

MAINE STATE LEGISLATURE

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EIGHTY - EIGHTH LEGISLATURE

Legislative Document

No. 161

H. P. 472

House of Representatives, January 28, 1937.

Referred to Committee on Legal Affairs. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Buker of Bath by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Incorporate the Indian Point Village Corporation.

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

Sec. 1. Indian Point village corporation, created; territorial limits. The territory embraced within the following limits, to wit: all that portion of Indian Point, so-called, in the town of Georgetown, which is bounded and described as follows, to wit: beginning at a point where the easterly line of the Indian Point road, so called, intersects the northerly line of land conveyed to the Georgetown Associates Incorporated in October 1926 which conveyance is recorded in the Register of Deeds Office for Sagadahoc County in Bath, Maine; thence running easterly to the middle of the channel of Little River, so called; thence running southerly, following the middle of said channel to the mouth of Little River; thence continuing in a southerly direction to the Atlantic Ocean at low water mark; thence following the shore southerly by low water mark of said Atlantic Ocean to the end of Indian Point; thence northerly by low water mark of said Atlantic Ocean and of Sagadahoc Bay to a point of intersection with the northerly line of land conveyed to the Georgetown Associates Incorporated as above stated; thence running easterly along said northerly line of land of the Georgetown Associates Incorporated to the point of beginning; together

with 2 islands known as Fox Island or Thompson's Island and Lone Tree Island, both of which islands are accessible at low tide; together with the inhabitants thereon and certain owners of real estate thereon, as hereinafter specified, is hereby created a body politic and corporate, by the name of the Indian Point Village Corporation.

Sec. 2. Purposes for which corporation may raise money and make contracts. Said corporation is hereby authorized and vested with the power at any legal meeting called for the purpose to raise money for the following purposes: to create and maintain a fire department with all the necessary equipment, appliances and apparatus for the prevention and extinguishment of fires; to build, repair and maintain roads, streets and ways, sidewalks, sewers and other sanitary works, including the collection and removal of offal and garbage; to care for and beautify that portion of said territory which has been or may hereafter be reserved for and dedicated to public uses to be enjoyed in common by all the owners of estates in said territory and to that end to build roads and walks upon and through said public lands and to plant and care for trees in the roads and streets and upon said public lands; to build, repair and maintain public wharves and landings; to establish and maintain police and night watch; to procure water for fire, domestic and other purposes and to produce or procure light for public use and for the use of the inhabitants of said territory, and for such purposes to contract with any individual, firm or corporation to furnish such water or light for either or both of the purposes named and to establish reasonable rates subject to approval by the public utilities commission, to be paid by the inhabitants of said territory using such water or light for domestic purposes; to construct, maintain and operate telephone and telegraph lines or to aid in such construction, maintenance and operation and to that end and for that purpose to contract with any corporation, firm or individual therefor; and to defray any and all other necessary or proper corporate charges.

Sec. 3. Town of Georgetown relieved from certain duties and liabilities, and corporation to assume same. The town of Georgetown is hereby relieved from any and all duty to build, repair or maintain roads, streets or ways upon said territory or to build schoolhouses or to maintain schools thereon, except that any school children residing within the corporate limits of the village corporation shall have the right to attend school in the town of Georgetown, or to perform any of the duties for which said corporation is authorized by section 2 of this act to raise money, and said town shall not be liable for defects in streets, ways or roads in said territory nor for failure to perform any duty from which it is relieved by this act, but said

corporation shall assume all of said duties and be liable for said defects in streets, ways and roads and for failure to perform the duties assumed as the town of Georgetown would have been liable except for this act, which liability may be enforced under the same condition, in the same manner and with the same remedies as are provided by law in relation to towns.

Sec. 4. Corporation to have same powers and duties relative to town ways as town of Georgetown now has. Said corporation and the managers thereof shall have the same power and duties in laying out, discontinuing and altering town ways in said territory which the town of Georgetown and the selectmen now have, to be exercised and performed under the same conditions and limitations and in the same manner that they are now exercised and performed by said town and its selectmen.

Sec. 5. Town to pay over to corporation 60% of town taxes collected. The town of Georgetown shall annually pay over to the manager of said corporation out of the taxes collected from the inhabitants and estates in said territory a sum equal to 60% of all the town taxes, exclusive of the state and county tax, collected from said inhabitants and estates.

Sec. 6. Taxes to be assessed by assessors of Georgetown; persons entitled to use of land may be assessed as owners. All moneys which shall be raised for the purposes named in section 2 of this act or for any other purpose, for which the corporation may lawfully raise money, shall be assessed upon the taxable polls and estates embraced within the limits of the corporation by the assessors of the town of Georgetown in the same manner as is provided by law for the assessment of town and county taxes. For the purposes of taxation under the act the person or persons entitled to the use or occupation of any lot of land in said territory shall be deemed the owner thereof and be taxed for said lot and the improvements, if any, thereon.

