

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-SECOND LEGISLATURE**

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**S. P. 620**

**S. D. 284**

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In Senate, April 1, 1925.

Reported by Senator Hinckley from Committee on Judiciary,  
and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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**STATE OF MAINE**

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

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AN ACT to Incorporate the Piney Heights Beach and Country  
Club 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 limits of  
2 the so-called Gerald Hall farm, a more particular descrip-  
3 tion of which is to be found in the Kennebec county reg-  
4 istry of deeds, book 619, page 210, and book 620, page 318,  
5 in the town of Monmouth, county of Kennebec and state  
6 of Maine, together with the inhabitants therein and certain  
7 stockholders of record in the Piney Heights Beach and  
8 Country Club, Inc., the present owners of the said above  
9 described property, is hereby created a body politic and

10 corporate by the name of the Piney Heights Beach and  
11 Country Club Village Corporation, which said corporation  
12 is hereafter designated in this act as "said village," and  
13 said territory so created a body politic can enlarge itself  
14 at any time by voting to annex any of the adjacent prop-  
15 erty in said town of Monmouth if assented to by a vote  
16 of said town of Monmouth at any regular or special town  
17 meeting in which such proposed annexation appears in the  
18 warrant for said meeting.

Sect. 2. The said village corporation is hereby authorized  
2 and vested with the power at any legal meeting called for  
3 the purpose to raise money for the following purposes: To  
4 create and maintain a fire department with all the neces-  
5 sary equipment, appliances and apparatus for the prevention  
6 and extinguishment of fires; to build, repair and maintain  
7 streets, roads and ways, sidewalks, sewers and other sani-  
8 tary works, including the collection and removal of offal  
9 and garbage; to care for and beautify that portion of the  
10 village which has been or may hereafter be reserved for  
11 and dedicated to public uses to be enjoyed in common by  
12 all the owners of lots in the village and to that end to build  
13 roads and walks upon and through said public lands and  
14 to plant and care for trees in the roads and streets and  
15 upon said public lands; to build and maintain golf courses,  
16 tennis courts and grounds in common for all other ath-  
17 letic sports; to build, repair and maintain public wharves  
18 and landings; to establish and maintain police and night

19 watch; to procure water for fire, domestic and other pur-  
20 poses and to produce or procure light for public use and  
21 for the use of inhabitants of said village, and for such  
22 purposes to contract with any individual, firm or corpora-  
23 tion to furnish such water or light for either or both of  
24 the purposes named, and to establish reasonable rates to  
25 be paid by the inhabitants of the village using such water  
26 or light for domestic purposes; to purchase ice, coal, wood,  
27 lumber, teams and other necessary supplies and equipment,  
28 and employ labor, and to sell such supplies and furnish  
29 such teams and labor for hire to the members of the village  
30 corporation or residents in the village, and the overseers  
31 of the village corporation may employ such agents as are  
32 necessary to carry out the provisions of this section.

Sect. 3. The town of Monmouth is hereby relieved from  
2 any and all duty to build, repair or maintain roads, streets  
3 or ways in said village, or to build school houses or main-  
4 tain schools therein or to perform any of the duties for  
5 which said village corporation is authorized by section two  
6 of this act to raise money, and said town shall not be liable  
7 for defects in streets, ways or roads in said village nor  
8 for failure to perform any duty from which it is relieved  
9 by this act, but said village corporation shall assume all  
10 of said duties and be liable for said defects in streets, ways  
11 and roads and for failure to perform the duties assumed  
12 as the town of Monmouth would have been liable except  
13 for this act, which liability may be enforced under the same

14 conditions, in the same manner and with the same remedies  
15 as are provided by law in relation to towns.

Sect. 4. Said village and the overseers thereof shall have  
2 the same powers and duties in laying out, discontinuing and  
3 altering town ways in said village which the town of Mon-  
4 mouth 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 Monmouth shall annually pay over  
2 to the treasurer of said village out of the taxes collected  
3 from the inhabitants and estates in said village, a sum equal  
4 to seventy-five per cent (75%) of all the taxes committed  
5 by the town of Monmouth against any property in said  
6 village, exclusive of the state and county tax collected from  
7 said inhabitants and estates, and in no year shall the town  
8 of Monmouth receive less than one hundred and fifty dol-  
9 lars (\$150) as such twenty-five per cent (25%) of such  
10 taxes collected.

Sect. 6. All moneys which shall be raised for the pur-  
2 pose named in section two of this act or for any other  
3 purpose, for which the village may lawfully raise money,  
4 shall be assessed upon the taxable polls and estates em-  
5 braced within the limits of the village by the assessors of  
6 the town of Monmouth in the same manner as is provided  
7 by law for the assessment of town and county taxes. For  
8 the purposes of taxation under this act, the person or per-

9 sons entitled to the use or occupation of any lot of land  
10 in said village shall be deemed to be the owner thereof, and  
11 be taxed for said lot and the improvements, if any, thereon.

