

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

HOUSE.

No. 328

STATE OF MAINE.

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

AN ENABLING ACT for the annexation of the city of South
Portland to Portland.

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

Section 1. Upon the acceptance of this act as hereinafter
2 provided, the city of South Portland shall be annexed to and
3 be a part of the city of Portland, and the inhabitants and ter-
4 ritory of the city of South Portland shall be subject to the
5 charter and ordinances of the city of Portland, and to the
6 acts amendatory thereof and supplemental thereto, except as
7 herein otherwise provided.

Sect. 2. The city of Portland as herein enlarged shall be
2 divided into eleven wards, and until the city council shall have
3 revised the ward lines in the manner provided by law, ward
4 ten shall consist of that part of the city of South Portland,

5 lying westerly of the following described line, namely:
6 Beginning at the center of the draw in Portland bridge;
7 thence along the center of Ocean street through City and
8 Dyer squares to the Cape Elizabeth line. Ward eleven shall
9 consist of that part of South Portland lying easterly of said
10 line. Each of these wards so constituted shall have the same
11 form of organization and the same representation in the city
12 government and in the school committee of Portland that the
13 other wards in said city have at the time of the acceptance
14 of this act, and warrants for the election of said officers shall
15 be issued by the municipal officers of Portland, as provided
16 hereafter, in due season for the municipal election first to be
17 held in said city after the acceptance of this act.

Sect. 3. The ward meetings of said ward ten shall be held
2 in the basement of the Pleasantdale schoolhouse, and the
3 meetings in said ward eleven shall be held at the South Port-
4 land hose house, until the city council shall otherwise pro-
5 vide.

Sect. 4. The warrants for the first ward meetings in said
2 wards ten and eleven shall be made returnable by the con-
3 stable posting the same, to some voter in each of said wards,
4 designated by the municipal officers of Portland, who shall
5 call said ward meetings to order for the election by open ballot
6 of a warden to preside at said meeting, and a ward clerk, and
7 the warden and clerk so elected shall qualify and perform all
8 the duties devolving upon the warden and ward clerk under
9 the provisions of law. The necessary ballot and election
10 clerks for wards ten and eleven shall be appointed according
11 to law by the municipal officers of the city of Portland.

Sect. 5. From the lists of voters now registered in the sev-
2 eral wards of South Portland, the board of registration of
3 South Portland, upon the acceptance of this act, shall prepare
4 two new lists, one to contain the names of all voters whose
5 registered residence is within the limits of said ward ten,

6 which list shall be the list of registered voters for said ward
7 ten, and the other to contain the names of all voters whose
8 registered residence is within the limits of said ward eleven,
9 which list shall be the list of registered voters their records,
10 to the board of registration of Portland at least twelve days
11 prior to the municipal election next to be held after the ac-
12 ceptance of this act, and thereafter changes therein may be
13 made as in the lists of registered voters in other Portland
14 wards.

Sect. 6. Upon the acceptance of this act, all the city prop-
2 erty of South Portland together with all city moneys in the
3 hands of the treasurer thereof, or under his control, becomes
4 the property of the city of Portland, and the city of Portland
5 shall assume all obligations of the city of South Portland then
6 existing, and all indebtedness both temporary and bonded,
7 and shall provide for the payment thereof according to the
8 terms under which said indebtedness was contracted. Pro-
9 vided that the officials of said city of South Portland shall
10 continue to manage and control the affairs in said city during
11 the interval between the acceptance of this act and the inau-
12 guration of the mayor and city council elected to succeed them,
13 as hereinafter provided, and during said term said officials
14 may expend the available funds of the city in the regular
15 course of business.

Sect. 7. Until the inauguration of the mayor and city coun-
2 cil first to be elected, as hereinbefore provided, the present
3 municipal officers, public officials, school committee and
4 police officers of South Portland, shall continue in office for
5 the purpose of performing the duties required of them by law,
6 and by the terms of this act; but upon said inauguration the
7 terms of all of them shall end.

Sect. 8. All persons upon whom taxes have been legally
2 assessed by the city of South Portland and the old town of

3 South Portland, and who have not paid the same, shall be
4 required to make payment thereof to the treasurer of the city
5 of Portland. Unpaid sidewalk, drain and sewer assessments,
6 legally assessed by the city of South Portland, shall be col-
7 lected in the manner provided by the South Portland charter
8 and ordinances, and the city of Portland shall have the same
9 rights to enforce payment of said taxes, and sidewalk, sewer
10 and drain assessments, as the city of South Portland would
11 have had but for the passage of this act.

