

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 314

House of Representatives, Feb. 13, 1917.

Referred to Committee on Legal Affairs and one thousand copies ordered printed.

W. R. ROIX, Clerk.

Presented by Mr. Ellis of York.

STATE OF MAINE

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

AN ACT to amend Chapter four hundred and fifty-five of the Private and Special Laws of nineteen hundred and one amended by Chapter three hundred and five of the Private and Special Laws of nineteen hundred and five, entitled "An Act to Incorporate the York Beach Village Corporation."

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

Section 1 of Chapter four hundred and fifty-five of the
2 Private and Special Laws of nineteen hundred and one en-
3 titled "An Act to incorporate the York Beach Village Cor-
4 poration" is hereby amended by changing its territorial

5 boundaries so as to include the territory in the Town of
6 York generally known as "Long Sands Beach," so that said
7 section, as amended, will read as follows:

8 "Section 1. The territory in the Town of York embraced
9 within the following boundaries, namely: Beginning at high
10 water mark on the shore of the Atlantic Ocean at the east-
11 erly extremity of the corporate limits of the York Harbor
12 Village Corporation and running by the easterly limits of
13 said York Harbor Village Corporation in a northwesterly
14 direction across the beach road locally known as "York
15 Street" to the northerly side of "Long Sands" road, so
16 called; thence continuing in a northwesterly direction by and
17 along the northerly side line of said Long Sands road to
18 the northwesterly side line of land of the York Harbor and
19 Beach Railroad Company, being the northerly bounds of
20 said York Harbor Village Corporation territory; thence,
21 from said last named boundary, turning and running north-
22 easterly by and along the northwesterly side line of said
23 railroad land to the southwesterly side line of the road
24 leading from "Long Beach" to the "New Road" so called,
and known as the "Webber Road;" thence running north-
westerly by and along the southerly side of said Webber
road to and across the aforementioned New road to the north-
westerly side line of said road; from thence running north-
easterly by and along the northwesterly side line of said
New road to the division line between land of the heirs
of Elijah Blaisdell and land of David Donnell; thence run-

25 ning by said heirs and said Donnell's land northwesterly at
26 right angles with said New road five hundred feet to a
27 point on said line; thence turning and running northeasterly
28 parallel with the aforementioned New road and five hundred
29 feet distant therefrom to the intersection with the line form-
30 ing the present bounds or limits of the present York Beach
31 Village Corporation; thence N. about 23° E. to the inter-
32 section of the northwesterly side line of land of the Atlantic
33 Shore Railway Company; thence by said boundary line of
34 land of said Railway Company northerly to the center of
35 the channel of Cape Neddick River; thence following said
36 channel to the Atlantic Ocean; thence southerly, easterly
37 and westerly, as the shore line runs, to a point at low water
38 mark southeast of the point of beginning; thence from said
39 point at low water mark to the point of beginning, together
40 with the inhabitants thereof, is hereby created a body politic
41 and corporate by the name of the York Beach Village Cor-
42 poration, with all the rights and privileges granted by the
43 laws of the state to corporations.'

Section 2 of Chapter four hundred and fifty-five of the
2 Private and Special Laws of nineteen hundred and one,
3 entitled "An Act to incorporate the York Beach Village
4 Corporation," is hereby amended by striking therefrom the
5 first two and one-half lines thereof and by adding thereto
6 certain rights, privileges and powers, so that said section,
7 as amended, will read as follows:

'Sect. 2. Said corporation is hereby authorized and vested

2 with the power, at any legal meeting called for that purpose,
3 to apportion and designate the uses to which the money
4 received from the Town of York under the provisions of
5 Section 4 of this charter as now amended shall be put, the
6 purposes and uses for said money being among other things
7 as follows: to create and maintain a fire department with
8 all the necessary engines, equipments, appliances and ap-
9 paratus for the prevention and extinguishment of fires; to
10 acquire and maintain property, buildings and structures
11 necessary for the use and preservation of its said fire de-
12 partment property; to construct a building to be used as
13 Village Hall and to contain therein such offices and apart-
14 ments, including lock-ups, as may be convenient for the ad-
15 ministration of corporate rights and duties herein granted
16 and to acquire land necessary and convenient therefor, or
17 to lease, or otherwise acquire, said property, or portions
18 thereof, for said purposes; to build, maintain, and repair
19 roads, streets, ways and sidewalks; to light and sprinkle its
20 streets; to set out and care for shade trees; to improve
21 and care for public grounds as hereinafter provided; to
22 build and maintain such sewers and drains as the corpora-
23 tion may vote to build in addition to those already built and
24 to be built and constructed by the Town of York; to main-
25 tain a night watch or police force; to provide means for the
26 collection and removal of the offal and garbage; to protect
27 and care for the beaches; to care for and beautify that por-
28 tion of the corporate territory of York Beach which may

