

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-SECOND LEGISLATURE

H. P. No. 948

H. D. No. 240

House of Representatives, Feb. 27, 1925.

Reported by Mr. Hamilton from Committee on Judiciary and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Incorporate the Cousins and Littlejohns Islands
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 Cousins Island and Littlejohns Island in the town of Yar-
3 mouth in the County of Cumberland and State of Maine
4 together with the territory lying between said islands, and
5 together with the inhabitants thereon and certain owners of
6 real estate thereon as herein specified, is hereby created a
7 body politic and corporate by the name of Cousins and
8 Littlejohns Islands 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 ways, bridges, sidewalks, sewers and other sanitary works,
8 including 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 of land on the island and to that end to build roads
13 and walks upon and through said public lands and to plant
14 and care for trees in the roads and streets and upon said
15 public lands; to build, repair and maintain 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 inhabi-
23 tants of the island using such water or light for domestic
24 purposes; to construct, maintain and operate telephone and
25 telegraph lines or to aid in such construction, maintenance
26 and operation and to that end, and for that purpose to
27 contract with any corporation, firm or individual therefor
28 and to defray any and all other necessary or proper corpo-
29 rate charges.

Sect. 3. All moneys which shall be raised by the Town of
2 Yarmouth by special action under the provisions of this
3 act for use on the territory included within the limits of
4 said Village Corporation, not including moneys raised for
5 general town purposes, shall be expended only upon the re-
6 quest of, and for such purposes as the Board of Overseers
7 of said corporation may direct.

Sect. 4. All moneys which shall be raised by said Corpo-
2 ration for the purposes named in section two of this act or
3 for any other purposes, for which the corporation may law-
4 fully raise money, shall be assessed upon the taxable polls
5 and estates embraced within the limits of the corporation
6 by the assessors of the town of Yarmouth in the same man-
7 ner as is provided by law for the assessment of town and
8 county taxes; provided, that it shall not be legal for said
9 assessment to exceed two mills on the dollar on estates, and
10 that the total appropriations together with any indebtedness
11 of said corporation shall not exceed two and one-half per
12 cent of the total valuation of said islands as shown on the
13 assessors' books of said town at the last preceding assess-
14 ment. For the purposes of taxation under this act, the
15 person or persons entitled to the use or occupation of any
16 lot of land on said islands shall be deemed the owner thereof
17 and be taxed for said lot and the improvements, if any,
18 thereon.

Sect. 5. 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 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 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 sums as the overseers may direct, which bond shall
16 be approved by the overseers and the clerk. At all meet-
17 ings of the corporation, a moderator shall be chosen in the
18 manner, and with the same power as in town meetings.

Sect. 6. 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. 7. 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 they may be committed to other officers or
5 persons.

Sect. 8. Upon a certificate being filed with the assessors
2 of the town of Yarmouth by the clerk of this corporation of
3 the amount of money voted to be raised at any meeting of
4 the corporation, it shall be the duty of said assessors, or

5 their successors in office, at the time of the next annual
6 assessment of town and county taxes in said Town of Yar-
7 mouth, to assess in addition thereto the total amounts certi-
8 fied by the clerk of this corporation, upon the polls and
9 estates of persons residing within the limits of said corpo-
10 ration, and upon the estates of non-resident proprietors
11 thereof and to certify and deliver the lists of the assess-
12 ment so made to the collector of the town of Yarmouth,
13 whose duty it shall be to collect the same in like manner
14 as county and town taxes are collected by law, and said
15 collector shall pay over to the treasurer of said corporation,
16 whenever the overseers shall so direct, all money collected
17 by him of said sum assessed in addition to said town, county
18 and state taxes. It shall be the duty of the treasurer of
19 said corporation to receive all moneys belonging to the cor-
20 poration, to pay it out only upon the written order or direc-
21 tion of the overseers, to keep a regular account of all moneys
22 received and paid out and to exhibit the same to the over-
23 seers whenever requested; and said town of Yarmouth
24 shall have the same power to direct the mode of collecting
25 said taxes that it has in the collection of town taxes, and
26 said collector shall have the same rights and powers to
27 recover any taxes committed to him under the provisions of
28 this act by suit that he has for the collection of town taxes
29 committed to him; and the town of Yarmouth shall have
30 the same right to recover taxes assessed under this act, by
31 suit that it has to recover town taxes assessed therein. The
32 collector of Yarmouth shall be entitled to receive the same

33 percentage for the collection of taxes assessed under this
34 act, and the same fees in connection with the collection
35 thereof, which he receives for the collection of town taxes.

