

# MAINE STATE LEGISLATURE

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# Sixty-Fourth Legislature.

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HOUSE.

No. 279.

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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 ENABLING ACT for the annexation of Deering to  
Portland.

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

SECTION 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.

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,

7 exemptions and immunities granted by the town shall  
8 remain binding upon the city.

SECT. 3. At the next revision of ward lines any portion  
2 of said ward eight, in a single piece, may be set off from  
3 said ward eight and united with contiguous territory now  
4 constituting a part of said city of Portland; and a new  
5 ward thus formed which may become and be known as  
6 ward eight, and the number designation of the balance of  
7 said annexed territory may be changed to ward nine, but  
8 no other division of said annexed territory shall be made,  
9 prior to the year 1900, unless approved by vote of the  
10 inhabitants thereof.

SECT. 4. The city assessors of said Portland, at the  
2 request of the municipal officers of the town of Deering,  
3 or in case of their neglect, or refusal to make such re-  
4 quest, then upon the written application of any ten voters  
5 of said town, may make a valuation of the real estate of  
6 said town of Deering, prior to the submission of this act  
7 to the inhabitants of said town and city as hereinafter  
8 provided, which valuation, in case of the acceptance of  
9 this act by said town and city, shall continue for the term  
10 of ten years for the purposes of taxation and shall not be  
11 increased within said period except as changed by general  
12 State valuation, or to the extent of actual improvements  
13 placed upon the land, or by reason of other circumstances  
14 which may arise and by which its value may be affected.

SECT. 5. As soon as this act shall have been accepted  
2 by the voters of said town of Deering and of said city of  
3 Portland as hereinafter provided, the selectmen and  
4 treasurer of said town of Deering shall execute bonds of  
5 said town, in denomination of five hundred dollars each,

6 to an amount which shall make the total indebtedness of  
7 the town equal to five per cent of the last regular valua-  
8 tion by its assessors, and shall deliver the same to the  
9 trustees of the improvement fund as soon as they shall  
10 be elected as hereinafter provided. Said bonds shall  
11 bear interest at four per cent per annum and shall be  
12 payable in twenty years after date. In case of neglect or  
13 refusal of said selectmen and treasurer to issue said bonds,  
14 the trustees of the improvement fund may issue the same  
15 at any time thereafterward. The corporate existence of  
16 said town of Deering shall continue for the purpose of  
17 issuing said bonds until the same have been duly issued.  
18 The proceeds of said bonds shall be applied to the con-  
19 struction of sewers and such other improvements upon  
20 said annexed territory as may from time to time be  
21 authorized by the city council of Portland.

SECT. 6. The mayor and aldermen shall cause the  
2 building of such sewers and outfalls as may be primarily  
3 necessary in the territory annexed, the same to form a  
4 part of a general system of sewerage for said territory,  
5 having in view the present and probable future wants of  
6 the same. The trustees of the improvement fund shall  
7 from time to time sell the bonds provided for in the  
8 preceding section, and pay over the proceeds thereof to  
9 the city treasurer, who shall open an account with the  
10 Deering improvement fund, crediting thereto all sums  
11 received from the sale of said bonds and from other  
12 sources hereinafter named and charging against said fund  
13 all sums expended by said city of Portland for sewers  
14 and other improvements upon said annexed territory.  
15 Said sewers shall be constructed in accordance with the

16 provisions of chapter three hundred and sixty-eight of the  
17 Private and Special Laws of the year 1873, and of the  
18 ordinances of said city of Portland. But all money  
19 received by the city from the parties benefited by such  
20 sewers shall be held as a fund to be applied to the build-  
21 ing of sewers in other streets in said annexed territory, as  
22 the same may become necessary. When, in the opinion  
23 of the mayor and aldermen, the further extension of the  
24 sewerage system can be provided for from yearly taxation,  
25 said trustees shall destroy said town bonds remaining  
26 unsold in their custody and be discharged from their trust.  
27 They shall keep a precise account of the sales of bonds  
28 and the disposition of the proceeds, and report the same  
29 yearly to the mayor and aldermen.

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

SECT. 8. The several inhabitants of the town of Deer-  
2 ing shall be holden to pay all taxes which have been  
3 legally assessed upon them by said town, and the several

4 collectors of taxes are hereby required to collect all taxes  
5 committed to them according to their several warrants  
6 and pay the same to the city treasurer. In case of  
7 failure of either of said collectors to collect said taxes  
8 the city or its officers shall enforce the same remedies  
9 against said collectors which the town might have enforced.

