

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 380

In Senate, Feb. 26, 1913.

*Reported by Senator Dutton from Committee on Judiciary,
and ordered printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to incorporate the Capitol Island Village Corporation.

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

Section 1. The territory embraced within the limits of
2 Capitol Island in the town of Southport, in the county of
3 Lincoln, together with the inhabitants thereon and certain
4 owners of real estate thereon as hereinafter specified is
5 hereby created a body politic and corporate by the name of
6 the Capitol Island 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 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;
9 to care for and beautify that portion of the island which
10 has been or may hereafter be reserved for and dedicated
11 to public uses to be enjoyed in common by all the owners
12 of lots on the island and to that end to build roads and
13 walks upon and through said public lands and to plant and
14 care for trees in the roads and streets and upon said public
15 lands; to build, repair and maintain public wharves and
16 landings; to establish and maintain police and night watch;
17 to procure water for fire, domestic and other purposes and
18 to produce or procure light for public use and for the use
19 of the inhabitants of the island, and for such purposes to
20 contract with any individual, firm or corporation to furnish
21 such water or light for either or both of the purposes named
22 and to establish reasonable rates to be paid by the inhab-
23 itants of the island using such water or light for domestic
24 purposes; to construct, maintain and operate telephone or
25 telegraph lines or to aid in such construction, maintenance
26 and operation and to that end and for that purpose to con-
27 tract with any corporation, firm or individual therefor; and
28 to defray any and all other necessary or proper corporate
29 charges.

Sect. 3. The town of Southport is hereby relieved from any
2 and all duty to build, repair, or maintain roads, streets or
3 ways upon Capitol Island or to build school houses or main-

tain schools thereon or to perform any of the duties for which said corporation is authorized by section two of this act to raise money, and said town shall not be liable for defects in streets, ways or roads on said island nor for failure to perform any duty from which it is relieved by this act, but said corporation shall assume all of said duties and be liable for said defects in streets, ways and roads and for failure to perform the duties assumed as the town of Southport would have been liable except for this act, which liability may be enforced under the same conditions, in the same manner and with the same remedies as are provided by law in relation to towns.

Sect. 4. Said corporation and the overseers thereof shall have the same power and duties in laying out, discontinuing and altering town ways on Capitol Island which the town of Southport and the selectmen now have to be exercised and performed under the same conditions and limitations and in the same manner that they are now exercised and performed by said town and its selectmen.

Sect. 5. The town of Southport shall annually pay over to the treasurer of said corporation out of the taxes collected from the inhabitants and estates on Capitol Island a sum equal to sixty per centum of all the town taxes, exclusive of the state and county tax, collected from said inhabitants and estates.

Sect. 6. All moneys which shall be raised for the purposes named in section two of this act or for any other purpose,

3 for which the corporation may lawfully raise money, shall
4 be assessed upon the taxable polls and estates embraced
5 within the limits of the corporation by the assessors of the
6 town of Southport in the same manner as is provided by
7 law for the assessment of town and county taxes. For the
8 purposes of taxation under this act the person or persons
9 entitled to the use or occupation of any lot of land on said
10 island shall be deemed the owner thereof and be taxed for
11 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
4 officers as the by-laws of said corporation may require.
5 Said corporation is empowered to adopt at any legal meet-
6 ing called for that purpose a code of by-laws for the gov-
7 ernment of the same and for the proper management of its
8 prudential affairs and other purposes connected therewith,
9 provided said by-laws are not repugnant to the laws of the
10 state. Such code of by-laws may be altered or amended at
11 any legal meeting of the corporation in the call for which
12 notice of the proposed change has been given. The officers
13 aforesaid shall be sworn before the clerk or a justice of the
14 peace and the treasurer shall give bond to said corporation
15 in such sum as the overseers may direct, which bond shall
16 be approved 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.

Sect. 9. Said overseers shall be the general municipal
2 officers of said corporation and shall have general charge of
3 its affairs and of the expenditure of all money therein ex-
4 cept so far as the same may be committed to other officers
5 or persons.

