

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

SENATE.

No. 94

STATE OF MAINE.

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

AN ACT to incorporate Prout's Neck Village Corporation.

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

Section 1. The territory embraced within the limits of
2 Prout's Neck in the town of Scarborough, bounded north-
3 easterly by a line beginning at the sea, at line between land
4 of Mary E. Libby and Lucy S. Harmon and al.; thence run-
5 ning westerly by land of said Mary E. Libby on said line to
6 and across the town road to a point on westerly side of said
7 road; thence south 45° west to the sea and bounded other-
8 wise by the sea; together with the inhabitants thereon and
9 certain owners and occupants of real estate thereon, as here-
10 inafter specified, is hereby created a body politic and corpo-
11 rate by the name of Prout's Neck Village Corporation.

Sect. 2. Said corporation is hereby authorized and vested
2 with the power, at any legal meeting called for the purpose

3 to raise money for the following purposes, provided that the
4 same are named in the warrant for such meeting: to create
5 and maintain a fire department and all the necessary equip-
6 ment, appliances and apparatus for the prevention and extin-
7 guishment of fires; to build, repair and maintain roads,
8 streets and ways, sidewalks and sewers, and other sanitary
9 works, including collection and removal of offal and garbage;
10 to care for and beautify that portion of said territory which
11 has been or may hereafter be reserved for and dedicated to
12 public uses, or enjoyed in common by all the owners of lands
13 on said territory, and to that end to build roads and walks
14 upon and through said public lands, and to build walks to be
15 used by the public, and to plant and care for trees along the
16 roads and streets and upon said public lands; to build, repair
17 and maintain public wharves and landings, to provide for life
18 saving and safety at bathing beaches; to establish and main-
19 tain police and night watch; to procure water for fire, domes-
20 tic and other purposes, and to purchase or procure light for
21 public use and for the use of the inhabitants upon said terri-
22 tory, and for such purpose to contract with any individual,
23 firm or corporation to furnish said water or light for either
24 or both of the purposes named, and to establish reasonable
25 rates to be paid by the inhabitants upon said territory using
26 such water or light for domestic purposes; to construct, main-
27 tain and operate telephones or telegraph lines or aid in such
28 construction, maintenance and operation, and for that pur-
29 pose to contract with any corporation, firm or individual
30 therefor; to transport or provide for the transportation of
31 passengers and baggage between said Prout's Neck and rail-
32 road stations and to contract with any individual or indi-
33 viduals, firm or corporation for such purpose at fixed rates,
34 and to provide any and all other things necessary and proper
35 for the purposes of said corporation and to defray any and
36 all other necessary or proper corporation charges.

Sect. 3. The town of Scarborough is hereby relieved from
2 any and all duty to build, repair or maintain roads, streets or
3 ways upon said Prout's Neck or to build schoolhouses or
4 maintain schools thereon or to perform any of the duties for
5 which said corporation is authorized by section two of this
6 act to raise money, and said town shall not be liable for
7 defects in streets, ways or roads on said Neck nor for failure
8 to perform any duty from which it is relieved by this act,
9 but said corporation shall assume all of said duties and be
10 liable for said defects in streets, ways and roads and for fail-
11 ure to perform the duties assumed as the town of Scar-
12 borough would have been liable except for this act, which
13 liability may be enforced under the same conditions, in the
14 same manner and with the same remedies as are provided by
15 law in relation to towns.

Sect. 4. Said corporation and the overseers thereof shall
2 have the same power and duties in laying out, discontinuing
3 and altering town ways and private ways on Prout's Neck
4 which the town of Scarborough and the selectmen now have,
5 to be exercised and performed under the same conditions and
6 limitations and in the same manner that they are exercised
7 and performed by said town and its selectmen.

Sect. 5. The town of Scarborough shall annually pay over
2 to the treasurer of said corporation out of the taxes collected
3 from the inhabitants and estates on said territory a sum
4 equal to fifty per centum of all the town taxes, exclusive of
5 the State and county tax, collected from said inhabitants and
6 estates, to be expended by the said corporation for the benefit
7 of said Prout's Neck, in accordance with provisions of this
8 act, and the laws of the State.

Sect. 6. All moneys which shall be voted by said corpora-
2 tion to be raised for the purposes named in section two of
3 this act or for any other purpose, for which the corporation
4 may lawfully raise money, shall be certified by the clerk of

5 the association to the assessors of the town of Scarborough
6 and shall be assessed upon the taxable polls and estates
7 embraced within the limits of the corporation by the said
8 assessors in the same manner as is provided by law for the
9 assessment of town and county taxes.

Sect. 7. The officers of said corporation shall be a clerk,
2 who shall be a resident of this State, a treasurer and five
3 overseers, who shall be chosen by ballot, and such other offi-
4 cers as the by-laws of said corporation may require. Said
5 corporation is empowered to adopt at any legal meeting
6 called for that purpose a code of by-laws for the government
7 of the same and for the proper management of its prudential
8 affairs and other purposes connected therewith, provided said
9 by-laws are not repugnant to the laws of the State. Such
10 code of by-laws may be altered or amended at any legal meet-
11 ing of the corporation in the call for which notice of the pro-
12 posed change has been given. The officers aforesaid shall
13 be sworn before the clerk or a justice of the peace and the
14 treasurer shall give bond to said corporation in such sum as
15 the overseers may direct, which bond shall be approved by
16 the overseers and clerk.

