

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 546

House of Representatives, March 13, 1917.

Printed under joint rules.

W. R. ROIX, Clerk.

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 Pri-
vate and Special Laws of nineteen hundred and one, entitled
3 “An Act to incorporate the York Beach Village Corporation”
4 is hereby amended by changing its territorial boundaries so
5 as to include the territory in the Town of York generally

6 known as "Long Sands Beach," so that said section as
7 amended, will read as follows:

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

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

Section 2 of chapter four hundred and fifty-five of the Pri-
2 vate and Special Laws of nineteen hundred and one, entitled
3 "An Act to incorporate the York Beach Village Corpora-
4 tion," is hereby amended by striking therefrom the first two
5 and one-half lines thereof and by adding thereto certain
6 rights, privileges and powers, so that said section, as
7 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 re-
4 ceived from the Town of York under the provisions of sec-
5 tion four of the 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 all
8 the necessary engines, equipments, appliances and apparatus
9 for the prevention and extinguishment of fires; to acquire
10 and maintain property, buildings, and structures necessary
11 for the use and preservation of its said fire department pro-
12 perty; to construct a building to be used as Village Hall and
13 to contain therein such offices and apartments, including
14 lock-ups, as may be convenient for the administration of cor-
15 porate rights and duties herein granted and to acquire land
16 necessary and convenient therefor, or to lease or otherwise
17 acquire said property, or portions thereof, for said purposes;
18 to build, maintain and repair roads, streets, ways and side-
19 walks; to light and sprinkle its streets; to set out and care
20 for shade trees; to improve and care for public grounds as
21 hereinafter provided; to build and maintain such sewers and
22 drains as the corporation may vote to build in addition to
23 those already built and to be built and constructed by the
24 town of York; to maintain a night watch or police force; to
25 provide means for the collection and removal of the offal and
26 garbage; to protect and care for the beaches; to care for and
27 beautify that portion of the corporate territory of York
28 Beach which may hereinafter be reserved and dedicated to
29 public uses to be enjoyed in common by all the inhabitants

30 of said York Beach Village Corporation and to that end to
31 build roads and walks upon and to said public lands; to
32 build, repair and maintain public walks, wharves and land-
33 ings; to establish a sanitary and health department; to pro-
34 vide and establish a department with powers to govern and
35 regulate building constructions at York Beach in order to
36 prevent the erection of dangerous and unsightly buildings
37 and structures; to advertise the beauties, advantages and at-
38 tractions of York Beach as a summer resort; and to defray
39 the expenses of all other necessary measures for the im-
40 provement of said village corporation, for the better security
41 of life and property, and for the promotion of good order
42 and quiet within the corporate limits; said corporation shall
43 have the right and authority to receive, hold and manage,
44 devises, bequests and gifts for any and all of the purposes
45 authorized by this charter, and for the purposes herein
46 named, and said York Beach Village Corporation, by its
47 proper agents, may make contracts necessary and convenient
48 for the exercise 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 shall
2 have, and is hereby granted all the rights, powers and privi-
3 leges which towns, or their municipal officers, have under the
4 provisions of the Revised Statutes and public laws relating to

5 drains and sewers, and all powers, duties and privileges
6 granted by said statutes and public laws of the state of
7 Maine to selectmen, clerks, treasurers and constables of
8 towns are hereby respectively granted to and vested in the
9 assessors, clerk and treasurer and constables and police offi-
10 cers of said corporation, and all powers conferred and dut-
11 ies, penalties, and obligations imposed by said statutes and by
12 public laws upon towns and upon persons, for the benefit and
13 protection of towns and persons, and of their drains, sewers
14 and property, shall be possessed by, and imposed upon said
15 corporation, and persons and property therein, for the benefit
16 and protection of said corporation, persons and property, and
17 the drains and sewers thereof. Provided however, that the
18 assessors of said corporation shall not have power to con-
19 struct drains or sewers at the expense of the corporation
20 without a vote of the corporation, at some legal meeting
21 called therefor, authorizing such construction.'

