

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventieth Legislature.

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HOUSE.

No. 438

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## STATE OF MAINE.

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

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AN ACT to incorporate the York Harbor Village Corporation.

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*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 near the  
3 Long Beach station of the York Harbor and Beach Rail-  
4 road at a point formed by the junction of the westerly side  
5 line of said railroad and the northerly side of the highway lead-  
6 ing from said station to Long Beach; thence southwesterly  
7 following the westerly side line of said railroad to the York  
8 Harbor station of said railroad; thence along the north-  
9 westerly side of the highway leading from said York Har-

10 bor station to the residence of the late J. P. Norton to a  
11 point formed by the junction of said highway with the  
12 easterly side of the highway leading from York Village to  
13 York Harbor; thence from said point across the last men-  
14 tioned highway to the line of the said York Harbor and  
15 Beach Railroad at the northwesterly end of the covered  
16 bridge; thence along said railroad to the channel of York  
17 river; thence southeasterly, southerly and easterly, follow-  
18 ing the channel of said river, to the Atlantic ocean; thence  
19 northeasterly and northerly by said ocean to the southerly  
20 end of Long Beach aforementioned to a point formed by  
21 low water mark and by a continuation of the northerly side  
22 line of the highway first mentioned leading from said Long  
23 Beach station to said Long Beach; thence from said point  
24 along imaginary line and the line of the northerly side of  
25 said highway to the point of beginning; together with the  
26 inhabitants thereon, is hereby created a body politic and  
27 corporate by the name of the York Harbor Village Corpo-  
28 ration, with all the rights and privileges granted by the  
29 laws 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 prop-  
7 erty, buildings and structures necessary and convenient for  
8 the use and preservation thereof; to construct a building to  
9 be used as a village hall and to contain such offices and  
10 apartments, including lock-ups, as may be convenient for  
11 the administration of corporate rights and duties herein  
12 granted, and to acquire land necessary and convenient  
13 therefor, or to lease, or otherwise acquire, said property, or

14 portions thereof, for said purposes; to build and maintain  
15 sidewalks; to light and sprinkle its streets; to set out and  
16 care for shade trees; to improve and care for streets and  
17 public grounds as hereinafter provided; to build and main-  
18 tain drains and sewers as hereinafter provided; to maintain  
19 a night watch or police force, and to defray the expenses of  
20 all other necessary measures for the better security of life  
21 and property and for the promotion of good order and quiet  
22 within the corporate limits; said corporation may receive,  
23 hold and manage devises, bequests and gifts for the pur-  
24 poses authorized by this charter; and by its proper agents,  
25 may make contracts necessary and convenient for the ex-  
26 ercise of its corporate powers.

Sect. 3. Said corporation within its territorial limits shall  
2 have, and is hereby granted, all the rights, powers and priv-  
3 ileges which towns or their municipal officers have under  
4 the first sixteen sections of chapter sixteen of the Revised  
5 Statutes, 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 treasures 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  
13 and by said Public Laws upon towns, and upon persons,  
14 for the benefit and protection of towns and persons, and  
15 of their drains, sewers and property, shall be possessed by,  
16 and imposed upon said corporation, and persons and prop-  
17 erty therein, for the benefit and protection of said corpora-  
18 tion, persons and property and the drains and sewers  
19 thereof.