Sect. 10. Upon a certificate being filed with the assessors
2 of the town of Southport by the clerk of this corporation of
3 the amount of money voted to be raised at any meeting for
4 any of the purposes aforesaid, it shall be the duty of said
5 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 Southport to assess the total amounts certified by
8 the clerk of this corporation upon the polls and estates of
9 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 Southport, whose duty it shall
13 be to collect the same in like manner as county and town
14 taxes are by law collected and said collector shall pay over
15 all moneys collected by him to the treasurer of said cor-
16 poration whenever the overseers shall so direct. It shall be
17 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
20 to keep a regular account of all moneys received and paid

21 out and to exhibit the same to the overseers whenever re-
22 quested, and said town of Southport shall have the same
23 power to direct the mode of collecting said taxes that it has
24 in the collection of the town taxes and said collector shall
25 have the same rights and powers to recover any taxes com-
26 mitted to him under the provisions of this act by suit that
27 he has for the collection of town taxes committed to him
28 and the town of Southport shall have the same right to
29 recover taxes assessed under this act by suit that it has to
30 recover town taxes assessed therein. The collector of
31 Southport shall be entitled to receive the same percentage
32 for the collection of taxes assessed under this act and the
33 same fees in connection with the collection thereof which he
34 receives for the collection of the town taxes.

Sect. 11. All persons residing within the limits of said
2 corporation, who would be legal voters in the town of
3 Southport and every person of lawful age who owns one or
4 more shares of the stock of the Capitol Island Association
5 and is in possession of one or more lots of land on said
6 island by virtue of the ownership of said stock shall be legal
7 voters at any meeting of said corporation at which they are
8 present. The overseers of said corporation shall determine
9 who are the legal voters at any meeting and shall prepare
10 a list of said voters at least twenty-four hours before each
11 meeting, which said list they may amend or correct at any
12 time before said meeting or during its progress. The vote
13 upon any proposition at any meeting shall be taken and

14 checked by this list upon the demand of five legal voters ;
15 provided, however, that every person who by virtue of a
16 joint ownership of himself and some other person or per-
17 sons of a share of said stock and by agreement of the other
18 joint owners, is in possession of a certain aliquot part of
19 a lot of land on said island upon which he has a dwelling
20 house owned and controlled by himself exclusively, shall
21 be deemed a legal voter at any meeting of the corporation
22 at which he is present and provided further that the ma-
23 jority in interest of the joint owners of any share of stock
24 may designate in writing one of such owners to represent
25 such share who shall be a legal voter at any meeting of the
26 corporation at which he is present, but no person shall be
27 entitled to more than one vote in any meeting either for
28 himself or as representing the joint owners of any share of
29 stock.

Sect. 12. The first election of officers shall be at the meet-
2 ing at which this charter is accepted. Said officers shall
3 hold their respective offices until the next annual meeting of
4 the corporation at which said meeting officers shall be
5 elected and thereafterwards at each annual meeting, but in
6 any 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 last Saturday
9 of July in each year.

Sect. 13. This charter may be accepted at any time within
2 five years from its approval by the governor, but only one

3 meeting to vote thereon shall be called in any one calendar
4 year. A. E. Lewis, F. A. Danforth, K. W. Small, Charles
5 B. Day, and Thomas Leigh, or either of them, may call all
6 meetings of the corporation previous to the acceptance of
7 the charter and the election of officers, and notify the per-
8 sons entitled to vote therein to meet at some suitable time
9 and place, on said Capitol Island, by posting of notices in
10 two public places on said island seven days at least before
11 the time of holding said meeting; all subsequent meetings
12 shall be called and notified by the overseers as town meet-
13 ings are called and notified by the selectmen; either of the
14 above named persons are authorized to preside at any meet-
15 ing previous to the acceptance of the charter until the meet-
16 ing is organized and until a moderator shall have been
17 chosen by ballot and sworn; at all meetings of the corpo-
18 ration a moderator shall be chosen in the manner, and with
19 the same power as in town meetings.

Sect. 14. The Capitol Island Association is hereby author-
2 ized to sell, convey, lease or otherwise dispose of any and
3 all real estate or interests therein which it now has to the
4 Capitol Island Village Corporation and said latter corpora-
5 tion is hereby authorized to purchase, take title to, lease or
6 otherwise acquire said real estate or interests therein and
7 to hold, manage and control the same for the benefit of
8 said corporation and the members thereof and for the pur-
9 pose of enabling the corporation to accomplish the objects
10 for which it was created.

Sect. 15. 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
5 shall be accepted by a majority of the voters of said corpo-
6 ration at a legal meeting called for that purpose, then the
7 same shall take and have complete effect in all its parts.