

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 8

In Senate, Jan. 17, 1911.

Read and tabled for printing pending reference to a committee.

W. C. HANSON, Secretary.

STATE OF MAINE

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

AN ACT to Incorporate the Bayville Village Corporation.

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

Section 1. That part of the territory of the town of Booth-
2 bay Harbor, in the County of Lincoln, embraced within the
3 limits described as follows: Commencing at the southerly
4 point of the boundary line between the town of Boothbay
5 and Boothbay Harbor, on Linekins Bay, so called, and ex-
6 tending northerly along said boundary line to a point where
7 the line extended along a certain stone wall which runs east
8 and west near the fork of the main road would intersect
9 this town line; thence extending westerly along this line of
10 said stone wall extended east and west to a point which
11 would mark its intersection with the westerly line extended

12 of lots 22, 23, 24 and 25, according to the plan of Bayville
13 made by Tristham Griffin; thence along the westerly line of
14 lots 22, 23, 24 and 25 to the low water mark of Linekins
15 Bay; thence along the low water mark of Linekins Bay to
16 the point of beginning; together with the inhabitants within
17 said territory and certain owners of real estate therein as
18 hereinafter specified is hereby created a body politic and
19 corporate by the name of the Bayville 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: To create and
4 maintain a fire department with all the necessary equipment,
5 appliances and apparatus for the prevention and extinguish-
6 ment of fires; to build, repair and maintain roads, streets
7 and ways, sidewalks, sewers and other sanitary works, in-
8 cluding the collection and removal of offal and garbage; to
9 provide for the schooling of scholars within the corporate
10 limits as may be required by the laws of the State of Maine;
11 to care for and beautify that portion of the corporate terri-
12 tory of Bayville which may hereafter be reserved for and
13 dedicated to public uses to be enjoyed in common by all the
14 owners of lots of said Bayville and to that end to build roads
15 and walks upon and through said public lands and to plant
16 and care for trees in the roads and streets and upon said
17 public lands; to build, repair and maintain public wharves
18 and landings; to establish and maintain police and night
19 watch; to procure water for fire, domestic and other pur-

20 poses and to produce or procure light for public use and
21 for the use of the inhabitants of said village corporation,
22 and for such purposes to contract with the town of Booth-
23 bay Harbor only to furnish such water, and with any indi-
24 vidual, firm or corporation to furnish such light for either
25 or both of the purposes named; and to establish reasonable
26 rates to be paid by the inhabitants of said Bayville using said
27 light for domestic purposes, if produced by said corporation.

Sect. 3. The town of Boothbay Harbor is hereby relieved
2 from any and all duty to build, repair or maintain roads,
3 streets or ways within the territory of said Bayville Village
4 Corporation or to build schoolhouses, maintain schools there-
5 on, or to provide for the schooling of scholars as is required
6 by the laws of the State, or to perform any of the duties for
7 which said corporation is authorized by section two of this
8 act to raise money, and said town shall not be liable for
9 defects in streets, ways or roads within the limits of said
10 village corporation, nor for failure to perform any duty
11 from which it is relieved by this act, but said corporation
12 shall assume all of said duties and be liable for said defects
13 in streets, ways and roads and for failure to perform the
14 duties assumed as the town of Boothbay Harbor would have
15 been liable except for this act, which liability may be en-
16 forced under the same conditions, in the same manner and
17 with the same remedies as are provided by law in relation to
18 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 within the territory aforesaid, the
4 Bayville Village Corporation, which the town of Boothbay
5 Harbor and the selectmen now have, to be exercised and
6 performed under the same conditions and limitations and
7 in the same manner that they are now exercised and per-
8 formed by said town and its selectmen.

Sect. 5. The town of Boothbay Harbor shall annually pay
2 over to the treasurer of said corporation out of the taxes
3 collected from the inhabitants and estates within the terri-
4 tory of the Bayville Village Corporation, aforesaid, a sum
5 equal to sixty per centum of all the town taxes, exclusive
6 of the state and county tax collected from said inhabitants
7 and estates.

