

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

# Sixty-Fourth Legislature.

---

---

SENATE.

No. 17.

---

---

## STATE OF MAINE.

---

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

---

### AN ENABLING ACT for the Annexation of Deering to Portland.

---

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

SECTION 1. The town of Deering is 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 dis-

3 charged by the city, and all rights, contracts,  
4 claims, immunities, privileges and franchises which  
5 might be exercised and enforced by the town, may  
6 be exercised or enforced by the city as its suc-  
7 cessor; and all privileges, exemptions and im-  
8 munities granted by the town shall remain binding  
9 upon the city.

SECT. 3. At the next revision of ward lines any  
2 portion of said ward eight, in a single piece, may  
3 be set off from said ward eight and united with  
4 contiguous territory to form a new ward, and the  
5 number designation of said ward eight may be  
6 changed, but no other division of said ward eight  
7 shall be made prior to the year 1900, unless ap-  
8 proved by vote of the inhabitants thereof.

SECT. 4. The valuation of real estate for assess-  
2 ment of taxes, within the territory hereby an-  
3 nexed, shall not, in any case, be increased by the  
4 assessors of the city beyond the valuation of the  
5 assessors of the town at the last assessment of  
6 taxes which shall be made before this act takes  
7 effect, until after the year 1900, except for new  
8 buildings placed thereon, or other improvements  
9 made to or upon the land; nor after the year 1900  
10 shall real estate, not within the limit of direct  
11 benefits from sewers, fire department and street

12 lights, be assessed at a higher valuation on their  
13 account; nor shall farming land be valued higher  
14 than the average valuation of farming land in the  
15 adjoining towns.

SECT. 5. Any person aggrieved by the violation  
2 of the preceding section may petition the county  
3 commissioners for relief, who shall appoint a time  
4 and a place for a hearing thereon, shall give the  
5 assessors of the city seven days' notice thereof, and,  
6 after such hearing, may reduce the valuation of  
7 the petitioner and order the abatement of that  
8 portion of the tax assessed upon the excess of the  
9 valuation of the assessors over that of the com-  
10 missioners. If the commissioners do not reduce  
11 the valuation the petitioner shall pay the costs; if  
12 they do reduce it the city shall pay the costs.

SECT. 6. As soon as both town and city shall  
2 accept this act the selectmen shall execute bonds  
3 of the town, in denominations of five hundred  
4 dollars each, to an amount which shall make the  
5 total indebtedness of the town equal to five per  
6 cent. of their last valuation by the assessors, and  
7 shall, as soon thereafterwards as they shall be  
8 chosen, deliver the same to the trustees of the  
9 sewerage fund, who shall be elected as hereinafter  
10 provided. Said bonds shall bear interest at four

11 per cent. per annum, shall be payable in twenty  
12 years after date, and shall be paid by the city. In  
13 case of neglect or refusal of said selectmen to issue  
14 said bonds, the trustees of the sewerage fund may  
15 issue the same at any time thereafter, and the  
16 corporate existence of the town shall continue for  
17 that purpose.

SECT. 7. The mayor and alderman shall cause  
2 the building of such sewers and outfalls as may be  
3 primarily necessary in the territory annexed, the  
4 same to form a part of a general system of sewer-  
5 age for said territory, having in view the present  
6 and probable future wants of the same. The  
7 trustees of the sewerage fund shall thereupon sell  
8 the bonds provided for in the preceding section,  
9 and cause the proceeds to be applied to the pay-  
10 ment for said sewers. All money received by the  
11 city from the parties benefited by such sewers  
12 shall be held as a fund to be applied to the build-  
13 ing of sewers in other streets, as the same may be-  
14 come necessary, until, in the opinion of the mayor  
15 and aldermen, the further extension of the sewer-  
16 age system can be provided for from yearly taxa-  
17 tion, and thereupon said trustees shall destroy  
18 said town bonds remaining unsold in their custody

19 and be discharged from their trust. They shall  
20 keep a precise account of the sales of bonds and  
21 the disposition of the proceeds, and report the  
22 same yearly to the mayor and aldermen.

