

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-EIGHTH LEGISLATURE

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SENATE

NO. 325

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*In Senate, March 14, 1917.*

*Reported by Mr. Marshall from Committee on Legal Affairs and ordered printed under joint rules.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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AN ACT to incorporate the Birch Point Village Corporation.

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

Section 1. The territory embraced within the following  
2 limits, to wit: All that portion of Birch Point, so-called,  
3 in the town of West Bath, which lies between the New  
4 Meadows River on the west, and Winnegance Bay on the  
5 east, and south of a line beginning on said New Meadows  
6 River at the northwest corner of land of the Crooker heirs,  
7 and thence running easterly across said Birch Point in a  
8 straight line to the northeast corner of land of J. Edward

9 Drake, and another, on Winnegance Bay; also so much of  
10 the town road leading from said Birch Point to Bath as is  
11 included in the following description, namely: Beginning  
12 at the point where the westerly side line of said road inter-  
13 sects the northerly line of said territory as above described;  
14 thence running northerly by the westerly side line of said  
15 town road to the junction of said road at Campbell's Cor-  
16 ner, so-called, with the Bath and Phippsburg road; thence  
17 crossing said road at right angles to the easterly side line  
18 thereof; thence southerly by the easterly side line of said  
19 road to the northerly line of said territory as above de-  
20 scribed; thence westerly by said line to the point of begin-  
21 ning; together with the inhabitants thereon and certain own-  
22 ers of real estate thereon, as hereinafter specified, is hereby  
23 created a body politic and corporate, by the name of the  
24 Birch Point 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 equip-  
5 ment, appliances and apparatus for the prevention and ex-  
6 tinguishment of fires; to build, repair and maintain roads,  
7 streets and ways, sidewalks, sewers and other sanitary  
8 works, including the collection and removal of offal and  
9 garbage; to care for and beautify that portion of said terri-  
10 tory which has been or may hereafter be reserved for and  
11 dedicated to public uses to be enjoyed in common by all

12 the owners of estates in said territory and to that end to  
13 build roads and walks upon and through said public lands  
14 and to plant and care for trees in the roads and streets and  
15 upon said public lands; to build, repair and maintain pub-  
16 lic wharves and landings; to establish and maintain police  
17 and night watch; to procure water for fire, domestic and  
18 other purposes and to produce or procure light for public  
19 use and for the use of the inhabitants of said territory, and  
20 for such purposes to contract with any individual, firm or  
21 corporation to furnish such water or light for either or  
22 both of the purposes named and to establish reasonable  
23 rates subject to approval by the Public Utilities Commis-  
24 sion, to be paid by the inhabitants of said territory using  
25 such water or light for domestic purposes; to construct,  
26 maintain and operate telephone or telegraph lines or to aid  
27 in such construction, maintenance and operation and to  
28 that end and for that purpose to contract with any corpora-  
29 tion, firm or individual therefor; and to defray any and  
30 all other necessary or proper corporate charges.

Sect. 3. The town of West Bath is hereby relieved from  
2 any and all duty to build, repair or maintain roads, streets  
3 or ways upon said territory or to build school houses or  
4 maintain schools thereon or to perform any of the duties  
5 for which said corporation is authorized by Section two of  
6 this act to raise money, and said town shall not be liable  
7 for defects in streets, ways or roads in said territory nor  
8 for failure to perform any duty from which it is relieved

9 by this act, but said corporation shall assume all of said  
10 duties and be liable for said defects in streets, ways and  
11 roads and for failure to perform the duties assumed as the  
12 town of West Bath would have been liable except for this  
13 act, which liability may be enforced under the same condi-  
14 tions, in the same manner and with the same remedies as  
15 are provided by law in relation to 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 in said territory which the town of  
4 West Bath and the selectmen now have, to be exercised and  
5 performed under the same conditions and limitations and  
6 in the same manner that they are now exercised and per-  
7 formed by said town and its selectmen.