29 hereinafter be reserved and dedicated to public uses to be
30 enjoyed in common by all the inhabitants of said York
31 Beach Village Corporation, and to that end to build roads
32 and walks upon and to said public lands; to build, repair
33 and maintain public walks, wharves and landings; to estab-
34 lish a sanitary and health department; to provide and estab-
35 lish a department with powers to govern and regulate build-
36 ing constructions at York Beach in order to prevent the
37 erection of dangerous and unsightly buildings and struc-
38 tures; to advertise the beauties, advantages and attractions
39 of York Beach as a summer resort; and to defray the ex-
40 penses of all other necessary measures for the improvement
41 of said village corporation, for the better security of life
42 and property, and for the promotion of good order and quiet
43 within the corporate limits; said corporation shall have the
44 right and authority to receive, hold and manage, devise,
45 bequests and gifts for any and all of the purposes author-
46 ized by this charter, and for the purposes herein named, and
47 said York Beach Village Corporation, by its proper agents,
48 may make contracts necessary and convenient for the exer-
49 cise of its corporate powers.

Section 3 of Chapter four hundred and fifty-five of the
2 private and special laws of nineteen hundred and one, en-
3 titled, "An Act to incorporate the York Beach Village Cor-
4 poration," is hereby amended, so that said section will read
5 as follows:

'Sect. 3. Said corporation, within its territorial limits

2 shall have, and is hereby granted all the rights, powers
3 and privileges which towns, or their municipal officers, have
4 under the provisions of the Revised Statutes and Public
5 Laws relating to drains and sewers, and all powers, duties
6 and privileges granted by said Statutes and Public Laws
7 of the State of Maine to selectmen, clerks, treasurers and
8 constables of towns are hereby respectively granted to and
9 vested in the assessors, clerk and treasurer and constables
10 and police officers of said corporation, and all powers con-
11 ferred and duties, penalties, and obligations imposed by said
12 statutes and by public laws upon towns and upon persons,
13 for the benefit and protection of towns and persons, and of
14 their drains, sewers and property, shall be possessed by,
15 and imposed upon, said corporation, and persons and prop-
16 erty therein, for the benefit and protection of said corpora-
17 tion, persons and property, and the drains, and sewers
18 thereof. Provided, however, that the assessors of said cor-
19 poration shall not have power to construct drains or sewers
20 at the expense of the corporation without a vote of the cor-
21 poration, at some legal meeting called therefor, authorizing
22 such construction.'

Section 4 of Chapter four hundred and fifty-five of the
2 Private and Special Laws of nineteen hundred and one,
3 amended by Chapter three hundred and five of the Private
4 and Special Laws of nineteen hundred and five, entitled,
5 "An Act to incorporate the York Beach Village Corpora-
6 tion," is hereby repealed, and the following shall be inserted
7 as Section 4 of the amended charter to read as follows:

‘Sect. 4. On or before the first day of July annually, beginning in 1917, the Town of York shall appropriate and pay over to the York Beach Village Corporation a sum of money computed as follows: from the annual appropriation raised by the town taxation on the estates and polls within said York Beach Village Corporation for the preceding year shall be deducted said corporation’s proportional part, based on valuation and poll tax assessment of the whole annual town levy for said preceding year for state, county and school taxes, salary of the town officers, reduction of town debt, interest on town charges, appropriations for roads, poor, incidentals, and any and all other town charges, and fifty-five percentum of the sum thus determined, after deducting the corporation’s proportion of town obligations for hydrants and street lights, shall be said sum to be annually paid over to said corporation as herein provided. Said sum shall be expended by said corporation for its corporate purposes and duties, and payment thereof to the corporation shall relieve said town of all town charges within said corporation except for street lighting, hydrant service, public schools, public health, maintenance of poor, and construction and repair of town sewers. All the authority and duties of the selectmen or road commissioner within said corporation shall be exercised by said assessors; or they may appoint an agent to perform the duties of road commissioner.’

