

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventieth Legislature.

HOUSE.

No. 410

STATE OF MAINE.

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

AN ACT to incorporate the York Beach Village Corporation.

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

Section 1. The territory in the town of York embraced
2 within the following boundaries, viz : beginning at the north-
3 erly end of Long Beach, so-called, at a monument fixed in the
4 ground marked "Y. B. No. 1," located one hundred twelve
5 (112) feet and eight (8) inches, more or less, from the south-
6 westerly corner of the Coast View House, so-called ; thence
7 running north 45 degrees, west twenty-five hundred (2500)
8 feet, more or less, to a monument on the land of one Norton,
9 said monument being marked "Y. B. No. 2 ;" thence north
10 about 23 degrees east to the intersection of the Cape Neddick
11 road, so-called, and the new road leading to York Cliffs ;

12 thence along the northwesterly side of said last mentioned
13 road to and along the bridge leading over Cape Neddick river
14 as far as the channel of said river; thence following said
15 channel to the Atlantic ocean; thence southerly, easterly and
16 westerly, as the shore line runs, to a point at low water mark
17 southeast of the point of beginning; thence from said point
18 at low water mark to the point of beginning, together with
19 the inhabitants thereon, is hereby created a body politic and
20 corporate by the name of the York Beach Village Corpora-
21 tion, with all the rights and privileges granted by the laws
22 of the state to corporations.

Sect. 2. Said corporation is hereby authorized and vested
2 with power, at any legal meeting called for the purpose, to
3 raise money for the following purposes: to create and main-
4 tain a fire department with all the necessary engines, equip-
5 ments, appliances and apparatus for the prevention of and
6 extinguishment of fires, and to acquire and maintain property,
7 buildings and structures necessary and convenient for the
8 use and preservation thereof; to construct a building to be
9 used as a village hall and to contain such offices and apart-
10 ments, including lock-ups, as may be convenient for the ad-
11 ministration of corporate rights and duties herein granted,
12 and to acquire land necessary and convenient therefor, or to
13 lease, or otherwise acquire, said property, or portions there-
14 of, for said purposes; to build and maintain sidewalks; to
15 light and sprinkle its streets; to set out and care for shade
16 trees; to improve and care for streets and public grounds as
17 hereinafter provided; to build and maintain drains and sew-
18 ers as hereinafter provided; to maintain a night watch or
19 police force, and to defray the expenses of all other neces-
20 sary measures for the better security of life and property and
21 for the promotion of good order and quiet within the corporate
22 limits; said corporation may receive, hold and manage de-

23 vises, bequests and gifts for the purposes authorized by this
24 charter; and by its proper agents, may make contracts neces-
25 sary and convenient for the exercise of its corporate powers.

Sect. 3. Said corporation within its territorial limits shall
2 have, and is hereby granted, all the rights, powers and privi-
3 leges which towns, or their municipal officers, have under the
4 first sixteen sections of chapter sixteen of the Revised Stat-
5 utes, as amended, and under chapter two hundred and
6 eighty-five of the Public Laws of 1889, relating to drains and
7 sewers; and all powers, duties and privileges granted by said
8 sections and by said Public Laws to the selectmen, clerks,
9 treasurers and constables of towns, are hereby respectively
10 granted to and vested in the assessors, clerk, treasurer and
11 collector of said corporation; and all powers conferred and
12 duties, penalties and obligations imposed by said sections and
13 by said Public Laws upon towns, and upon persons, for the
14 benefit and protection of towns and persons, and of their
15 drains, sewers and property, shall be possessed by, and im-
16 posed upon, said corporation, and persons and property
17 therein, for the benefit and protection of said corporation,
18 persons and property, and the drains and sewers thereof.

Provided, however, that the assessors shall not have power
20 to construct said drains or sewers at the expense of the cor-
21 poration without a vote of the corporation authorizing such
22 construction.

Sect. 4. The selectmen of the town of York are hereby
2 authorized and directed to apportion on or before the 10th day
3 of April annually, out of all the moneys raised by said town
4 for repairs and maintenance of ways and bridges, a sum
5 ample and sufficient for the proper care and maintenance of
6 the ways within the limits of said corporation, the same to
7 be forthwith certified to the treasurer of said town, to be by
8 him set aside and paid out to the assessors of said corpo-

9 ration for maintenance and repairs as aforesaid, on the order
10 of the selectmen in the same manner that money is paid out
11 to road commissioners elected by towns. Sixty-five per cent
12 of said money is to be expended by the corporation by its
13 assessors, or their agent, under the general supervision of
14 said selectmen, prior to the fifteenth day of July, and the bal-
15 ance to be in like manner expended at such time as said as-
16 sessors deem for the best good of the public; and if such sum,
17 apportioned as aforesaid, is deemed inadequate by the assess-
18 ors of the corporation for the proper care and maintenance
19 of said ways, and if said selectmen neglect or refuse to ap-
20 portion further sums, which shall be by said assessors deemed
21 adequate, for ten days after the same have been requested
22 of them in writing by said assessors, then said assessors may
23 call a meeting of the corporation, at which the corporation
24 may raise money for improvements and repairs upon its ways,
25 to be assessed in the manner provided in section five of this
26 act, to be expended for the purposes for which raised, by the
27 corporation, by its assessors or their agent, under the gen-
28 eral supervision of the selectmen.