Sect. 6. All moneys which shall be raised for the pur-
2 poses named in section two of this act or for any other pur-
3 pose, for which the corporation may lawfully raise money
4 shall be assessed upon the taxable polls and estates em-
5 braced within the limits of the corporation by the assessors
6 of the town of Boothbay Harbor in the same manner as is
7 provided by law for the assessment of town and county
8 taxes. For the purposes of taxation under this act the
9 person or persons entitled to the use or occupation of any
10 lot of land within the limits of said Bayville Village Cor-
11 poration shall be deemed the owner thereof and be taxed for
12 said lot and the improvements, if any, thereon.

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, but one
5 of said overseers shall be, ex-officio, the chairman of the
6 board of selectmen of the town of Boothbay Harbor. Said
7 corporation is empowered to adopt at any legal meeting
8 called for that purpose, a code of by-laws for the government
9 of the same and for the proper management of its pruden-
10 tial affairs and other purposes connected therewith, provided
11 said by-laws are not repugnant to the laws of the state.
12 Such code of by-laws may be altered or amended at any legal
13 meeting of the corporation in the call for which notice of
14 the proposed change has been given. The officers aforesaid
15 shall be sworn before the clerk or a justice of the peace and
16 the treasurer shall give bond to said corporation in such
17 sum as the overseers may direct, which bond shall be ap-
18 proved by the overseers and clerk.

Sect. 8. Any person who is a legal voter in said corpora-
2 tion may be elected or appointed to any office therein, but
3 shall cease to hold said office whenever he ceases to be such
4 legal voter. The provisions of this section shall not apply to
5 that member of the overseers who as chairman of the board
6 of selectmen is a member of said board of overseers, ex-
7 officio.

Sect. 9. Said overseers shall be the general municipal offi-
2 cers of said corporation and shall have general charge of

3 its affairs and of the expenditures of all money therein
4 except so far as the same may be committed to other officers
5 or persons.

Sect. 10. The overseers and the treasurer of said corpora-
2 tion shall file with the municipal officers of the town of
3 Boothbay Harbor, on or before the first day of April of
4 each year, a full and detailed statement of all expenditures
5 of money which have been paid to them under the provisions
6 of Section 5 of this act. And should there then be any unex-
7 pended balance of the moneys paid to said corporation, ac-
8 cording to Section 5 of this act, the treasurer of said cor-
9 poration shall then pay the same to the treasurer of the town
10 of Boothbay Harbor, but this unexpended balance so paid
11 shall be returned to the treasurer of this corporation upon
12 written request of the overseers, or a majority thereof, to be
13 used by said corporation for any purposes authorized by this
14 act and to all interests and purposes this money shall be
15 deemed and held by the Town of Boothbay Harbor as a
16 deposit for the corporate purposes of this corporation pay-
17 able upon written demand as aforesaid to said corporation.

Sect. 11. Upon a certificate being filed with the assessors of
2 the town of Boothbay Harbor by the clerk of this corpora-
3 tion of the amount of money voted to be raised at any meet-
4 ing for any of the purposes aforesaid, it shall be the duty of
5 said assessors or their successors in office, at the time of the
6 next annual assessment of town and county taxes in said
7 town of Boothbay Harbor, to assess the total amounts certi-