Section 5 of Chapter four hundred and fifty-five of the

2 Private and Special Laws of nineteen hundred and one,
3 entitled, "An Act to incorporate the York Beach Village
4 Corporation," is hereby repealed, and the following shall
5 be inserted as Section 5 of the amended charter to read as
6 follows:

'Sect. 5. Said corporation and the overseers thereof, un-
2 less its doings are repugnant to the laws of this state, or to
3 its charter, shall have the same powers and duties in the
4 management of its corporate affairs that towns and the se-
5 lectmen thereof now have, to be exercised and performed
6 under the same conditions, limitations and liabilities, and
7 in the same manner, that they are now exercised and per-
8 formed by towns and its selectmen, including therein its
9 mode of calling and manner of conducting its corporation
10 meeting and election of officers; the statute rights to make
11 by-laws and ordinances; the right of eminent domain; the
12 statute powers to lay out and alter streets and ways within
13 its territory; the statute powers to issue licenses to run
14 places for public exhibitions and amusement; the right to
15 determine in what manner and upon what terms abutters
16 upon the lines of its sewers and drains may enter or must
17 enter and connect with it, and may establish rules and regu-
18 lations and a schedule of rates which may be collected at
19 regular periods; and all other rights, privileges, duties and
20 obligations not incompatible herewith.'

Section 6 of Chapter four hundred and fifty-five of the
2 Private and Special Laws of nineteen hundred and one,

3 entitled, "An Act to incorporate the York Beach Village
4 Corporation," is hereby amended so that said section will
5 read as follows:

'Sect. 6. Said corporation, at any legal meeting called for
2 that purpose, may vote to issue its bonds or notes to obtain
3 money to carry out each, any, or all of the objects and
4 purposes set forth in Sections 2 and 3 of this Act as now
5 amended. Said bonds or notes shall be signed by the as-
6 sessor and treasurer, and shall be on such time and bear
7 such rate of interest as the corporation may deem expedient,
8 subject, however, to the limitations to towns under the Con-
9 stitution of Maine limiting municipal indebtedness. And
10 in addition to the above powers of raising money said cor-
11 poration may, from time to time, borrow money as a tem-
12 porary loan in anticipation of the receipt of its money from
13 the town of York under Section 4 as now amended.'

Section 7 of Chapter four hundred and fifty-five of the
2 Private and Special Laws of nineteen hundred and one,
3 entitled, "An Act to incorporate the York Beach Village
4 Corporation," is hereby amended, so that said section will
5 read as follows:

'Sect. 7. The officers of said corporation shall be a clerk,
2 treasurer, three assessors, three fire wardens, and such
3 officers as the by-laws of said corporation may require.
4 Each officer shall be a resident and reside, during his term
5 of office, within the limits of said corporation. The clerk,
6 treasurer and assessors shall be chosen by ballot at the an-

7 nual meeting of said corporation, or at a special meeting
8 called for the purpose, and said other officers of said cor-
9 poration shall be residents within the limits of said corpora-
10 tion, as aforesaid, and shall be selected by ballot, or other
11 method agreed upon by a vote of the corporation. Said
12 clerk, treasurer, and assessors shall hold office for one year,
13 or until the next annual meeting, and thereafter until their
14 successors are chosen and qualified, and shall severally have
15 all the powers and authority within the limits of said cor-
16 poration that similar officers chosen by towns now, or may
17 have. The assessors may appoint and remove police officers
18 and such other officers as the by-laws allow, and whose
19 selection is not otherwise provided for herein.

Said corporation, at any legal meeting, may adopt a code
2 of by-laws not repugnant to the laws of this state, nor its
3 charter, for the efficient management of its affairs. All
4 officers aforesaid shall be sworn before the clerk of a justice
5 of the peace for the faithful performance of their duties.
6 The treasurer shall give bond with such sureties as the as-
7 sessors of the corporation may approve in a sum not less
8 than double the amount of money paid to said corporation
9 by said town, as set forth in Section 4 of this act, to the
10 inhabitants of the corporation, for the faithful performance
11 of his duties, and said bond shall be approved in writing
12 by the assessors and thereafterwards deposited with and
13 retained by the clerk of the corporation. The compensa-
14 tion of all officers herein provided for shall be fixed by vote
15 of the corporation.'

Sect. 8. Said assessors shall be the general municipal
2 officers of said corporation and shall have general charge of
3 its affairs and of the expenditure of money thereof, except
4 so far as the same may by this act be committed to other
5 officers or persons.