For the purpose of expending money which has been ap-
30 portioned by the selectmen as hereinbefore provided, said
31 assessors shall first qualify and give bonds, as road commis-
32 sioners elected by towns are required to do, and having so
33 qualified shall have exclusively within the limits of the cor-
34 poration, the same rights, powers and duties, and shall be
35 under the same obligations as said road commissioners, ex-
36 cepting that they shall not be required to qualify before the
37 first Monday of April, as required by chapter thirty-two,
38 section seven of the Public Laws of 1899, or to account to
39 the selectmen for money raised by the corporation for said
40 ways. Upon failure of said assessors to so qualify within
41 ten days after their election by the corporation, said money ap-

42 portioned to the corporation shall be expended by the town
43 upon the highways within said corporation by the proper
44 town authorities, as provided by general law. But this
45 section shall not relieve the town of York of any duty in
46 respect to the proper care and maintenance of said ways with-
47 in the limits of said corporation.

Sect. 5. All moneys which shall be raised for the purposes
2 aforesaid, or for any other purpose for which the corporation
3 may lawfully raise money, shall be assessed upon the taxable
4 polls and estates embraced within the limits of the corpora-
5 tion by the assessors thereof in the same manner as is pro-
6 vided by law for the assessment of town and county taxes.
7 The assessors may copy the last valuation of said property
8 made by the assessors of the town of York and assess the
9 taxes thereon; or, if the corporation shall so direct, may cor-
10 rect said valuation, or make a new valuation thereof accord-
11 ing to law, and assess the tax on that valuation, and may
12 make abatements on taxes assessed in the same manner as
13 assessors of towns may do.

Sect. 6. Said corporation may issue its bonds, or notes to
2 obtain money to purchase and improve real property pro-
3 vided for under section two of this act; to construct side-
4 walks; to make permanent improvements to highways; to
5 construct drains and sewers, as provided in section three of
6 this act. Said bonds or notes shall be signed by the assessors
7 and treasurer, and shall be on such time and bear such rate
8 of interest as the corporation may deem expedient, subject,
9 however, to the limitations contained in article 22 of the con-
10 stitution of Maine limiting municipal indebtedness.

Sect. 7. The officers of said corporation shall be a clerk,
2 treasurer, three assessors, a collector, three fire wardens, and
3 such other officers as the by-laws of said corporation may
4 require. The clerk, treasurer, assessors and collector shall

5 be chosen by ballot at the annual meeting, or at a special
6 meeting called for the purpose, and said other offi-
7 cers by ballot or other method agreed upon by a
8 vote of the corporation. Said clerk, treasurer, assessors
9 and collector shall reside within the limits of the corporation
10 and shall hold office for one year from the date of the last
11 annual meeting and afterwards until their successors are
12 chosen and qualified, and shall severally have exclusively all
13 the power and authority within the limits of said corporation
14 that similar officers chosen by towns now have or may have.
15 The assessors may appoint, and remove, police officers, and
16 such other officers as the by-laws allow, and whose selection
17 is not otherwise provided for herein. Said corporation at
18 any legal meeting may adopt a code of by-laws not repugnant
19 to the laws of this state, nor to its charter, for the efficient
20 management of its affairs. All officers aforesaid shall be
21 sworn before the clerk, or a justice of the peace, for the
22 faithful performance of their duties. The collector and
23 treasurer shall each give bond, with such sureties as the as-
24 sessors of the corporation may approve in a sum not less than
25 double the amount of the taxes raised as aforesaid, to the
26 inhabitants of the corporation, for the faithful performance
27 of their duties, and said bond shall be approved in writing
28 by the assessors, and thereafter deposited with and retained
29 by the clerk. The compensation of all officers herein pro-
30 vided for shall be fixed by the corporation.

Sect. 8. Said assessors shall be the general municipal offi-
2 cers of said corporation and shall have general charge of its
3 affairs and of the expenditure of money thereof, except so
4 far as the same may by this act be committed to other officers
5 or persons.

Sect. 9. The fire wardens shall have exclusively all the
2 power and authority, within the limits of said corporation,

3 that fire wardens have, or may have, when chosen by towns
4 in town meeting. The police officers shall have power to
5 execute all warrants and have the same power to prevent
6 public disturbances and preserve public peace within said
7 corporation as is given by the laws of this state to constables,
8 and to restrain all infractions of, and carry into effect, such
9 by-laws as said corporation shall adopt in pursuance of this
10 act.