The treasurer of the town shall pay all moneys in the  
11 treasury to the city treasurer. All money so received by  
12 the city treasurer from town collectors or treasurer shall  
13 be applied by the city to the several purposes for which  
14 they were raised and in case of any surplus the same  
15 shall be passed to the order of the Deering improvement  
16 fund, and expended for the purposes specified in section  
17 five.

SECT. 9. All moneys which have been raised by vote of  
2 the town, but the tax therefor not assessed when this act  
3 becomes operative, shall be assessed by the city assessors  
4 and collected as in the case of city taxes and applied by  
5 the city government to the purposes for which they were  
6 raised, any surplus to be carried to the credit of the  
7 Deering improvement fund, to be applied to the purposes  
8 specified in said section five.

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

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

SECT. 12. Until the next apportionment the residents  
2 of said annexed territory may send one representative to  
3 the legislature. An additional member of the school  
4 committee shall also be elected by said city of Portland,  
5 who shall be a resident of said annexed territory and shall  
6 be elected by the voters thereof, at the next municipal  
7 election which shall occur after annexation shall have  
8 taken place under the provisions of this act. Such  
9 member of the school committee shall hold his office for  
10 the period and any vacancy shall be filled in the manner  
11 provided by chapter three hundred and ninety-two of the  
12 Private and Special Laws of 1885.

SECT. 13. Immediately after the acceptance of this act  
2 by the inhabitants of said Deering and Portland, the  
3 municipal officers of said city of Portland shall call a  
4 meeting of the voters of said ward eight for the election  
5 of an alderman, three councilmen and two constables for  
6 said ward, and for a warden and ward clerk for each polling  
7 district established therein under the provisions of section  
8 eleven of this act.

Said meeting shall be called and held, and the returns  
10 of the votes cast thereat shall be made in accordance with  
11 the rules which now govern elections in the several wards  
12 of said city of Portland, except that the voters of said

13 annexed territory shall have power to elect two of their  
14 number to serve respectively as warden and clerk *pro*  
15 *tem.* of said meeting. Said officers shall be elected by  
16 plurality vote. The city clerk shall notify the several  
17 officers of their election within twenty-four hours. The  
18 aldermen and councilmen-elect shall qualify in joint con-  
19 vention of the mayor and aldermen and common council.

The city council of said city of Portland shall thereupon  
21 elect three persons to serve as trustees of the improve-  
22 ment fund named in section five of this act, and any  
23 vacancies caused by the death, removal or resignation of  
24 such trustees shall be filled in the same manner. Upon  
25 the election of such trustees and the issue and delivery to  
26 them, or upon the issue by them, of the bonds of said  
27 town of Deering as provided in section five of this act,  
28 the corporate existence of the town of Deering shall cease  
29 and all town books, records and papers shall be deposited  
30 with the city clerk and remain subject to the order of the  
31 city council.

SECT. 14. This act may be accepted by said town of  
2 Deering at any legal meeting of the voters thereof called  
3 for that purpose and held not prior to June first, A. D.  
4 1889; provided, it shall be accepted before June first,  
5 A. D. 1892. But if the act shall fail of acceptance at any  
6 meeting, another meeting shall not be called until after  
7 the expiration of six months from the date of the meeting  
8 next preceding. The vote shall be by written or printed  
9 ballot, the ballots in favor of accepting this act having  
10 thereon the word "yes," and those opposed the word "no,"  
11 and if a majority of the ballots received are in favor of  
12 accepting the same the town clerk shall certify the vote to



13 the municipal officers of the city of Portland who shall  
14 submit the acceptance of the act to the voters of the city  
15 in ward meetings to be called immediately after the receipt  
16 of such certificate. The votes shall be by written or  
17 printed ballots, those in favor of its acceptance having  
18 thereon the word "yes," and those opposed "no." If a  
19 majority of the voters are in favor of its acceptance, then  
20 the city clerk shall certify that vote to the municipal offi-  
21 cers of the town of Deering and the same shall be entered  
22 upon the town records, and thereupon said annexation  
23 shall become effectual and the corporate existence of said  
24 town of Deering shall be extinguished except for the pur-  
25 pose of issuing the bonds mentioned in section five of this  
26 act.

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## STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
February 28, 1889. }

Tabled, pending passage to be engrossed, and ordered printed on motion of Mr. FOGG of Portland.

NICHOLAS FESSENDEN, *Clerk.*