Sect. 9. The fire wardens shall have exclusively all the
2 power and authority, within the limits of said corporation,
3 that fire wardens have, or may have, when chosen by towns
4 in town meeting. The police officers shall have power to
5 execute all warrants and have the same power to prevent
6 public disturbances and preserve public peace within said
7 corporation as is given by the laws of this state to con-
8 stables, and to restrain all infractions of, and carry into
9 effect, such by-laws as said corporation shall adopt in pur-
10 suance of this act.

Sect. 10. The clerk shall record all doing and proceed-
2 ings at the meetings of said corporation. The clerk may
3 appoint a deputy to act in his absence in the manner pro-
4 vided by statute for the appointment of a clerk in the
5 absence of a town clerk; and in case of the clerk's absence,
6 death, resignation, or removal from office without having
7 made such an appointment, the assessors may appoint a
8 resident of the corporation in the manner provided by
9 statute for the appointment of a clerk by municipal officers
10 of towns.

Section 11 of Chapter four hundred and fifty-five of the
2 Private and Special Laws of nineteen hundred and one, en-

3 titled "An Act to incorporate the York Beach Village Cor-
4 poration," is hereby repealed, and the following shall be
5 inserted as Section 11 of the amended charter to read as
6 follows:

'Sect. 11. Any person having his legal residence within
2 the territory aforesaid, qualified to vote for governor, sena-
3 tors and representatives may be elected or appointed to any
4 office in said corporation, but shall cease to hold said office
5 whenever he ceases to be such legal voter.'

Section 12 of Chapter four hundred and fifty-five of the
2 Private and Special Laws of nineteen hundred and one, en-
3 titled, "An Act to incorporate the York Beach Village Cor-
4 poration," is hereby amended so that said section will read
5 as follows:

'Sect. 12. Every person having his legal residence within
2 the territory aforesaid, qualified to vote for governor, sena-
3 tors and representatives, shall be a legal voter at any meet-
4 ing of the corporation, and shall also be qualified to vote
5 upon the acceptance of this charter and the amendments
6 thereof, also, every person, male or female, of lawful age,
7 who owns and possesses real estate within the limits of
8 said corporation, and has owned and possessed the same for
9 at least six months prior to any election or meeting of said
10 corporation, whether resident or non-resident owner of
11 real estate, shall be a legal voter at any meeting of the
12 corporation and shall be qualified to vote upon the accept-
13 ance of the charter and upon the amendments thereof if
14 they are present. The assessors of the corporation shall

15 determine who are legal voters at any meeting, and shall
16 prepare a list of said voters at least twenty-four hours be-
17 fore every meeting, which said list they may amend or
18 correct at any time before said meeting or during its
19 progress. The vote for the election of officers of the cor-
20 poration and upon any proposition at any meeting shall be
21 taken and checked by this list upon the demand of five
22 legal voters.'

Section 13 of Chapter four hundred and fifty-five of the
2 Private and Special Laws of nineteen hundred and one, en-
3 titled "An Act to incorporate the York Beach Village Cor-
4 poration," is hereby amended, so that said section will read
5 as follows:

'Sect. 13. This charter, as now amended and enlarged,
2 may be accepted at any time within two years from its
3 approval by the governor, except that not more than two
4 meetings for such acceptance shall be held in any one calen-
5 dar year, and the first meeting for that purpose shall be
6 held on the second Monday in September, 1917. Frank E.
7 Parsons, Frank H. Ellis, J. Byron Paul and Charles L.
8 Worthen, or any one of them, are hereby authorized to call
9 any meeting of said corporation to act on the acceptance
10 of this charter, and to notify all persons qualified to vote
11 at said meeting, to assemble at some suitable time and place
12 within the limits of said corporation, by posting up notices
13 thereof in two public and conspicuous places within said
14 limits seven days at least before the time of said meeting;

15 and any one of said persons above named is authorized to
16 preside at said meeting until after its organization and until
17 after a clerk and moderator of the meeting shall have been
18 chosen by ballot and sworn. At all meetings of said cor-
19 poration a moderator shall be chosen in the manner and
20 with the same powers as in town meetings.’

