

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE

No. 445

MAJORITY REPORT.

STATE OF MAINE.

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

AN ACT to divide the town of York, and establish the town
of Yorktown.

Be it enacted by the People of the State of Maine, as follows:

Section 1. All that part of the town of York lying south-
erly of the following described line, namely, beginning on
the line dividing the towns of York and Wells at a point
where Josias River crosses said line, thence running in a
southwesterly direction in a straight line to the town line
dividing the town of York from the town of Kittery at a
point on the northwesterly side of the road leading from
York Corner to Portsmouth, N. H., and commonly called

9 and known as "the post road," together with the inhabitants
10 thereof, is hereby set off from the town of York incorpo-
11 rated into a separate town by the name of Yorktown, and
12 said town of Yorktown is hereby invested with all the pow-
13 ers and privileges and subject to all the duties and obliga-
14 tions incident to other towns of the State.

Sect. 2. The several inhabitants of the town of Yorktown
2 shall be holden to pay all taxes which have been legally as-
3 sessed upon them by the town of York, and the collectors
4 of taxes for said town of York are hereby authorized and
5 required to collect and pay all taxes to them already com-
6 mitted according to their respective warrants. All moneys
7 now in the treasury of said town of York, and all sums which
8 shall hereafter be received from taxes heretofore assesssd,
9 shall be applied to the several purposes for which they were
10 raised, and in case of any excess, said excess shall be appor-
11 tioned to the Towns of York and Yorktown in proportion
12 to the valuation of the property and polls as made April 1,
13 1908, and the treasurer of the town of York shall pay over
14 to the Treasurer of the town of Yorktown such sums as may
15 be found to be due said town of Yorktown. The County
16 Commissioners of York County shall make the appor-
17 tionment.

Sect. 3. The existing liabilities and obligations of the
2 town of York shall be divided as follows: The town debt
3 shall be borne by said towns in proportion to the valuation

4 of their respective territories as of April nineteen hundred
5 and eight. The obligations of the town of York shall be
6 borne by each town in the foregoing proportion, except its
7 contracts with the York Shore Water Company which shall
8 be borne by each town in proportion to the number of hy-
9 drants used by each. All paupers now supported by the aid
10 of the town of York shall, after division, be maintained and
11 supported by the town in whose territory they resided when
12 they became paupers including the paupers now supported
13 on the town farm and insane hospital. Each town shall
14 henceforth bear all expenses for the care and maintenance
15 of all roads and bridges within its respective limits.

Sect. 4. The high school building and lot with all the
2 equipment connected therewith shall be the property of the
3 two towns jointly. Said high school shall be maintained
4 by the two towns in proportion to the valuation of the re-
5 spective towns, and all appropriations therefor shall be
6 based upon the valuation taken by the assessors of the re-
7 spective towns in April next preceding the town meetings
8 at which any appropriation is made therefor. The manage-
9 ment and control of said high school shall be with the su-
10 perintending school committees of the two towns acting joint-
11 ly. All trust funds now or hereafter held or given for the
12 maintenance of the high school in the town of York shall
13 be under the direction and control of said superintending
14 school committee of the two towns acting jointly.

Sect. 5. All the other property, real and personal, of the
2 town of York shall be the property of the town in which it
3 is now located. It shall be appraised by the County Com-
4 missioners of York County and each town shall be charged
5 with the appraised value thereof.

The difference between the appraisal of the property taken
7 by each town shall be paid by the town taking the larger
8 amount and it shall be divided between the two towns in
9 proportion to the valuation of their respective territories, as
10 taken by the assessors in April, nineteen hundred and eight.
11 The books and papers and records of the town of York shall
12 be retained by the town of Yorktown, and each town shall
13 have access to the same.

Sect. 6. Any justice of the peace or notary public of the
2 county of York may issue his warrant to any legal voter in
3 the town of Yorktown directing him to notify the inhabi-
4 tants thereof to meet at a time and place specified in said
5 warrant, giving at least seven days notice therefor, for the
6 choice of town officers, and to transact such business as
7 towns are authorized to do.