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

SECT. 9. The several inhabitants of the town  
2 shall be holden to pay all taxes which have been  
3 legally assessed upon them by said town and the  
4 several collectors of taxes are hereby required to  
5 collect all taxes committed to them according to  
6 their several warrants and pay the same to the city

7 treasurer. In case of failure of either of said col-  
8 lectors to collect said taxes the city or its officers  
9 shall enforce the same remedies against said collec-  
10 tors which the town might have enforced.

The treasurer of the town shall pay all moneys  
12 in the treasury to the city treasurer. All money  
13 so received by the city treasurer from town col-  
14 lectors or treasurer shall be applied by the city to  
15 the several purposes for which they were raised and  
16 in case of any overplus the same shall be passed  
17 to the sewerage fund.

SECT. 10. All moneys which have been raised by  
2 vote of the town, but the tax therefor not assessed  
3 when this act becomes operative, shall be assessed  
4 by the city assessors and collected as in the case of  
5 city taxes and applied by the city government to the  
6 purposes for which they were raised, any surplus to  
7 be carried to the sewerage fund.

SECT. 11. All the real and personal property of  
2 the town not needed for educational purposes or fire  
3 department shall vest in the city in trust to be sold  
4 and the proceeds applied to the erection of suitable  
5 ward rooms within said ward eight. Any surplus  
6 not needed for such purpose to be added to the  
7 sewerage fund.

SECT. 12. The city council shall divide said ward

2 eight into at least two polling districts and provide  
3 lists of voters to be used in each district, and for  
4 the election of a warden and ward clerk for each  
5 district.

SECT. 13. Until the next apportionment Portland  
2 may send six representatives to the legislature one  
3 of whom shall be a resident of said ward eight an  
4 additional member of the school committee shall also  
5 be elected from said ward eight.

SECT. 14. Immediately after the acceptance of  
2 this act by said Deering and Portland the select-  
3 men, or in case of their neglect or refusal any  
4 justice of the peace shall call a meeting of the  
5 voters of the town for the election of an alderman,  
6 three councilmen, a member of the school com-  
7 mittee, a warden ward clerk, two constables, and  
8 three trustees of the sewerage fund. Any vacan-  
9 cies in the trustees of the sewerage shall be filled  
10 by election by the city council of a resident of the  
11 territory annexed. Said officers shall be elected by  
12 plurality vote. The town clerk shall notify the  
13 several officers of their election within twenty-four  
14 hours, and also the city council. The aldermen  
15 and councilmen-elect shall qualify in joint conven-  
16 tion of the mayor and aldermen and common council,  
17 and upon their qualification the corporate existence



18 of the town shall cease and all town books, records  
19 and papers shall be deposited with the city clerk  
20 and remain subject to the order of the city council.

SECT. 15. This act may be accepted by said town  
2 at a legal meeting of the voters thereof called for  
3 that purpose; *provided*, it shall be accepted before  
4 June 1st, 1892. The vote shall be by written or  
5 printed ballot, the ballots in favor of accepting this  
6 act having thereon the word "yes," and those  
7 opposed the word "no," and if a majority of the  
8 ballots received are in favor of accepting the same  
9 the town clerk shall certify the vote to the  
10 municipal officers of the city who shall submit the  
11 acceptance of the act to the voters of the city.  
12 The votes shall be by written or printed ballots,  
13 those in favor of its acceptance having thereon  
14 the word "yes" and those opposed "no." The city  
15 clerk shall certify the vote to the municipal officers  
16 of the town the same shall be entered upon the  
17 town records, and if a majority of the voters are  
18 in favor of its acceptance, this act shall take effect  
19 and be in full force.

---

#### STATE OF MAINE.

IN SENATE, January 21, 1899.

Presented by Mr. LIBBY, pending reference to the Committee on  
Judiciary; laid on table to be printed.

C. W. TILDEN, *Secretary*.