Sect. 5. The town of West Bath shall annually pay over  
2 to the treasurer of said corporation out of the taxes collect-  
3 ed from the inhabitants and estates in said territory a sum  
4 equal to sixty per centum of all the town taxes, exclusive of  
5 the state and county tax, collected from said inhabitants and  
6 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  
3 purpose, for which the corporation may lawfully raise  
4 money, shall be assessed upon the taxable polls and estates  
5 embraced within the limits of the corporation by the as-  
6 sessors of the town of West Bath 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 the act the per-  
9 son or persons entitled to the use or occupation of any lot  
10 of land in said territory shall be deemed the owner thereof  
11 and be taxed for said lot and the improvements, if any,  
12 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. Said  
5 corporation is empowered to adopt at any legal meeting  
6 called for that purpose a code of by-laws for the govern-  
7 ment 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 offi-  
13 cers aforesaid shall be sworn before the clerk or a justice  
14 of the peace and the treasurer shall give bond to said cor-  
15 poration in such sum as the overseers may direct, which  
16 bond shall 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 offi-  
2 cers 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 West Bath by the clerk of this corporation  
3 of the amount of money voted to be raised at any meeting  
4 for any of the purposes aforesaid, it shall be the duty of  
5 said assessors or their successors in office, at the time of  
6 the next annual assessment of town and county taxes in  
7 said town of West Bath to assess the total amounts certi-  
8 fied by the clerk of this corporation upon the polls and es-  
9 tates of persons residing within the limits of said corpora-  
10 tion and upon the estates of non-resident proprietors there-  
11 of and to certify and deliver the lists of the assessments  
12 so made to the collector of the town of West Bath, whose  
13 duty it shall be to collect the same in like manner as county  
14 and town taxes are by law collected and said collector shall  
15 pay over all moneys collected by him to the treasurer of  
16 said corporation whenever the overseers shall so direct. It  
17 shall be the duty of the treasurer of said corporation to re-  
18 ceive all moneys belonging to the corporation and to pay  
19 it out only upon the written order or direction of the over-  
20 seers and to keep a regular account of all moneys received  
21 and paid out and to exhibit the same to the overseers when-  
22 ever requested, and said town of West Bath shall have the  
23 same power to direct the mode of collecting said assess-  
24 ments it has in the collection of the town taxes and said

25 collector shall have the same rights and powers to recover  
26 any taxes committed to him under the provisions of this act  
27 by suit that he has for the collection of town taxes commit-  
28 ted to him and the town of West Bath shall have the same  
29 right to recover taxes assessed under this act by suit that  
30 it has to recover town taxes assessed therein. The collector  
31 of West Bath shall be entitled to receive the same percent-  
32 age for the collection of taxes assessed under this act and  
33 the same fees in connection with the collection thereof  
34 which he 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 West  
3 Bath and every person of lawful age who owns and is in  
4 possession of one or more lots of land in said territory  
5 shall be legal voters at any meeting of said corporation at  
6 which they are present. The overseers of said corporation  
7 shall determine who are the legal voters at any meeting and  
8 shall prepare a list of said voters at least twenty-four hours  
9 before every meeting, which said list they may amend or  
10 correct at any time before said meeting or during its prog-  
11 ress. The vote upon any proposition at any meeting shall  
12 be taken and checked by this list upon the demand of five  
13 legal voters; provided, however, that every person who by  
14 virtue of a joint ownership of himself and some other per-  
15 son or persons, and by agreement with the other joint own-  
16 ers, is in possession of a certain aliquot part of a lot of land  
17 in said territory upon which he has a dwelling house owned



18 and controlled by himself exclusively, shall be deemed a le-  
19 gal voter at any meeting of the corporation at which he is  
20 present. \*

Sect. 12. The first election of officers shall be at the meet-  
2 ing 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 last Saturday of  
9 July in each year.

Sect. 13. This charter may be accepted at any time with-  
2 in two years from its approval by the governor, but only  
3 one meeting to vote thereon shall be called in any one cal-  
4 endar year. J. Edward Drake, Frederick E. Drake, Oliver  
5 Moses, Daniel E. Williams, Georgie L. Drake, Roy F.  
6 Shackford, David A. Merry and Harry O. Richardson, or  
7 either of them, may call all meetings of the corporation  
8 previous to the acceptance of the charter and the election  
9 of officers, and notify the persons entitled to vote therein  
10 to meet at some suitable time and place, in said territory,  
11 by posting of notices in two public places in said territory  
12 seven days at least before the time of holding said meeting;  
13 all subsequent meetings shall be called and notified by the  
14 overseers as town meetings shall be called and notified by  
15 the selectmen; either of the above named persons are au-

16 thorized to preside at any meeting previous to the accept-  
17 ance of the charter until the meeting is organized and un-  
18 til a moderator shall have been chosen by ballot and sworn;  
19 at all meetings of the corporation a moderator shall be chos-  
20 en in the manner and with the same power as in town meet-  
21 ings.

Sect. 14. 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 corpora-  
6 tion at a legal meeting called for that purpose, then the same  
7 shall take and have complete effect in all its parts.