

MAINE STATE LEGISLATURE

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N I N E T Y - F I F T H L E G I S L A T U R E

Legislative Document

No. 182

H. P. 324

House of Representatives, January 25, 1951.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Moffatt of Bath by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

**AN ACT Incorporating the Brighams Cove Corporation in the Town of
West Bath.**

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

Sec. 1. Corporation bounded. The territory embraced within the following limits, to wit: All that portion of Brighams cove, so called, in the town of West Bath, from the head of Deep Gully cove along each side of Birch Point road to northwest corner of land of Tibbetts heirs, thence easterly along north line of Tibbetts-Bates property to western side of Brighams Cove road, thence along westerly side of Brighams Cove road to Bath and Phippsburg road to Phippsburg town line, thence southerly to Brighams cove, thence along shore line to starting point; 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 Brighams Cove Corporation.

Sec. 2. Purposes for which money may be appropriated. 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 responsible rates subject to approval by the public utilities commission, to be paid by the inhabitants of said territory using such water or lights for domestic purposes.

Sec. 3. Town of West Bath relieved of certain responsibilities. The town of West Bath is hereby relieved from any and all duty to build, repair or maintain roads, streets or ways upon said territory or to build school-houses or maintain schools thereon 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 West Bath would have been liable except for this act, which liability may be enforced under the same conditions, in the same manner and with the same remedies as are provided by law in relation to towns.

Sec. 4. Corporation to assume certain powers and duties of West Bath. Said corporation and the overseers thereof shall have the same power and duties in laying out, discontinuing and altering town ways in said territory which the town of West Bath 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. Treasurer of town to pay certain percentage of taxes collected to corporation. The town of West Bath shall annually pay over to the treasurer 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, ex-

clusive of the state and county tax, collected from said inhabitants and estates.

Sec. 6. Assessment of taxes. 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 West Bath in the same manner as is provided by law for the assessment of town and county taxes. For the purposes of taxation under this 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. Offices; how chosen and qualified. The officers of said corporation shall be a clerk, who shall be a resident of this state, a treasurer and 8 overseers, 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 government of the same and 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 the clerk or a justice of the peace and the treasurer shall give bond to said corporation in such sum as the overseers may direct, which bond shall be approved by the overseers and clerk.

Sec. 8. Eligibility. 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. Duties of overseers. Said overseers shall be the general municipal officers 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. Collection of taxes and disposition of money collected; compensation of collector. Upon a certificate being filed with the assessors of the town of West Bath 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 West Bath to assess the total amounts certified by the clerk of this corpora-

tion upon the polls and estates of persons residing within the limits of said corporation and upon the estates of nonresident proprietors thereof and to certify and deliver the lists of the assessments so made to the collector of the town of West Bath, 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 treasurer of said corporation whenever the overseers shall so direct. It shall be the duty of the treasurer of said corporation to receive all moneys belonging to the corporation and to pay it out only upon the written order or direction of the overseers and to keep a regular account of all moneys received and paid out and to exhibit the same to the overseers whenever requested, and said town of West Bath 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 West Bath 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 West Bath 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. Legal voters and manner of voting. All persons residing within the limits of said corporation, who would be legal voters in the town of West Bath 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 overseers of said corporation shall determine who are the legal voters at any meeting and shall prepare a list of said voters at least 24 hours before every meeting, which said list they 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. Initial election of officers; tenure; annual meetings. 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 meet-

ing 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 April in each year.

Sec. 13. Acceptance of charter; who may call meeting; place of meeting, nature of call, proceedings. This charter may be accepted at any time within 2 years from its effective date, but only 1 meeting to vote thereon shall be called in any 1 calendar year. Harold P. Small, Raymond C. Small, Edward W. Sampson, Herbert L. Anderson, Jr., Ralph H. Dunton, Edwin F. Ramsay, Charles T. Small, Gardiner R. Deering, 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 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 overseers as town meetings shall be called and notified by the selectmen; either of the above named persons is 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. Date when effective. This act shall take effect 90 days after adjournment of the legislature 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.