by sec-  
8 tions eighty-eight, eighty-nine and ninety, chapter eleven  
9 of the Revised Statutes, shall be made by the superin-  
10 tending school committee of the town.

Said corporation instead of said committee, may choose a  
12 supervisor of schools, who shall perform the duties of said  
13 committee, and his election shall terminate the office of  
14 all members of such committee.

SECT. 5. Said assessors shall be the general municipal  
2 officers of said corporation, and shall have charge of its  
3 affairs and of the expenditure of money therein, except so  
4 far as the same may be committed to other officers or  
5 persons.

SECT. 6. Said engineers shall have charge of the fire  
2 department of said corporation, under such rules and  
3 ordinances as the corporation may adopt, and of the  
4 expenditure of money appropriated for said department ;  
5 and said chief engineer, and in his absence the assistant  
6 engineers in the order of their rank, shall have exclusively  
7 all the power and authority, within the limits of said  
8 corporation that five wardens now have or may have,  
9 chosen by towns in town meeting ; but no building shall  
10 be pulled down or demolished, except by the concur-  
11 rence of two of said engineers, and of one of the fire  
12 wardens or municipal officers or a civil or military officer  
13 of the town in which the building is located, in the order  
14 named, present at any fire.

SECT. 7. All moneys which may be raised for the pur-  
2 poses aforesaid, or for any other purposes for which the

3 corporation may lawfully raise money, shall be assessed  
4 upon the taxable polls and estates embraced within the  
5 limits of the corporation by the assessors thereof, in the  
6 same manner as is provided by law for the assessment of  
7 town and county taxes, and the said assessors may copy  
8 the last valuation of said property by the assessors of  
9 either of said towns, and assess the tax thereon, or may  
10 correct said valuation or make a new one thereof, accord-  
11 ing to the principles established by the last act establish-  
12 ing a State tax, and assess the tax on that valuation, and  
13 may make abatements on taxes assessed in said corpora-  
14 tion in the same way as assessors of towns may do.

SECT. 8. Said corporation may obtain by loan money  
2 for any of the purposes for which it may lawfully raise  
3 money, payable in such installments, not exceeding ten,  
4 and at such time or times not exceeding ten years as the  
5 corporation may direct in the vote authorizing such loan ;  
6 but in no case shall a loan be made that shall with other  
7 indebtedness make the whole liabilities of the corporation  
8 more than five per cent of the aggregate amount of the  
9 last valuation of the estates of the corporation upon the  
10 assessors' books. And whenever the corporation shall  
11 vote to borrow money as aforesaid, the clerk thereof shall  
12 certify to the assessors thereof the amount of said loan  
13 with the date or dates at which the same shall become due  
14 and payable, and the assessors at each annual assessment  
15 of taxes in said corporation after said loan, shall assess  
16 the amount of the installment or payment with the interest  
17 on the same, that may become due that year on the polls  
18 and estates in the corporation, as if it had voted to raise  
19 the same.

SECT. 9. Upon a certificate being filed with the assessors of said corporation by the clerk thereof, of the amount of money raised at any legal meeting of the inhabitants thereof for the purposes aforesaid, said assessors shall as soon as may be, assess said amount upon the taxable polls and estates embraced within said corporation, and the assessment so made, as well as the assessment of moneys to repay any loan of said corporation with interest thereon, shall be by them certified and delivered to the treasurer or collector of said district, who shall collect the same in like manner as town taxes are collected in towns, and said corporation, collector or treasurer shall have the same power and authority in collecting the tax so assessed as a constable or town collector has for collecting town taxes, and shall enforce payment of the same in the same manner as a town constable or town collector may do, and the said corporation shall have the same power to direct the mode of collecting said taxes as towns have in the collection of taxes. Such collector shall have the same right that town collectors have by section one hundred and forty-one of chapter six of the Revised Statutes, as amended by section two of chapter three hundred and fifty-nine of the public laws of eighteen hundred and eighty-five, to recover any tax committed to him by suit; and the corporation shall have the same rights that towns have by section one hundred and seventy-five of chapter six of the Revised Statutes as amended by chapter three hundred and fifty of the public laws of the last named year, to recover taxes by suit. All the provisions of the public laws aforesaid shall be applicable in case of any suit by the corporation or its collector, the corporation having the rights

32 of towns in this respect, and its assessors the rights of  
33 selectmen; and no judge, justice or magistrate shall be  
34 disqualified to try such suit by his residence within said  
35 corporation.

SECT. 10. This act shall take effect after its approval,  
2 when it shall be accepted by the legal voters residing  
3 within the territory embraced by it, at a legal meeting  
4 called for that purpose; and thereupon school district  
5 numbered one in the town of Minot shall be and stand  
6 abolished, but its corporate powers and liabilities shall  
7 continue so far as may be necessary for the enforcement  
8 of its rights and duties. The corporation created by this  
9 act shall not be abolished by any doings of the town of  
10 Minot for any purpose.

