

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1150

H. P. 1071

House of Representatives, February 25, 1953

Reported by Mr. Hand from the Committee on Legal Affairs and ordered printed under Joint Rule 10.

HARVEY R. PEASE, Clerk

Presented by Mr. Tupper of Boothbay Harbor

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

**AN ACT Amending the Charter of the Capitol Island Village
Corporation.**

Emergency preamble. Whereas, the residents and property owners in the Town of Southport and the Capitol Island Village Corporation deem the existing bridge between Southport and Capitol Island grossly inadequate; and

Whereas, said bridge is inadequate; and

Whereas, an adequate bridge is imperative for fire protection on Capitol Island and for use in other dire emergencies; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

P. & S. L., 1913, c. 87, §§ 1, 2, 3, 4, amended. Sections 1, 2, 3 and 4 of

chapter 87 of the private and special laws of 1913 are hereby amended to read as follows:

Sec. 1. Territorial limits. The territory embraced within the ~~limits of Capitol Island in the town of Southport, in the county of Lincoln following~~ limitations, to wit: all of Capitol Island including Pig Cove, so called, within the town of Southport, county of Lincoln, state of Maine, which is bounded and described as follows, viz: on the east by the waters of the Atlantic Ocean; on the south by the waters of the Atlantic Ocean; on the west by the east shore of Southport Island at the high water mark but further including that parcel of land upon which is situated the present bridge structure; on the north by waters of the Atlantic Ocean; together with the inhabitants thereon and ~~certain~~ the owners of real estate thereon as hereinafter specified, is hereby created a body politic and corporate by the name of ~~the~~ Capitol Island Village Corporation.

Sec. 2. Corporate powers. 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 necessary equipment, appliances and apparatus for the prevention and extinguishment of fires; to build, repair and maintain a **bridge**, 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 the island which has been or may hereafter be reserved for and dedicated to public uses to be enjoyed in common by all the owners of lots ~~on the island embraced within the limitations of the corporation~~ 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 the island, 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 to be paid by the inhabitants of the island using such water or light for domestic purposes; to construct, maintain and operate telephone or 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 Southport relieved from certain expenditures and duties. The town of Southport is hereby relieved from any and all duty

to build, repair, or maintain a **bridge**, roads, streets or ways ~~upon Capitol Island~~ **embraced within the limitations of the corporation**, or to build schoolhouses, 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 on said island 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 Southport 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 may lay out roads, etc. Said corporation and the overseers thereof shall have the same power and duties in laying out, discontinuing and altering town ways ~~on Capitol Island~~ **including bridges, embraced within the limitations of the corporation** which the town of Southport 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.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.