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

Sect. 4. The selectmen of the town of York are hereby  
2 authorized and directed to apportion on or before the 10th  
3 day of April annually out of all the moneys raised by said  
4 town for repairs and maintenance of ways and bridges, a  
5 sum ample and sufficient for the proper care and mainten-  
6 ance of the ways within the limits of said corporation, said  
7 sum to be not less than one-tenth part of said moneys  
8 so raised by said town, and the same to be forthwith certi-  
9 fied to the treasurer of said town, to be by him set aside  
10 and paid out to the assessors of said corporation for main-  
11 tenance and repairs as aforesaid, on the order of the select-  
12 men in the same manner that money is paid out to road  
13 commissioners elected by towns. Sixty-five per cent of  
14 said money is to be expended by the corporation by its as-  
15 sessors, or their agent, under the general supervision of  
16 said selectmen, prior to the fifteenth day of July, and the  
17 balance to be in like manner expended at such time as said  
18 assessors deem for the best good of the public; and if such  
19 sum apportioned as aforesaid, is deemed inadequate by the  
20 assessors of the corporation for the proper care and main-  
21 tenance of said ways, and if said selectmen neglect or re-  
22 fuse to apportion further sums, which shall be by said as-  
23 sessors deemed adequate, for ten days after the same have  
24 been requested of them in writing by said assessors, then  
25 said assessors may call a meeting of the corporation, at  
26 which the corporation may raise money for improvements  
27 and repairs upon its ways, to be assessed in the manner  
28 provided in section five of this act, to be expended, for the  
29 purposes for which raised, by the corporation, by its as-

30 sors or their agent under the general supervision of the  
31 selectmen.

For the purpose of expending money which has been ap-  
33 portioned by the selectmen as hereinbefore provided, said  
34 assessors shall first qualify and give bonds, as road com-  
35 missioners elected by towns are required to do, and having  
36 so qualified shall have exclusively within the limits of the  
37 corporation, the same rights, powers and duties, and shall  
38 be under the same obligations as said road commissioners.  
39 excepting that they shall not be required to qualify before  
40 the first Monday of April, as required by chapter thirty-  
41 two, section seven of the Public Laws of 1889, or to ac-  
42 count to the selectmen for money raised by the corporation  
43 for said ways. Upon failure of said assessors to so qualify  
44 within ten days after their election by the corporation, said  
45 money apportioned to the corporation shall be expended  
46 by the town upon the highways within said corporation by  
47 the proper town authorities, as provided by general law.

Sect. 5. All moneys which shall 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 lim-  
5 its of the corporation by the assessors thereof in the same  
6 manner as is provided by law for the assessment of town  
7 and county taxes. The assessors may copy the last valua-  
8 tion of said property made by the assessors of the town of  
9 York and assess the taxes thereon; or, if the corporation  
10 shall so direct, may correct said valuation, or make a new  
11 valuation thereof, according to law, and assess the tax on  
12 that valuation, and may make abatements on taxes assessed  
13 in the same manner as assessors of towns may do.

Sect. 6. Said corporation may issue its bonds, or notes,  
2 to obtain money to purchase and improve real property

3 provided 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  
6 of this act. Said bonds or notes shall be signed by the as-  
7 sessors and treasurer, and shall be on such time and bear  
8 such rate of interest as the corporation may deem expe-  
9 dient, subject, however, to the limitations contained in ar-  
10 ticle 22 of the constitution of Maine limiting municipal in-  
11 debtedness.

Sect. 7. The officers of said corporation shall be a clerk,  
2 treasurer, three assessors, a collector, three fire wardens,  
3 and such other officers as the by-laws of said corporation  
4 may require. The clerk, treasurer, assessors and collector  
5 shall be chosen by ballot at the annual meeting, or at a  
6 special meeting called for the purpose, and said other offi-  
7 cers by ballot or other method agreed upon by a vote of  
8 the corporation. Said clerk, treasurer, assessors and col-  
9 lector shall reside within the limits of the corporation and  
10 shall hold office for one year from the date of the last an-  
11 nual 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 corpora-  
14 tion that similar officers chosen by towns now have or may  
15 have. The assessors may appoint, and remove, police offi-  
16 cers, and such other officers as the by-laws allow, and whose  
17 selection is not otherwise provided for herein. Said corpo-  
18 ration at any legal meeting may adopt a code of by-laws  
19 not repugnant to the laws of this state, nor to its charter,  
20 for the efficient management of its affairs. All officers  
21 aforesaid shall be sworn before the clerk, or a justice of the  
22 peace, for the faithful performance of their duties. The col-  
23 lector and treasurer shall each give bond, with such sureties  
24 as the assessors of the corporation may approve in a sum

25 not less than double the amount of the taxes raised as  
26 aforesaid, to the inhabitants of the corporation, for the faith-  
27 ful performance of their duties; and said bond shall be ap-  
28 proved in writing by the assessors, and thereafter deposited  
29 with and retained by the clerk. The compensation of all  
30 officers herein provided for shall be fixed by the corpo-  
31 ration.