Section 14 of Chapter four hundred and fifty-five of the
2 private and special laws of nineteen hundred and one, en-
3 titled “An Act to incorporate the York Beach Village Cor-
4 poration,” is hereby amended, so that said section will read
5 as follows:

‘Sect. 14. Said assessors shall call all subsequent meet-
2 ings of the corporation by posting up notices thereof, in two
3 public and conspicuous places within the limits of said cor-
4 poration, signed by them and stating the time and place of
5 each meeting, seven days at least before the time appointed
6 for the meeting. All notices shall state in distinct article
7 the business to be acted upon at the meeting, and no other
8 business shall be then and there acted upon. When ten or
9 more voters in writing request the assessors to insert a par-
10 ticular article in any notice they shall insert it in their next
11 notice issued, or shall call a special meeting for the consid-
12 eration thereof to be held within thirty days after the filing
13 of said written request. The annual meeting for the elec-
14 tion of officers, excepting perhaps the first meeting for the
15 election of officers, shall be held on the second Monday of
16 September in each year. In case the assessors unreasonably

17 neglect or refuse to call a meeting, any justice of the peace
18 may call a meeting of the corporation on petition of ten
19 legal voters, by posting up notices in the manner herein pro-
20 vided.'

Sect. 15. At any first meeting of said corporation called
2 in pursuance to section thirteen of this act, the legal voters
3 within said corporate limits shall by ballot vote on the ques-
4 tion of accepting this charter, and if a majority of such
5 voters present and voting at said meeting shall vote in favor
6 of its acceptance, then this act shall take effect and the cor-
7 poration shall proceed to organize and choose its officers,
8 and may adopt a code of by-laws.

Section 16 of chapter four hundred and fifty-five of the
2 private and special laws of nineteen hundred and one, en-
3 titled "An Act to incorporate the York Beach Village Cor-
4 poration," is hereby amended, so that said section will read
5 as follows:

'Sect. 16. This amended act and charter when accepted by
2 a majority of the voters of said corporation, as aforesaid,
3 then shall take and have complete effect in all its parts; and
4 all parts of the original charter and act of chapter four
5 hundred and fifty-five of the private and special laws of
6 nineteen hundred and one, entitled, "An Act to incorporate
7 the York Beach Village Corporation," amended by chapter
8 three hundred and five of the private and special laws of
9 nineteen hundred and five, inconsistent with and repugnant
10 to this charter as now amended, are hereby repealed; and

11 the term of office of all elective and appointed officers of
12 the York Beach Village Corporation now holding office
13 under the provision of said chapter four hundred and fifty-
14 five of the private and special laws of nineteen hundred and
15 one, shall end, expire and terminate when this amended
16 charter is accepted, as aforesaid, and the several officers of
17 the corporation are elected, as provided by the provisions of
18 this amended charter. Whatever sum or sums of money
19 may be appropriated by the town of York and may have
20 been used and expended within the limits of said corpora-
21 tion for town purposes outside of and other than those spec-
22 ially imposed upon said town by section 4 of this act, and
23 whatever sum or sums of money the town of York may
24 have paid over to said corporation during the year in which
25 this amended charter is accepted and before it is accepted,
26 shall be deducted from the amount payable to said corpora-
27 tion for said year in which this charter is accepted as pro-
28 vided in section 4 of this charter, so that said corporation
29 the year its charter is accepted shall receive the total amount
30 payable to it in money, as provided in said section 4, or part
31 thereof in services already performed and expenditures al-
32 ready made and the balance thereof in money, as the case
33 may be.

We, the undersigned, legal voters of York, residents within
the limits of said corporation, affix our names as petitioners.

T. B. Emery

Robert F. Farwell

William F. Jellison
George E. Morrill
Harley G. Ellis
Herbert L. Shattuck
William N. Gough
Jos. A. Stringer
Chas. W. Harris
Austin McKowen
Fred E. Frisbee
Malcolm Ramsdell
Otis W. Avery
Hubert E. Coan
Henry Bryce
Charles A. Parsons
John Q. Adams
Tom Frisbee
Albert M. Chase
Chester C. Chase
William H. Noche
Wyman J. Norton
Caleb Bowden
Joseph A. Briley
David La Ronte
George W. Kanada
S. P. Holden
Melvin C. Simonds
Charles L. Bowden

Raymond Stacey
Moses J. Adams
Fred H. Bowden
Eugene E. Blood
George A. Ernst
John D. Kern
H. H. Norton
Albert E. Langhorn
George Bullard Noyes
John E. Weare
J. J. Card
G. Raymond Noyes
J. Byron Paul
C. E. Horton
George A. Chase
George A. Procter
Charles L. Worthen
Charles F. Moseley
Walter J. Wiggin
George Lane
Walter Bowden
William M. Brooks
Edward Shattuck
George F. Parsons
Joseph H. Matthews
Frank E. Parsons
W. G. Parsons
H. Grant Duff