Sect. 9. All persons residing within the limits of said
2 corporation who are legal voters in the town of Yarmouth
3 and every person of legal age who owns a part or the whole
4 of one or more lots of land upon either of said islands shall
5 be legal voters at any meeting of said corporation at which
6 they are present. The overseers of said corporation shall
7 determine who are the legal voters at any meeting and shall
8 prepare a list of such legal voters twenty-four hours, at
9 least, before every meeting, which said list they may correct
10 at any time before said meeting, or during its progress.
11 The vote upon any proposition at any meeting shall be taken
12 and checked by said list upon the demand of five legal
13 voters, provided, however, that where a lot of land is owned
14 by two or more persons, such persons may agree in writing
15 filed with said board of overseers which of the said owners
16 is to be the legal voter at any meeting of the corporation,
17 and in no case shall the ownership of any tract or parcel
18 of land entitle the owner or owners thereof to more than
19 one vote at any of the meetings of the said corporation.

Sect. 10. The first election of officers shall be at the
2 meeting at which this charter is accepted. Said officers shall
3 hold their respective offices until the first Monday of Sep-
4 tember, following the annual meeting of the corporation, at
5 which said meeting officers may be elected and thereafter-
6 wards at each annual meeting, but they shall not assume the

7 duties or their respective offices until the first Monday in
8 September following their election; but, in any event, all
9 officers duly elected shall hold office until their successors
10 are elected and duly qualified. The annual meeting of the
11 said corporation shall be held on the first Saturday of Au-
12 gust in each year.

Sect. 11. This charter shall be accepted within five years
2 from the time of its taking effect under the constitution of
3 this state but only one meeting to vote thereon shall be
4 called in any one calendar year. Louis O. Van Doren,
5 Orville F. Rogers, Raymond H. Talbot, Gilbert H. Hamil-
6 ton, Charles Duran, Alexander L. Hill or either of them,
7 may call all meetings of the corporation previous to the
8 acceptance of this charter and the election of officers, and
9 notify the persons entitled to vote therein to meet at some
10 suitable time and place on said Cousins Island, by posting
11 of notices in two public places on said Cousins Island and
12 two public places on said Littlejohns Island seven days at
13 least before the time of holding said meeting; all subse-
14 quent meetings shall be called and notified by the overseers
15 as town meetings are called and notified by the selectmen;
16 providing, however, that notices for meetings shall be posted
17 in two public places on each of said islands; either of the
18 above named persons is authorized to preside at any meet-
19 ing previous to the acceptance of the charter until the meet-
20 ing is organized and until a moderator shall have been
21 chosen by ballot and sworn. Each person claiming the
22 right to vote at a meeting held to pass upon the acceptance

23 of this charter shall file with the presiding officer of said
24 meeting a written statement which statement shall show
25 the following facts, viz.: name; age; residence; if a resi-
26 dent of the town of Yarmouth; whether he is a resident
27 upon either Cousins Island or Littlejohns Island; whether
28 a legal voter in said Yarmouth; whether an owner of a lot
29 of land situated either in Cousins or Littlejohns Islands;
30 and if an owner of a lot of land whether he owns the whole
31 or a part of said lot.

Sect. 12. The Cousins Island Wharf and Improvement
2 Company is hereby authorized to sell, convey, lease or other-
3 wise dispose of any and all real estate, or interest therein,
4 which it now has to the Cousins and Littlejohns Islands
5 Village Corporation, and said latter corporation is hereby
6 authorized to purchase, take title to, lease or otherwise
7 acquire said real estate or interest therein and if it acquires
8 title to said property, to hold, manage and control the same
9 for the benefit of said corporation and the members thereof,
10 and for the purpose of enabling the corporation to accom-
11 plish the objects for which it was created.

Sect. 13. This Act shall not take full effect until it is
2 accepted by a majority of the voters of said corporation at
3 a legal meeting called for the purpose provided, however,
4 that the provisions hereof authorizing the calling of a meet-
5 ing or meetings for the purpose of voting upon the accept-
6 ance of the Act shall take effect as provided in the constitu-
7 tion of the state. A copy of the record of said vote accept-
8 ing this Act shall be filed with the Secretary of State.