

MAINE STATE LEGISLATURE

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

Legislative Document

No. 694

S. P. 253

In Senate, February 10, 1955.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Cummings of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Creating the MacMahan Island Village Corporation.

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after the Legislature adjourns; and

Whereas, it is vitally necessary to the welfare and well-being of the inhabitants of MacMahan Island to determine their right to self-government as soon as possible; 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:

Sec. 1. Territorial limits; corporate name. The territory embraced within the limits of MacMahan Island in the town of Georgetown, in the County of Sagadahoc, 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 MacMahan Island Village Corporation.

Sec. 2. Corporate powers; to maintain fire department; roads; wharves; police; procure water, etc. 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 bridges, 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 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, floats 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 Georgetown relieved from certain expenditures and duties.

The Town of Georgetown is hereby relieved from any and all duty to build, repair or maintain bridges, roads, streets or ways upon MacMahan Island, or to perform any of the duties for which said corporation is authorized by section two 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 Georgetown 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. Said corporation and the overseers thereof shall have the same power and duties in laying out, discontinuing and altering town ways and bridges on MacMahan Island 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. Treasurer of corporation to receive 75% of town taxes. The town of Georgetown shall, on or before August first annually, pay over to the treasurer of said corporation out of the taxes collected from the inhabitants and estates on MacMahan Island a sum equal to 75% of all the town taxes, exclusive of the state and county tax, collected from said inhabitants and estate.

Sec. 6. Assessors of Georgetown shall assess taxes. All moneys which shall be raised for the purposes named in section two 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 this act the person or persons entitled to the use or occupation of any lot

of land on said island shall be deemed the owner thereof and be taxed for said lot and the improvements, if any, thereon.

Sec. 7. Officers; may adopt and amend 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 treasurer and 5 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. Any legal voter may be appointed to any office. 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. Duties of assessors and collector of taxes of Georgetown; compensation of collector; duties of treasurer of corporation. 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 the corporation 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 Georgetown, whose duty it shall be to collect the same in like manner as county and town taxes are by law 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 Georgetown shall have the same power to direct the mode of collecting said taxes that it has in the collection of the town taxes and said collector shall have the same right and powers to receive 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. Who may vote at meetings of corporation. 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 is in possession of one or more lots of land on said island, 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 each 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 joint ownership of himself and some other person is in possession of a certain aliquot part of a lot of land on said island 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; but no person shall be entitled to more than 1 vote at any meeting either for himself or as representing the joint owners of any lot of land.

Sec. 12. First election of officers; tenure. 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. Sheepscoot Island Corporation may convey its interests, etc. The Sheepscoot Island Corporation 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 MacMahan Island 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 corporation and the members thereof and for the purpose of enabling the corporation to accomplish the objects for which it was created.

Sec. 14. Acceptance of charter at any time within 5 years; corporate meetings, how called. This charter may be accepted at any time within 5 years from its approval by the governor, but only one meeting to vote thereon shall be called in any one calendar year. William H. Brown, J. Marshall Cole, Clifford Woodhull, Frank Baker and Edward Hussa, 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, on said MacMahan Island, by posting notices in 2 public places on said island 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 are 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 mod-

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

Sec. 15. Emergency clause; effective date; certificate to Secretary of State. In view of the emergency cited in the preamble, this act shall take effect when approved only 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; and the clerk of said corporation shall file a certificate of the result of said vote with the Secretary of State.