Sect. 9. All rights, contracts, claims, immunities, privileges
2 and franchises which might be exercised by the city of South
3 Portland may be exercised and enforced by the city of Port-
4 land as its successor; and all privileges, exemptions and
5 immunities granted by the city of South Portland shall remain
6 binding upon the city of Portland. The passage of this act
7 shall not affect any right accruing or accrued, or any suit,
8 prosecution or other legal proceedings pending at the time
9 when it shall take effect by acceptance as herein provided for,
10 and no penalty or forfeiture previously incurred shall be
11 affected thereby.

Sect. 10. Upon the day of the inauguration of the mayor
2 and city council to be elected as hereinbefore provided, the
3 control and superintendence of the present public schools of
4 South Portland shall be vested in the school committee of
5 Portland to the same extent and in the same manner as are
6 other public schools of Portland, and the school facilities now
7 furnished by the city of South Portland shall not be hereafter
8 curtailed or abridged.

Sect. 11. All official records and documents in the city of
2 South Portland shall be transferred from the several depart-
3 ments to which they respectively belong to the corresponding
4 department in the city of Portland, and the production,
5 attestation or authentication of the same by the respective

6 official custodian of the records of said several departments
7 in the city of Portland shall have the same effect in any legal
8 proceedings as if produced, attested or authenticated by the
9 custodian of the records of the department in said South Port-
10 land from which the same were severally transferred.

Sect. 12. The South Portland municipal court is hereby
2 abolished, but for the purpose only of closing the business
3 pending therein at the time of the approval of this act, the
4 entire jurisdiction thereof, civil and criminal, shall be con-
5 ferred upon the municipal court of the city of Portland, which
6 court shall issue all executions or other process necessary
7 to carry into effect any judgment, order or decree of said
8 South Portland municipal court. All complaints, civil suits,
9 recognizances, appeals in civil or criminal cases, and all other
10 processes, civil or criminal, pending in said South Portland
11 municipal court, shall be transferred forthwith to the munic-
12 ipal court for the city of Portland, to be entered on the
13 docket thereof, and to be heard and disposed of as if originally
14 entered in said municipal court for the city of Portland; and
15 all writs, petition warrants and all processes whatever, return-
16 able to said South Portland municipal court, shall be return-
17 able to and be entered on the docket of said municipal court
18 for the city of Portland as if originally entered therein. The
19 judgments, decisions, orders and decrees of the supreme judi-
20 cial court, at any law term, made in cases originating in said
21 South Portland municipal court, shall be certified to the
22 recorder of the municipal court for the city of Portland, to
23 whose attestation of the same, or their contents, full faith
24 shall be given.

Section 13. Ward meetings may be held at the usual place
2 of meeting in said cities for the purpose of submitting the
3 question of the acceptance of this act to the legal voters of
4 said cities at any time within five years after the passage

5 thereof, except in the months of September and November.
6 At such meetings the polls shall be open from eight o'clock
7 in the forenoon until five o'clock in the afternoon, and the
8 vote shall be taken by written or printed ballots in answer to
9 the question, Shall the act passed by the legislature in the year
10 of our Lord one thousand nine hundred and three, entitled
11 "An Enabling Act for the Annexation of South Portland to
12 Portland," be accepted?

The regular ward officers shall preside at such meetings and
14 use a check list to be prepared by the board of registration
15 in the same manner as lists are prepared for municipal elec-
16 tions. The affirmative votes of a majority of the voters pres-
17 ent and voting thereon shall be required for its acceptance.

If, at any meeting so held, this act shall fail to be thus
19 accepted, it may, at the expiration of one year from any pre-
20 vious meeting, be again submitted for acceptance, provided
21 it shall not be submitted more than three times in either city.
22 Such meetings shall be called in each city upon the applica-
23 tion of twenty or more of the qualified voters of said cities,
24 and the board of mayor and aldermen of said cities shall
25 upon the application of said twenty voters forthwith issue
26 warrants for said meeting. The same proceedings shall be
27 had respecting the sorting, counting, declaring and recording
28 the returns of said votes as is provided for the election of
29 mayors; and the board of mayor and aldermen of said cities
30 shall within five days after said meeting, meet and compare
31 the returns of the ward officers, and if it appears that the
32 majority of all the votes given in on said annexation in each
33 city is in favor thereof, the mayors of said cities shall forth-
34 with make proclamation of the fact and thereupon this act
35 shall take effect and the city of South Portland shall there-
36 afterwards be annexed to and become a part of the city of
37 Portland.

Sect. 14. So much of this act as authorizes the submission
2 of the question of its acceptance to the legal voters of the said
3 cities shall take effect upon its passage, but it shall not take
4 further effect unless accepted by the legal voters of both of
5 said cities as herein prescribed, in which case all acts and
6 parts of acts inconsistent with this act are hereby repealed.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 12, 1903.

Reported by Mr. STURGIS of Standish, from Committee on Towns,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*