STATE OF MAINE.

The Committee on Towns to which was referred the Bill, entitled "An Act to divide the town of York and establish the town of Yorktown, have had the same under consideration, and ask leave to Report that the same ought not to pass.

Per Order,

B. COLCORD,
KELLOGG,
MERRILL,
HAMLIN,
BEARCE,
VARNEY,
A. H. DONNELL.

NEW DRAFT.

STATE OF MAINE.

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

MINORITY REPORT.

AN ACT to divide the town of York, and establish the town
of Yorktown.

Be it enacted by the People of the State of Maine, as follows :

Section 1. All that part of the town of York lying south-
erly of the following described line, namely: Beginning at
the northerly bound of the Portland road, so-called, at the
Kittery line; thence by said northerly line of said Portland
road to the thread of Cape Neddick River; thence south-
westerly by said thread of Cape Neddick River to the At-
lantic Ocean; thence by said shore line of the town of York
to the boundary line between said York and Kittery; thence
northwesterly by said Kittery line, together with the in-
habitants thereof, is hereby set off from the town of York
incorporated into a separate town by the name of Gorges,
and said town of Gorges is hereby invested with all the
powers and privileges and subject to all the duties and ob-
ligations incident to other towns of the State, said town of

15 Gorges is to assume and pay for the new bridge, so-called,
16 across York River at York Harbor, so that said town of
17 York shall have no further concern or expense concerning
18 said bridge.

Sect. 2. The several inhabitants of the town of Gorges
2 shall be holden to pay all taxes which have been legally as-
3 sessed upon them by the town of York, and the collectors
4 of taxes for said town of York are hereby authorized and
5 required to collect and pay all taxes to them already com-
6 mitted according to their respective warrants. All moneys
7 now in the treasury of said town of York and all sums
8 which shall hereafter be received from taxes heretofore
9 assessed, shall be applied to the several purposes for which
10 they were raised, and in case of any excess, said excess
11 shall be apportioned to the Towns of York and Gorges in
12 proportion to the valuation of the property and polls as made
13 April 1, 1908, and the treasurer of the town of York shall
14 pay over to the treasurer of the town of Gorges such sums
15 as may be found to be due said town of Gorges. The
16 County Commissioners of York County shall make the ap-
17 portionment.

Sect. 3. The existing liabilities and obligations of the
2 town of York shall be divided as follows: The town debt
3 shall be borne by said towns in proportion to the valuation
4 of their respective territories as of April nineteen hundred
5 and eight. The obligations of the town of York shall be

6 borne by each town in the foregoing proportion, except its
7 contracts with the York Shore Water Company which shall
8 be borne by each town in proportion to the number of hy-
9 drants used by each. All paupers now supported by the aid
10 of the town of York shall, after division, be maintained and
11 supported by the town in whose territory they resided when
12 they became paupers including the paupers now supported
13 on the town farm and insane hospital. Each town shall
14 henceforth bear all expenses for the care and maintenance of
15 all roads and bridges within its respective limits.

Sect. 4. The high school building and lot with all the
2 equipment connected therewith shall be the property of the
3 two towns jointly. Said high school shall be maintained
4 by the two towns in proportion to the valuation of the re-
5 spective towns, and all appropriations therefor shall be
6 based upon the valuation taken by the assessors of the re-
7 spective towns in April next preceding the town meetings
8 at which any appropriation is made therefor. The manage-
9 ment and control of said high school shall be with the su-
10 perintending school committee of the two towns acting joint-
11 ly. All trust funds now or hereafter held or given for the
12 maintenance of the high school in the town of York shall
13 be under the direction and control of said superintending
14 school committee of the two towns acting jointly.

Sect. 5. All the other property, real and personal, of the
2 town of York shall be the property of the town in which it

3 is now located. It shall be appraised by the County Com-
4 missioners of York County and each town shall be charged
5 with the appraised value thereof.