8 fied by the clerk of this corporation upon the polls and estates
9 of persons residing within the limits of said corporation, and
10 upon the estates of non-resident proprietors thereof and to
11 certify and deliver the lists of the assessments so made to
12 the collector of the town of Boothbay Harbor, whose duty
13 it shall be to collect the same in like manner as county and
14 town taxes are by law collected and said collector shall pay
15 over all moneys collected, by him to the treasurer of said
16 corporation whenever the overseers shall so direct. It shall
17 be the duty of the treasurer of said corporation to receive all
18 moneys belonging to the corporation and to pay it out only
19 upon the written order or direction of the overseers and to
20 keep a regular account of all moneys received and paid out
21 and to exhibit the same to the overseers whenever requested,
22 and said town of Boothbay Harbor shall have the same power
23 to direct the mode of collecting said taxes that it has in the
24 collection of the town taxes, and said collector shall have the
25 same rights and powers to recover any taxes committed to
26 him under the provisions of this act by suit that he has for
27 the collection of town taxes committed to him, and the town
28 of Boothbay Harbor shall have the same right to recover
29 taxes assessed under this act by suit that it has to recover
30 town taxes assessed therein. The collector of Boothbay
31 Harbor shall be entitled to receive the same percentage for
32 the collection of taxes assessed under this act, and the same
33 fees in connection with the collection thereof, which he
34 receives for the collection of the town taxes, but if said col-

lector shall be paid a salary for the collection of taxes in said town, then he shall be entitled to receive for the collection of taxes assessed under this act that proportionate part of said salary that the taxes assessed in the corporate limits of Bayville bears to the taxes collected for the town of Boothbay Harbor.

Sect. 12. All persons residing within the limits of said corporation who would be legal voters in the town of Boothbay Harbor, and every person of lawful age who owns and occupies or leases and occupies one or more lots of land within the limits of said corporation, and at the same time is a shareholder in good standing in the Bayville Improvement Association shall be legal voters at any meeting of said corporation at which they are present. 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 this list upon the demand of five (5) legal voters; provided, however, that every person who by virtue of a joint ownership of himself and some other person or persons of a share of said stock and by agreement with the other joint owners, is in possession of a certain aliquot part of a lot of land within the corporate limits of Bayville, upon which he has a dwelling house owned and controlled by himself exclusively, shall be deemed a legal

22 voter at any meeting of the corporation at which he is pres-
23 ent, and provided further, that the majority in interest of the
24 joint owners of any share of stock may designate in writing
25 one of such owners to represent such share who shall be a
26 legal voter at any meeting of the corporation at which he is
27 present, but no person shall be entitled to more than one vote
28 in any meeting either for himself or as representing the joint
29 owners of any share of stock.

Sect. 13. The first election of officers shall be at the meeting
2 at which this charter is accepted. Said officers shall hold
3 their respective offices until the next annual meeting of the
4 corporation, at which said meeting officers shall be elected
5 and thereafterwards at each annual meeting, but in any
6 event all officers duly elected shall hold office until their
7 successors are elected and duly qualified. The annual meet-
8 ing of said corporation shall be held on the first Monday of
9 August in each year.

Sect. 14. This charter may be accepted at any time within
2 five years after it shall become law, but only one meeting to
3 vote thereon shall be called in any one calendar year. George
4 M. Harmon, Albert E. Shipman, Charles Fletcher, George
5 P. Merrill, Frederick A. Smith, Leland F. Bridgham, Bryant
6 G. Smith and Joshua M. Dill, or either of them, may call
7 all meetings of the corporation previous to the acceptance
8 of the charter and the election of officers, and notify the per-
9 sons entitled to vote therein to meet at some suitable time
10 and place within the said limits of this corporation, by post-

11 ing of notices in two public places within the limits of said
12 corporation, seven days at least before the time of holding
13 said meeting; all subsequent meetings shall be called and
14 notified by the overseers as town meetings are called and
15 notified by the selectmen; either of the above named persons
16 are authorized to preside at any meeting previous to the
17 acceptance of the charter until the meeting is organized and
18 until a moderator shall have been chosen by ballot and
19 sworn; at all meetings of the corporation a moderator shall
20 be chosen in the manner, and with the same power as in
21 town meetings.

Sect. 15. Whenever this charter shall be accepted by a
2 majority of the voters of said corporation at a legal meeting
3 called for that purpose then the same shall take and have
4 complete effect in all its parts.