Section 4 of chapter four hundred and fifty-five of the Pri-
2 vate and Special Laws of nineteen hundred and one,
3 amended by chapter three hundred and five of the private and
4 special laws of nineteen hundred and five, entitled "An Act
5 to incorporate the York Beach Village Corporation," is here-
6 by repealed, and the following shall be inserted as section
7 four of the amended charter to read as follows:

'Sect. 4. On or before the first day of July annually, be-
2 ginning in 1917, the town of York shall appropriate and pay
3 over to the York Beach Village Corporation a sum of money

4 computed as follows: from the annual appropriation raised
5 by the town taxation on the estates and polls within said
6 York Beach Village Corporation for the preceding year
7 shall be deducted said corporation's proportional part, based
8 on valuation and poll tax assessment of the whole annual
9 town levy for said preceding year for state, county and
10 school taxes, salary of the town officers, reduction of town
11 debt, interest on town charges, appropriations for roads,
12 poor, incidentals, and any and all other town charges, and
13 fifty-five per centum of the sum thus determined, after de-
14 ducting the corporation's proportion of town obligations for
15 hydrants and street lights, shall be said sum to be annually
16 paid over to said corporation as herein provided. Said sum
17 shall be expended by said corporation for its corporate pur-
18 poses and duties, and payment thereof to the corporation
19 shall relieve said town of all town charges within said cor-
20 poration except for street lighting, hydrant service, public
21 schools, public health, maintenance of poor, and such new
22 construction of drains and sewers as the town may vote to
23 build, and repair of town sewers. All the authority and
24 duties of the selectmen or road commissioner within said
25 corporation shall be exercised by said assessors; or they
26 may appoint an agent to perform the duties of road com-
27 missioner.'

Section 5 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 in-
5 serted as section five of the amended charter to read as fol-
6 lows :

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

Section 6 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 as
5 follows :

‘Sect. 6. Said corporation at any legal meeting called for
2 that purpose, may by vote of not less than three-fourths of
3 all voters present, vote to issue its bonds or notes to obtain
4 money to carry out each, any or all of the objects and pur-
5 poses set forth in sections 2 and 3 of this act as now amend-
6 ed. Said bonds or notes shall be signed by the assessor and
7 treasurer, and shall be on such time and bear such rate of
8 interest as the corporation may deem expedient, subject
9 however to the limitations to towns under the constitution of
10 Maine limiting municipal indebtedness. And in addition to
11 the above powers of raising money said corporation may, by
12 a majority vote of the voters present, from time to time bor-
13 row money as a temporary loan in anticipation of the receipt
14 of its money from the town of York under section 4 as now
15 amended.’

Section 7 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 as
5 follows:

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

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

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

Sect. 8. Said assessors 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 money thereof, except so
4 far as the same may by this act be committed to other officers
5 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 doings and proceed-
2 ings at the meetings of said corporation. The clerk may ap-
3 point a deputy to act in his absence in the manner provided
4 by statute for the appointment of a clerk in the absence of a
5 town clerk; and in case of the clerk's absence, death, resig-
6 nation, or removal from office without having made such an
7 appointment, the assessors may appoint a resident of the cor-
8 poration in the manner provided by statute for the appoint-
9 ment of a clerk by municipal officers 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 York Beach Village Corpora-

tion," is hereby repealed, and the following shall be inserted
as section eleven of the amended charter to read as follows:

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

Section 12 of Chapter four hundred and fifty-five of the
private and special laws of nineteen hundred and one, en-
titled "An Act to Incorporate the York Beach Village Cor-
poration," is hereby amended so that said section will read
as follows:

'Sect. 12. Every person having his legal residence within
the territory aforesaid, qualified to vote for governor, sena-
tor and representative, shall be a legal voter at any meeting
of the corporation, and shall also be qualified to vote upon
the acceptance of this charter and the amendments thereof,
also every person, male or female, of lawful age, who owns
and possesses real estate within the limits of said corpora-
tion, and has owned and possessed the same for at least six
months prior to any election or meeting of said corporation,
whether resident or non-resident owner of real estate, shall
be a legal voter at any meeting of the corporation and shall
be qualified to vote upon the acceptance of the charter and
upon the amendments thereof, if they are present. The
assessors of the corporation shall determine who are legal
voters at any meeting and shall prepare a list of said voters

16 at least twenty-four hours before every meeting, which said
17 list they may amend or correct at any time before said meet-
18 ing or during its progress. The vote for the election of
19 officers of the corporation and upon any proposition at any
20 meeting shall be taken and checked by this list upon the de-
21 mand of five 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 as
5 follows:

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

17 of the meeting shall have been chosen by ballot and sworn.
18 At all meetings of said corporation a moderator shall be
19 chosen in the manner and with the same powers as in town
20 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 meetings
2 of the corporation by posting up notices thereof, in two pub-
3 lic and conspicuous places within the limits of said corpora-
4 tion, signed by them and stating the time and place of each
5 meeting, seven days at least before the time appointed for the
6 meeting. All notices shall state in distinct article the busi-
7 ness to be acted upon at the meeting, and no other business
8 shall be then and there acted upon. When ten or more voters
9 in writing request the assessors to insert a particular article
10 in any notice they shall insert it in their next notice issued,
11 or shall call a special meeting for the consideration thereof
12 to be held within thirty days after the filing of said written
13 request. The annual meeting for the election of officers, ex-
14 cepting perhaps the first meeting for the election of officers,
15 shall be held on the second Monday of September in each
16 year. In case the assessors unreasonably neglect or refuse to
17 call a meeting, any justice of the peace may call a meeting of

18 the corporation on petition of ten legal voters, by posting up
19 notices in the manner herein provided.'

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, and
8 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 entitled
3 "An Act to Incorporate the York Beach Village Corpora-
4 tion," is hereby amended so that said section will read as
5 follows:

'Sect. 16. This amended act and charter when accepted
2 by 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 hun-
5 dred and fifty-five of the private and special laws of nineteen
6 hundred and one, entitled "An Act to incorporate the York
7 Beach Village Corporation," amended by chapter three hun-
8 dred and five of the private and special laws of nineteen
9 hundred and five, inconsistent with and repugnant to this
10 charter as now amended, are hereby repealed; and the term
11 of office of all elective and appointed officers of the York
12 Beach Village Corporation now holding office under the pro-

13 vision of said chapter four hundred and fifty-five of the
14 private and special laws of nineteen hundred and one, shall
15 end, expire and terminate when this amended charter is
16 accepted, as aforesaid, and the several officers of the cor-
17 poration are elected, as provided by the provisions of this
18 amended charter. Whatever sum or sums of money may be
19 appropriated by the town of York and may have been used
20 and expended within the limits of said corporation for town
21 purposes outside of and other than those specially imposed
22 upon said town by section 4 of this act, and whatever sum or
23 sums of money the town of York may have paid over to said
24 corporation during the year in which this amended charter is
25 accepted, and before it is accepted shall be deducted from the
26 amount payable to said corporation for said year in which
27 this charter is accepted as provided in section four of this
28 charter, so that said corporation the year its charter is ac-
29 cepted shall receive the total amount payable to it in money,
30 as provided in said section four, or part thereof in services
31 already performed and expenditures already made and the
32 balance thereof in money, as the case may be.

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

T. B. Emery; Robert F. Farwell; William F. Jellison;
2 George E. Morrill; Harley G. Ellis; Herbert L. Shattuck;
3 William N. Gough; Jos. A. Stringer; Chas. W. Harris; Aus-
4 tin McKowen; Fred E. Frisbee; Malcolm Ramsdell; Otis
5 W. Avery; Hubert E. Coan; Henry Bryce; Charles A. Par-

6 sons; John Q. Adams; Tom Frisbee; Albert M. Chase;
7 Chester C. Chase; William H. Noche; Wyman J. Norton;
8 Caleb Bowden; Joseph A. Briley; David La Ronte; George
9 W. Kanada; S. P. Holden; Melvin C. Simonds; Charles L.
10 Bowden; Raymond Stacey; Moses J. Adams; Fred H. Bow-
11 den; Eugène E. Blood; George A. Ernst; John D. Kern; H.
12 H. Norton; Albert E. Langhorn; George Bullard Noyes;
13 John E. Weare; J. J. Card; G. Raymond Noyes; J. Byron
14 Paul; C. E. Horton; George A. Chase; George A. Proctor;
15 Charles L. Worthen; Charles F. Moseley; Walter J. Wig-
16 gin; George Lane; Walter Bowden; William M. Brooks;
17 Edward Shattuck; George F. Parsons; Joseph H. Matthews;
18 Frank E. Parsons; W. G. Parsons; H. Grant Duff.