

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Fourth Legislature.

HOUSE.

No. 210.

STATE OF MAINE.

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

AN ACT creating the Mechanic Falls Village Corporation.

*Be it enacted by the Senate 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 Summer street in Minot; thence by a straight
4 line to the junction of Pine and Lincoln streets in Poland;
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
7 street; thence by a straight line to the south-easterly corner
8 of J. M. Libby's homestead lot on Lewiston street; thence
9 by a straight line to the Campbell bridge in Minot; thence
10 by a straight line to the junction of Bucknam street with
11 the West Minot road near the camp ground; thence by a
12 straight line to the junction of Oak and North streets, near

13 Isaiah Hall's house; thence by a straight line to the
14 north-westerly corner of D. S. Perkins' homestead lot;
15 thence by a straight line to point of beginning, together
16 with the inhabitants thereon, 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 Corpora-
12 tion 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
12 the clerk of said corporation.

SECT. 4. Said superintending 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 cor-
8 poration 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 corpor-
14 ation 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 assess-
2 ors of said corporation by the clerk thereof, of the amount
3 of money raised at any legal meeting of the inhabitants
4 thereof for the purposes aforesaid, said assessors shall as
5 soon as may be, assess said amount upon the taxable polls
6 and estates embraced within said corporation, and the as-
7 sessment so made, as well as the assessment of moneys to
8 repay any loan of said corporation with interest thereon,
9 shall be by them certified and delivered to the treasurer
10 or collector of said district, who shall collect the same in
11 like manner as town taxes are collected in towns, and said
12 corporation, collector or treasurer shall have the same
13 power and authority in collecting the tax so assessed as a
14 constable or town collector has for collecting town taxes,
15 and shall enforce payment of the same in the same manner
16 as a town constable or town collector may do, and the
17 said corporation shall have the same power to direct the
18 mode of collecting said taxes as towns have in the collec-
19 tion of taxes. Such collector shall have the same right
20 that town collectors have by section one hundred and forty-
21 one of chapter six of the Revised Statutes, as amended by
22 section two of chapter three hundred and fifty-nine of the
23 public laws of eighteen hundred and eighty-five, to re-
24 cover any tax committed to him by suit; and the corpor-
25 ation shall have the same rights that towns have by section
26 one hundred and seventy-five of chapter six of the Revised
27 Statutes as amended by chapter three hundred and fifty of

28 the public laws of the last named year, to recover taxes
29 by suit. All the provisions of the public laws aforesaid
30 shall be applicable in case of any suit by the corporation
31 or its collector, the corporation having the rights of towns
32 in this respect, and its assessors the rights of selectmen ;
33 and no judge, justice or magistrate shall be disqualified
34 to try such suit by his residence within said corporation.

SECT. 10. This act shall take effect after its approval,
2 when it shall be accepted by two-thirds of the legal voters
3 residing within the territory embraced by it, at a legal
4 meeting called for that purpose ; and thereupon school dis-
5 trict 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 Judi-
19 cial 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 corpora-
43 tion shall make all such assessments, abatements, offsets,
44 remittances and commitments of taxes as the court may

45 order; and their respective collectors shall collect and
46 pay over all taxes committed to them as aforesaid.

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

SECT. 12. The assessors and superintending school
2 committees, or supervisors of the town from which a part
3 of said village corporation is taken, may reserve not ex-
4 ceeding fifteen per cent of all the school money of their
5 town, from whatever source derived, and shall annually
6 apportion to said corporation a share of the remainder of
7 such money, according to the number of scholars in said
8 corporation residing in their town. Scholars not residing
9 within the limits of said corporation may attend its schools
10 if the superintending school committee or supervisor
11 consent thereto, and on such conditions as said consenting
12 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 or 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.

HOUSE OF REPRESENTATIVES, }
February 20, 1889. }

Tabled pending third reading, and ordered printed on motion of Mr.
PURINGTON of Minot.

NICHOLAS FESSENDEN, *Clerk.*