Sect. 7. The officers of said village shall be a clerk, who  
2 shall be a resident of this state, a treasurer and five over-  
3 seers, who shall be chosen by ballot, and such other officers  
4 as the by-laws of said village corporation may require.  
5 Said village 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  
11 at any legal meeting of the village 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  
14 the peace and the treasurer shall give bond to said village  
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 village  
2 may be elected or appointed to any office therein, but shall  
3 cease to hold said office whenever he ceases to be such legal  
4 voter, provided, however, that the treasurer of said village  
5 corporation need not be a legal voter.

Sect. 9. Said overseers shall be the general municipal offi-  
2 cers of said village and shall have general charge of its  
3 affairs and of the expenditure of all money therein except

4 so far as the same may be committed to other officers or  
5 persons.

Sect. 10. Upon a certificate being filed with the assessors  
2 of the town of Monmouth by the clerk of this village 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 Monmouth, to assess the total amounts certified  
8 by the clerk of this village upon the polls and estates of  
9 persons residing within the limits of said village, and upon  
10 the estates of non-resident proprietors thereof, and to cer-  
11 tify and deliver the lists of the assessments so made to the  
12 collector of the town of Monmouth, whose duty it shall be  
13 to collect these same in like manner as county and town  
14 taxes are by law collected, and said collector shall pay over  
15 all moneys except twenty-five per cent thereof, belonging  
16 under this act to the town of Monmouth, collected by him  
17 to the treasurer of said village whenever the overseers shall  
18 so direct.

It shall be the duty of the treasurer of said village to re-  
2 ceive all moneys belonging to the village and to pay it out  
3 only upon the written order or direction of the overseers  
4 and to keep a regular account of all moneys received and  
5 paid out and to exhibit the same to the overseers when-  
6 ever requested, and said town of Monmouth shall have the  
7 same power to direct the mode of collecting said taxes that  
8 it has in the collection of the town taxes, and said collector

9 shall have the same rights and powers to recover any taxes  
10 committed to him under the provisions of this act by suit  
11 that he has for the collection of town taxes committed to  
12 him, and the town of Monmouth shall have the same right  
13 to recover taxes assessed under this act by suit that it has  
14 to recover town taxes assessed therein.

The collector of Monmouth shall be entitled to receive the  
2 same percentage for the collection of taxes assessed under  
3 this act, and the same fees in connection with the collection  
4 thereof, which he receives for the collection of the town  
5 taxes.

Sect. 11. All persons residing in the limits of said vil-  
2 lage who would be legal voters in the town of Monmouth,  
3 and every person of lawful age who owns one or more  
4 shares of stock of the Piney Heights Beach and Country  
5 Club, Inc., or is in possession of one or more lots of land  
6 in said village by virtue of ownership of said stock, shall  
7 be legal voters at any meeting of said village corporation at  
8 which they may be present.

The overseers of said village shall determine who are the  
2 legal voters at any meeting, and shall prepare a list of said  
3 voters at least twenty-four hours before every meeting,  
4 which said list they may amend or correct at any time be-  
5 fore said meeting or during its progress.

The vote upon any proposition at any meeting shall be  
2 taken and checked by this list upon the demand of five  
3 legal voters; provided, however, that every person who by



4 virtue of a joint ownership of himself and some other per-  
5 son or persons of a share of said stock and by agreement  
6 with the other joint owners, is in possession of a certain  
7 aliquot part of a lot of land in said village upon which he  
8 has a dwelling house owned and controlled by himself ex-  
9 clusively, shall be deemed a legal voter at any meeting of  
10 the corporation at which he is present, and provided fur-  
11 ther, that the majority in interest of the joint owners of  
12 any share of stock may designate in writing one of such  
13 owners to represent such share who shall be a legal voter  
14 at any meeting of the corporation at which he is present,  
15 but no person shall be entitled to more than one vote in  
16 any meeting either for himself or as representing the joint  
17 owners of any share of 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  
4 of the village 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 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 calen-  
4 dar year.

Guy E. Flagg may call all meetings of the village corporation previous to the acceptance of the charter and the election of officers, and notify the persons entitled to vote therein to meet at some suitable time and place in said village by publishing a notice of said meeting in the Lewiston Evening Journal at least seven days before such meeting, and by posting a notice of said meeting at some public place in said village at least seven days before such meeting. All subsequent meetings shall be called and notified by the overseers as town meetings are called and notified by the selectmen; Guy Flagg, above named person, being authorized to preside at any meeting previous to the acceptance of the charter until the meeting is organized and until a moderator shall have been chosen by ballot and sworn; at all meetings of the village a moderator shall be chosen in the manner and with the same power as in town meetings.

Sect. 14. The Piney Heights Beach and Country Club, Inc., is hereby authorized to sell, convey, lease, or otherwise dispose of any and all real estate or interests therein which it now has, to the Piney Heights Beach and Country Club Village Corporation, and said latter corporation is hereby authorized to purchase, take title to, lease or otherwise acquire said real estate or interests therein, and to hold, manage and control the same for the benefit of said village corporation, and the members thereof, and for the purpose of enabling the village corporation to accomplish the objects for which it was created.