The difference between the appraisal of the property taken
7 by each town shall be paid by the town taking the larger
8 amount and it shall be divided between the two towns in
9 proportion to the valuation of their respective territories, as
10 taken by the assessors in April, nineteen hundred and eight.
11 The books and papers and records of the town of York shall
12 be retained by the town of Gorges, and each town shall
13 have access to the same.

Sect. 6. Any justice of the peace or notary public of the
2 county of York may issue his warrant to any legal voter in
3 the town of Gorges directing him to notify the inhabi-
4 tants thereof to meet at a time and place specified in said
5 warrant, giving at least seven days notice therefor, for the
6 choice of town officers, and to transact such business as
7 towns are authorized to do.

STATE OF MAINE.

The Committee on Towns to which was referred the Bill, entitled "An Act to divide the town of York and to establish the town of Yorktown have had the same under consideration, and ask leave to report the same in a new draft, under the title of "An Act to divide the town of York and to establish the town of Gorges, and that it ought to pass.

Per Order,

P. THERRIAULT.



STATE OF MAINE.

IN SENATE,

March 18, 1909.

Majority and minority reports from Committee on Towns on House Document No. 223, tabled pending acceptance of either report and ordered printed on motion of Mr. THERRIAULT of Aroostook.

F. G. FARRINGTON, *Secretary.*

HOUSE AMENDMENT "D" to Senate Document No. 445.

Amend said act by striking out House amendment "B" and substituting therefor the following:

Provided, however, that this act shall not take effect unless a majority of the taxpayers who were assessed a tax for the year 1909 upon a poll or property within the limits of said proposed town of Gorges who are present and vote at the meeting hereinafter provided for, vote to accept this act at a meeting of said taxpayers to be called by a justice of the peace or notary public of the County of York on petition of not less than ten of said taxpayers, which meeting shall be presided over by a moderator elected by written ballot, and which meeting shall be held at some time during the month of August, A. D. 1909, at some suitable place within the limits of said proposed town of Gorges, and which meeting shall be called by

posting three notices within the territory of said proposed town, to wit: one at the postoffice at York Beach, one at the postoffice at York Harbor, and one at the postoffice at York Village, all in said town of York, at least seven days before the date of holding said meeting. The only business which shall be acted upon at said meeting, except the choice of a moderator and secretary and the appointment of the committee hereinafter provided for, shall be upon the following question namely, viz: Shall the act entitled "An Act to divide the town of York and establish the town of Gorges" be accepted? The vote at said meeting shall be by written ballot, those in favor of said acceptance to vote "yes," and those opposed "no." At said meeting the polls shall be open at ten o'clock in the forenoon and remain open until four o'clock in the afternoon. The ballots cast at said meeting shall be counted by a committee of six, of which committee the selectmen of York shall be three, the other three to be appointed by the moderator from among the taxpayers within the limits of said town of Gorges; and should said selectmen decline or refuse to act said moderator shall appoint as members of said committee three taxpayers living in said York outside the limits of said proposed town of Gorges. A correct list of said taxpayers within said limits of said proposed town of Gorges who were assessed a tax for the year A. D. 1909 shall be prepared by a committee of three residents of said proposed town of Gorges to be appointed by the Justice of the Supreme Judicial Court presiding at the May, A. D. 1900 term of said court in York County, which committee shall have ac-

cess to the books of the assessors of said town of York, and who shall sign and make oath to the correctness of said list, which shall be used as a check list at said meeting.

If at said meeting this act is not accepted, another meeting of said taxpayers similarly called and held shall be held during the month of August, A. D. 1910, to act upon the same matter, and if at said second meeting said act is not accepted, then this act shall be void. For the purposes of said second meeting a correct list of said taxpayers within said limits of said proposed town of Gorges who were assessed a tax for the year A. D. 1910 shall be prepared by a committee of three residents of the proposed town of Gorges to be appointed by the Justice of the Supreme Judicial Court presiding at the May, A. D. 1910, term of said court in York County, which committee shall have access to the books of the assessors of said town of York, and who shall sign and make oath to the correctness of said list, which shall be used as a check list at said meeting.

The moderator and secretary of either of said meetings shall make return under oath to the Secretary of State of the result of the vote at such meeting.