Sect. 10. The clerk shall record all doings and proceedings
2 at the meetings of said corporation.

The clerk may appoint a deputy to act in his absence in the
4 manner provided by statute for the appointment of a clerk
5 in the absence of a town clerk; and in case of the clerk's
6 absence, death, resignation, or removal from office without
7 having made such an appointment, the assessors may appoint
8 a resident of the corporation in the manner provided by
9 statute for the appointment of a clerk by municipal officers
10 of towns.

Sect. 11. Upon a certificate being filed with the assessors
2 of said corporation, by the clerk thereof, stating the amount
3 of money voted to be raised by taxation at any meeting for
4 any of the purposes aforesaid, it shall be the duty of said
5 assessors, as soon as may be, to assess said amount upon the
6 polls and estates of persons residing within said corporation,
7 and upon the estates of non-residents located therein, and to
8 certify and deliver the lists of the assessments so made, to the
9 collector, whose duty it shall be to collect the same in like
10 manner as county and town taxes are by law collected by
11 collectors for towns. Said collector shall pay over all moneys
12 collected by him to the treasurer of said corporation when-
13 ever the assessors shall so direct, and it shall be the duty of
14 the treasurer of said corporation to receive all moneys belong-
15 ing to the corporation and to pay it out only upon the written

16 order or direction of the assessors, and to keep a regular
17 account of all moneys received and paid out, and to exhibit
18 the same to the assessors whenever requested. And said
19 corporation shall have the power to direct the mode of col-
20 lecting said taxes as towns have in the collection of town
21 taxes, and said collector shall have the same rights and
22 powers to recover any taxes committed to him that town col-
23 lectors have by law to recover any taxes committed to them,
24 and the corporation shall have the same rights that towns
25 have by law to recover taxes by suit.

Sect. 12. Every person having his legal residence within
2 the territory aforesaid, qualified to vote for governor, sena-
3 tors and representatives, shall be a legal voter at any meeting
4 of the corporation, and shall also be qualified to vote upon
5 the acceptance of this charter.

Sect. 13. This charter may be accepted at any time within
2 five years from its approval by the governor, except that not
3 more than two meetings for such acceptance shall be held in
4 any one calendar year.

William H. Hogarth, Will C. Hildreth and R. F. Talpey,
6 or any of them, are hereby authorized to call any meeting of
7 said corporation to act on said acceptance, and to notify all
8 persons qualified to vote at said meeting, to assemble at some
9 suitable time and place within the limits aforesaid, by posting
10 up notices in two public and conspicuous places within said
11 limits, seven days at least before the time of said meeting;
12 and any one of said persons is authorized to preside at said
13 meeting until after its organization and until after a clerk
14 and moderator of the meeting shall have been chosen by bal-
15 lot and sworn. At all meetings of said corporation a mod-
16 erator shall be chosen in the manner and with the same
17 powers as in town meetings.

Sect. 14. Said assessors shall call all subsequent meetings
2 of the corporation by posting up notice thereof in two public

3 and conspicuous places within the limits of said corporation,
4 signed by them, and stating the time and place of each meet-
5 ing, seven days at least, before the time appointed for the
6 meeting. All notices shall state in distinct articles the busi-
7 ness to be acted upon at the meeting, and no other business
8 shall there be acted upon. When ten or more voters in writ-
9 ing request the assessors to insert a particular article in any
10 notice they shall insert it in their next notice issued, or shall
11 call a special meeting for the consideration thereof to be held
12 within thirty days after the filing of said notice. The annual
13 meetings for the election of officers, after the first, shall be
14 held in the month of April in each year. In case the assess-
15 ors unreasonably neglect or refuse to call a meeting, any
16 justice of the peace may call a meeting of the corporation on
17 petition of ten legal voters, by posting up a notice in the man-
18 ner herein provided.

Sect. 15. At any first meeting of said corporation called in
2 pursuance to section thirteen of this act, the legal voters
3 within said corporate limits shall by ballot vote on the ques-
4 tion of accepting this charter, and if a majority of such voters
5 present and voting at said meeting shall vote in favor of its
6 acceptance, then this act shall take effect and the corporation
7 shall proceed to organize and choose its officers, and may
8 adopt a code of by-laws.

Sect. 16. This act shall take effect from and after its
2 approval by the governor, so far as to empower the calling
3 of any of said first meetings to act on the acceptance of this
4 charter, and if said charter shall be accepted, as provided in
5 the preceding section of this act, then the same shall take and
6 have complete effect in all its parts.



STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 14, 1901.

Reported by Mr. CHASE of Portland, from Committee on the
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*