Sect. 8. Any person who is a legal voter in said corporation
2 may be elected or appointed to any office therein, but shall
3 cease to hold said office whenever he ceases to be such legal
4 voter.

Sect. 9. Said overseers 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 all money therein except so
4 far as the same may be committed to other officers or persons.
5 And the said officers of said corporation, for the purposes
6 hereby authorized, shall have the powers and be subject to
7 the same obligations as are conferred and imposed upon sim-
8 ilar town and municipal officers by the public laws of this
9 State.

Sect. 10. Upon a certificate being filed with the assessors
2 of the town of Scarborough by the clerk of this corporation
3 of the amount of money voted to be raised at any meeting
4 by taxation upon property within said limits for any of the
5 purposes aforesaid, it shall be the duty of said assessors or
6 their successors in office, at the time of the next annual
7 assessment of town and county taxes in said town of Scar-
8 borough, to assess the total amounts certified by the clerk of
9 this corporation upon the polls and estates of persons residing
10 within the limits of said corporation, and upon the estates of
11 non-resident proprietors thereof and to certify and deliver the
12 lists of the assessments so made to the collector of the town
13 of Scarborough, whose duty it shall be to collect the same
14 in like manner as county and town taxes are by law collected
15 and said collector shall pay over all moneys collected by him
16 to the treasurer of said corporation whenever the overseers
17 shall so direct. It shall be the duty of the treasurer of said
18 corporation to receive all moneys belonging to the corporation
19 and to pay it out only upon the written order or direction of
20 the overseers and to keep a regular account of all moneys
21 received and paid out and to exhibit the same to the over-
22 seers whenever requested, and said town of Scarborough shall
23 have the same power to direct the mode of collecting said
24 taxes that it has in the collection of the town taxes, and said
25 collector shall have the same rights and powers to recover
26 any taxes committed to him under the provisions of this act
27 by suit that he has for the collection of town taxes committed
28 to him, and the town of Scarborough shall have the same
29 right to recover taxes assessed under this act by suit that it
30 has to recover town taxes assessed therein. The collector
31 of Scarborough shall be entitled to receive the same percent-
32 age for the collection of taxes assessed under this act, and
33 the same fees in connection with the collection thereof, which
34 he received for the collection of the town taxes.

Sect. 11. All persons residing within the limits of said corporation, who would be legal voters in the town of Scarborough, and all owners of any interest or estate in land on said Neck, of lawful age, either male or female, and also all persons of either sex of lawful age possessing or occupying or having the right to possess or occupy any such land as lessees, tenants or otherwise, for a period of at least two months, shall be legal voters at any meeting of said corporation at which they are present: Provided, however, that if the owners of real estate are present at such meeting they shall be entitled to vote to the exclusion of their tenants or lessees. The overseers of said corporation shall determine who are the legal voters at any meeting and shall prepare a list of said voters at least twenty-four hours before every meeting, which said list they may amend or correct at any time before said meeting, or during its progress. The vote upon any proposition at any meeting shall be taken and checked by such list upon the demand of five legal voters.

Sect. 12. The first election of officers shall be at the meeting at which this charter is accepted. Said officers shall hold their respective offices until the next annual meeting of the corporation, at which said meeting officers shall be elected and thereafterwards at each annual meeting, but in any event all officers duly elected shall hold office until their successors are elected and duly qualified. The annual meeting of said corporation shall be held on the first Saturday of August in each year.

Sect. 13. This charter may be accepted at any time within five years from its approval by the governor, but only one meeting to vote thereon shall be called in any one calendar year. Charles A. Burditt, Lemuel Lane, J. Vaughan Merrick, Charles E. Morgan, Jr., and Frank Moss, or either of them, may call all meetings of the corporation previous to the acceptance of the charter and the election of officers, and

8 notify the persons entitled to vote therein to meet at some
9 suitable time and place, on said Prout's Neck, by posting of
10 notices in two public places on said Neck seven days at least
11 before the time of holding said meeting; all subsequent meet-
12 ings shall be called and notified by the overseers or a major-
13 ity of them as town meetings are called and notified by the
14 selectmen, except that the warrant therefor shall be directed
15 to and notice thereof given by the clerk of said corporation;
16 either of the above named persons is authorized to preside
17 at any meeting previous to the acceptance of the charter until
18 the meeting is organized and until a moderator shall have
19 been chosen by ballot and sworn; at all meetings of the cor-
20 poration a moderator shall be chosen in the manner, and with
21 the same power as in town meetings.

Sect. 14. This act shall take effect when approved by the
2 governor so far as to authorize the calling of a meeting or
3 meetings of said corporation for the purpose of voting upon
4 the acceptance of this charter, and whenever this charter shall
5 be accepted by a majority of the voters of said corporation
6 at a legal meeting called for that purpose, then the same shall
7 take and have complete effect in all parts, and the payment
8 of the proportional part of the money raised by taxation, as
9 provided in section five of this act, shall apply to the munic-
10 ipal year when this charter is accepted as aforesaid.

STATE OF MAINE.

IN SENATE, February 16, 1905.

Pending reference to the Committee on the Judiciary in concurrence,
laid on table to be printed, on motion by Mr. SIMPSON of York.

KENDALL M. DUNBAR, *Secretary*.