Sect. 8. Said assessors shall be the general municipal offi-  
2 cers of said corporation and shall have general charge of  
3 its affairs and of the expenditure of money thereof, except  
4 so far as the same may be this act be committed to other  
5 officers 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 constab-  
8 les, and to restrain all infractions of, and carry into effect,  
9 such by-laws as said corporation shall adopt in pursuance  
10 of this act.

Sect. 10. The clerk shall record all doings and proceed-  
2 ings 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 ap-  
8 point a resident of the corporation in the manner provided  
9 by statute for the appointment of a clerk by municipal  
10 officers 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 corpora-  
7 tion, and upon the estates of non-residents located therein,  
8 and to certify and deliver the lists of the assessments so  
9 made, to the collector, whose duty it shall be to collect the  
10 same in like manner as county and town taxes are by law  
11 collected by collectors for towns. Said collector shall pay  
12 over all moneys collected by him to the treasurer of said  
13 corporation whenever the assessors shall so direct, and it  
14 shall be the duty of the treasurer of said corporation to  
15 receive all moneys belonging to the corporation and to pay  
16 it out only upon the written order or direction of the as-  
17 sessors, and to keep a regular account of all moneys re-  
18 ceived and paid out, and to exhibit the same to the asses-  
19 sors whenever requested. And said corporation shall have  
20 the power to direct the mode of collecting said taxes as  
21 towns have in the collection of town taxes, and said col-  
22 lector shall have the same rights and powers to recover any  
23 taxes committed to him that town collectors have by law to  
24 recover any taxes committed to them, and the corporation  
25 shall have the same rights that towns have by law to re-  
26 cover taxes by suit.

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

Sect. 13. This charter may be accepted at any time with-  
2 in five years from its approval by the governor, except that

3 not more than two meetings for such acceptance shall be  
4 held in any one calendar year.

William S. Putnam, Jos. W. Simpson, Fremont Varrell,  
6 Jos. C. Bridges, John H. Varrell, or any of them, are here-  
7 by authorized to call any meeting of said corporation to  
3 act on said acceptance, and to notify all persons qualified  
9 to vote at said meeting, to assemble at some suitable time  
10 and place within the limits aforesaid, by posting up notices  
11 in two public and conspicuous places within said limits,  
12 seven days at least before the time of said meeting; and  
13 any one of said persons is authorized to preside at said  
14 meeting until after its organization and until after a clerk  
15 and moderator of the meeting shall have been chosen by  
16 ballot and sworn. At all meetings of said corporation a  
17 moderator shall be chosen in the manner and with the  
18 same powers as in town meetings.

Sect. 14. Said assessors shall call all subsequent meet-  
2 ings of the corporation by posting up notice thereof, signed  
3 by them, in two public and conspicuous places within the  
4 limits of said corporation, and stating the time and place  
5 of each meeting, seven days, at least, before the time ap-  
6 pointed for the meeting. All notices shall state in distinct  
7 articles the business to be acted upon at the meeting, and  
8 no other business shall there be acted upon. When ten  
9 or more voters in writing request the assessors to insert a  
10 particular article in any notice they shall insert it in their  
11 next notice issued, or shall call a special meeting for the  
12 consideration thereof, to be held within thirty days after  
13 the filing of said notice. The annual meetings for the elec-  
14 tion of officers, after the first, shall be held in the month  
15 of April in each year. In case the assessors unreasonably  
16 neglect or refuse to call a meeting, any justice of the peace

17 may call a meeting of the corporation on petition of ten  
18 legal voters, by posting up a notice in the manner herein  
19 provided.

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

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



STATE OF MAINE.

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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.*