SECT. 11. Upon its organization and the election of its  
2 officers, after the acceptance and taking effect of this act,  
3 the corporation hereby created shall forthwith take pos-  
4 session of all the school houses, lands, apparatus and  
5 other property owned and used for school purposes, which  
6 shall be within its territorial limits and shall pay the fair  
7 value thereof to the owner of the same; and upon such  
8 payment, the title to all such property so taken, shall vest  
9 in the corporation created by this act; and the price to  
10 be paid shall include compensation to such former owner  
11 for the use of the property by the corporation hereby  
12 created, during the interval between the taking of pos-  
13 session and the vesting of the title. The amount to be  
14 paid shall be ascertained, and the time and manner of its  
15 payment shall be determined in such way as the cor-  
16 porations concerned may agree; but in default of such  
17 agreement, the value of the property taken, shall be as-

18 certained and paid in such manner as the Supreme  
19 Judicial Court, on application of either party may order.

The value of the property of the school district taken  
21 as aforesaid shall be paid for by said village corporation  
22 to the district ; and said corporation shall pay the town of  
23 Poland the value of its property taken as aforesaid and  
24 the town shall pay the corporation such part of said  
25 town's school property not so taken as shall compensate  
26 the tax-payers of the village corporation who are liable to  
27 town taxation in Poland for their interest in the property  
28 last mentioned ; so that the town shall thenceforth own  
29 no such school property within the village corporation,  
30 and the corporation shall own none elsewhere within  
31 either town, and each of the three corporations shall be  
32 compensated for all its property whereof it shall be  
33 divested by proceedings under this act.

For the accomplishment of these several purposes, the  
35 court may make such order or orders, or decrees, as it  
36 may find expedient. It may refer the case to a master to  
37 report a scheme, and may appoint all needful appraisers  
38 and commissioners, and may employ in the premises all  
39 the methods and authority which appertain to its juris-  
40 diction as a court of equity, including the power to punish  
41 for contempt. The assessors of the town of Poland and  
42 of the school district aforesaid and of the village  
43 corporation shall make all such assessments, abatements,  
44 offsets, remittances and commitments of taxes as the  
45 court may order ; and their respective collectors shall  
46 collect and pay over all taxes committed to them as  
47 aforesaid.



If any funds accrue to the district from such proceedings  
49 they shall be disposed of according to the vote of the  
50 district. The funds obtained by the town of Poland  
51 thereby shall be applied to schools and educational  
52 purposes in the usual and legal manner without allowing  
53 any share thereof to the village corporation and as if it  
54 did not exist.

SECT. 12. The assessors of each town from which a part  
2 of said village corporation is taken, shall annually appor-  
3 tion to it a share of the school money of their town, from  
4 whatever source derived, according to the number of  
5 scholars in said corporation living in their town. Scholars  
6 not residing within the limits of said corporation may  
7 attend its schools if the superintending school committee  
8 or supervisor consent thereto, and on such conditions as  
9 said consenting officers may impose.

SECT. 13. All the public laws of the State relative to  
2 school districts and to the officers thereof shall be appli-  
3 cable to said village corporation and to its officers, except  
4 so far as they may be inconsistent with the provisions of  
5 this act; and with the same exception, and excepting the  
6 tax provided for in section six, chapter eleven, Revised  
7 Statutes, the jurisdiction of the school and fire department  
8 officers of each town is hereby excluded from the territory  
9 embraced in said village corporation. No money raised  
10 for educational purposes, other than the per capita tax  
11 last mentioned, or for the prevention or extinguishment  
12 of fires by either town, other than such assessments as  
13 shall be made under order of the court as hereinbefore  
14 provided, shall be assessed upon any persons or property  
15 which may be liable to taxation by said village corporation

16 or applied to the benefit of said corporation. Money  
17 raised or borrowed by the corporation shall be assessed  
18 by its own assessors and not by town assessors ; and there  
19 shall be no appeal to either town from any vote of the  
20 village corporation. The corporation collector, and when  
21 required, the treasurer, shall give bonds with sureties, in  
22 such sums as the corporation may direct, to be approved  
23 by its assessors.

SECT. 14. Said corporation, at any legal meeting called  
2 for that purpose, may adopt by-laws and make all needful  
3 rules and ordinances for the organization and government  
4 of a fire department, and may prescribe the powers, duties,  
5 style and rank of the engineers of the fire department, and  
6 of the officers and members of engine and hook and ladder  
7 companies within said corporation, not repugnant to the  
8 laws of the State.

SECT. 15. The first meeting of the corporation may be  
2 called by P. R. Cobb, F. A. Millett, J. A. Bucknam, or  
3 either of them, by posting up a notification thereof in some  
4 public and conspicuous place within its limits, stating in  
5 distinct articles the objects of the meeting, seven days  
6 before the time appointed for the meeting.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 7, 1889. }

Tabled for printing, pending re-committal to Committee on Legal  
Affairs, on motion of Mr. PURINGTON of Minot.

NICHOLAS FESSENDEN, *Clerk.*