Sec. 7. Officers of corporation; authorized to adopt by-laws; officers to be sworn; treasurer to give bond. The officers of said corporation shall be a clerk, who shall be a resident of this state, a corporation manager, who shall be chosen by ballot, and such other officers as the by-laws of said corporation may require. Said corporation is empowered to adopt at any legal meeting called for that purpose a code of by-laws for the proper management of its prudential affairs and other purposes connected therewith, provided said by-laws are not repugnant to the laws of the state. Such code of by-laws may be altered or amended at any legal meeting of the corporation in the call for which notice of the proposed change has been given. The officers aforesaid shall be sworn before a justice of the peace

and the manager shall give bond to said corporation in such sum as the by-laws may require.

Sec. 8. Eligibility of officers. Any person who is a legal voter in said corporation may be elected or appointed to any office therein, but shall cease to hold said office whenever he ceases to be such legal voter.

Sec. 9. Corporation manager shall be a municipal officer. Said manager shall be the general municipal officer of said corporation and shall have general charge of its affairs and of the expenditure of all money therein except so far as the same may be committed to other officers or persons.

Sec. 10. Procedure for assessment and collection of taxes of corporation; duties of manager of corporation respecting receipt and disbursement of funds. Upon a certificate being filed with the assessors of the town of Georgetown by the clerk of this corporation of the amount of money voted to be raised at any meeting for any of the purposes aforesaid, it shall be the duty of said assessors or their successors in office, at the time of the next annual assessment of town and county taxes in said town of Georgetown to assess the total amounts certified by the clerk of this corporation upon the polls and estates of persons residing within the limits of said corporation and upon the estates of non-resident proprietors thereof and to certify and deliver the lists of the assessments so made to the collector of the town of Georgetown, whose duty it shall be to collect the same in like manner as county and town taxes are by law collected and said collector shall pay over all moneys collected by him to the manager of said corporation upon demand. It shall be the duty of the manager of said corporation to receive all moneys belonging to the corporation and to pay it out as authorized by the voters of said corporation and to keep a regular account of all moneys received and paid out and to exhibit the same to the voters whenever requested, and said town of Georgetown shall have the same power to direct the mode of collecting said assessments it has in the collection of the town taxes and said collector shall have the same rights and powers to recover any taxes committed to him under the provisions of this act by suit that he has for the collection of town taxes committed to him and the town of Georgetown shall have the same right to recover taxes assessed under this act by suit that it has to recover town taxes assessed therein. The collector of Georgetown shall be entitled to receive the same percentage for the collection of taxes assessed under this act and the same fees in connection with the collection thereof which he receives for the collection of the town taxes.

Sec. 11. Qualification of voters; manager to prepare lists; use of check-list. All persons residing within the limits of said corporation, who would

be legal voters in the town of Georgetown and every person of lawful age who owns and is in possession of one or more lots of land in said territory shall be legal voters at any meeting of said corporation at which they are present. The manager of said corporation shall determine who are the legal voters at any meeting and shall prepare a list of said voters at least twenty-four hours before every meeting, which said list he may amend or correct at any time before said meeting or during its progress. The vote upon any proposition at any meeting shall be taken and checked by this list upon the demand of 5 legal voters; provided, however, that every person, who by virtue of a joint ownership of himself and some other person or persons, and by agreement with the other joint owners, is in possession of a certain aliquot part of a lot of land in said territory upon which he has a dwelling house owned and controlled by himself exclusively, shall be deemed a legal voter at any meeting of the corporation at which he is present.

Sec. 12. First election; terms of officers; annual meeting. The first election of officers shall be at the meeting at which this charter is accepted. Said officers shall hold their respective offices until the next annual meeting of the corporation, at which said meeting officers shall be elected and thereafterwards at each annual meeting, but in any event all officers duly elected shall hold office until their successors are elected and duly qualified. The annual meeting of said corporation shall be held on the last Saturday of July in each year.

Sec. 13. Procedure for acceptance of charter; subsequent meetings, how called; moderator to be chosen. This charter may be accepted at any time within 2 years from its approval by the governor, but only 1 meeting to vote thereon shall be called in any 1 calendar year. S. Sewall Webster, Dr. Harry F. Morin, Dr. L. F. Playse, Dr. John F. Thompson, John Richards, Philo C. Calhoun, Horatio Baker, Elmer W. Campbell, and Joseph Lane, or either of them, may call all meetings of the 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 territory, by posting of notices in 2 public places in said territory 7 days at least before the time of holding said meeting; all subsequent meetings shall be called and notified by the manager as town meetings shall be called and notified by the selectmen; either of the above named persons are 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 corporation a moderator

shall be chosen in the manner and with the same power as in town meetings.

Sec. 14. Act effective when approved so far as authorizing holding meeting for acceptance of charter. This act shall take effect in so far as to authorize the calling of a meeting or meetings of said corporation for the purpose of voting upon the acceptance of this charter; and whenever this charter shall be accepted by a majority of the voters of said corporation at a legal meeting called for that purpose, then the same shall take and have complete effect in all its parts.