

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1901.

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visits he shall have free access to its vaults, books and papers, and shall thoroughly inspect and examine all the affairs of said corporation, and make such inquiries as may be necessary to ascertain its condition and ability, to fulfill all its engagements. If upon examination of said corporation the examiner is of the opinion that its investments are not in accordance with law, or said corporation is insolvent, or its condition is such as to render its further proceedings hazardous to the public or to those having funds in its custody, or is of the opinion that it has exceeded its powers or failed to comply with any of the rules or restrictions provided by law, he shall have such authority and take such action as is provided for in the case of savings banks by chapter forty-seven of the revised statutes. He shall preserve in a permanent form a full record of his proceedings, including a statement of the condition of said corporation. A copy of such statement shall be published by said corporation immediately after the annual examination of the same in some newspaper published where said corporation is established. If no paper is published in the town where said corporation is established, then it shall be published in a newspaper printed in the nearest city or town. The necessary expenses of the bank examiner while making such examination shall be paid by the corporation.

—proceedings when business becomes hazardous.

—shall keep record.

—expenses, how paid.

First meeting, how called.

Section 16. Any three of the corporators named in this act may call the first meeting of the corporation by mailing a written notice, signed by all, postage paid, to each of the other corporators, seven days at least before the day of the meeting, naming the time, place and purpose of such meeting, and at such meeting the necessary officers may be chosen, by-laws adopted, and any other corporate business transacted.

Section 17. This act shall take effect when approved.

Approved March 21, 1901.

Chapter 455.

An Act to incorporate the York Beach Village Corporation.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Territory. Section 1. The territory in the town of York embraced within the following boundaries, namely: beginning at the northerly end of Long Beach, so called, at a monument fixed in the ground marked "York Beach number one," located one hundred twelve feet and eight inches, more or less, from the southwesterly corner of the Coast View House, so called; thence running north

—boundaries.

forty-five degrees, west twenty-five hundred feet, more or less, to a monument on the land of one Norton, said monument being marked "York Beach number two;" thence north about twenty-three degrees east to the intersection of the Cape Neddick road, so called, and the new road leading to York Cliffs; thence along the northwesterly side of said last mentioned road to and along the bridge leading over Cape Neddick river as far as the channel of said river; thence following said channel to the Atlantic ocean; thence southerly, easterly and westerly, as the shore line runs, to a point at low water mark southeast of the point of beginning; thence from said point at low water mark to the point of beginning, together with the inhabitants thereon, is hereby created a body politic and corporate by the name of the York Beach Village Corporation, with all the rights and privileges granted by the laws of the state to corporations.

—corporate
name.

Section 2. Said corporation is hereby authorized and vested with 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 engines, equipments, appliances and apparatus for the prevention of and extinguishment of fires, and to acquire and maintain property, buildings and structures necessary and convenient for the use and preservation thereof; to construct a building to be used as a village hall and to contain such offices and apartments, including lock ups, as may be convenient for the administration of corporate rights and duties herein granted, and to acquire land necessary and convenient therefor, or to lease, or otherwise acquire, said property, or portions thereof, for said purposes; to build and maintain sidewalks; to light and sprinkle its streets; to set out and care for shade trees; to improve and care for streets and public grounds as hereinafter provided; to build and maintain drains and sewers as hereinafter provided; to maintain a night watch or police force, and to defray the expenses of all other necessary measures for the better security of life and property and for the promotion of good order and quiet within the corporate limits; said corporation may receive, hold and manage devises, bequests and gifts for the purposes authorized by this charter; and by its proper agents, may make contracts necessary and convenient for the exercise of its corporate powers.

Powers and
duties.

Section 3. Said corporation within its territorial limits shall have, and is hereby granted, all the rights, powers and privileges which towns, or their municipal officers, have under the first sixteen sections of chapter sixteen of the revised statutes, as amended, and under chapter two hundred and eighty-five of the public laws of eighteen hundred and eighty-nine, relating to

Corporation
granted all
powers of
towns.

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drains and sewers; and all powers, duties and privileges granted by said sections and by said public laws to the selectmen, clerks, treasurers and constables of towns, are hereby respectively granted to and vested in the assessors, clerk, treasurer and collector of said corporation; and all powers conferred and duties, penalties and obligations imposed by said sections and by said public laws upon towns, and upon persons, for the benefit and protection of towns and persons, and of their drains, sewers and property, shall be possessed by, and imposed upon, said corporation, and persons and property therein, for the benefit and protection of said corporation, persons and property, and the drains and sewers thereof.

Shall not construct sewers without vote of the corporation.

Selectmen shall apportion money for support of highways.

—how money shall be expended.

—if sum apportioned is inadequate, corporation may raise additional money.

—assessors shall be sworn and give bond.

Provided, however, that the assessors shall not have power to construct said drains or sewers at the expense of the corporation without a vote of the corporation authorizing such construction.

Section 4. The selectmen of the town of York are hereby authorized and directed to apportion on or before the tenth day of April annually, out of all the moneys raised by said town for repairs and maintenance of ways and bridges, a sum ample and sufficient for the proper care and maintenance of the ways within the limits of said corporation, the same to be forthwith certified to the treasurer of said town, to be by him set aside and paid out to the assessors of said corporation for maintenance and repairs as aforesaid, on the order of the selectmen in the same manner that money is paid out to road commissioners elected by towns. Sixty-five per cent of said money is to be expended by the corporation by its assessors, or their agent, under the general supervision of said selectmen, prior to the fifteenth day of July, and the balance to be in like manner expended at such time as said assessors deem for the best good of the public; and if such sum, apportioned as aforesaid, is deemed inadequate by the assessors of the corporation for the proper care and maintenance of said ways, and if said selectmen neglect or refuse to apportion further sums, which shall be by said assessors deemed adequate, for ten days after the same have been requested of them in writing by said assessors, then said assessors may call a meeting of the corporation, at which the corporation may raise money for improvements and repairs upon its ways, to be assessed in the manner provided in section five of this act, to be expended for the purposes for which raised, by the corporation, by its assessors, or their agent, under the general supervision of the selectmen.

For the purpose of expending money which has been apportioned by the selectmen as hereinbefore provided, said assessors shall first qualify and give bonds, as road commissioners elected by towns are required to do, and having so qualified shall have exclusively within the limits of the corporation, the same rights,

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powers and duties, and shall be under the same obligations as said road commissioners, excepting that they shall not be required to qualify before the first Monday of April, as required by chapter thirty-two, section seven of the public laws of eighteen hundred and ninety-nine, or to account to the selectmen for money raised by the corporation for said ways. Upon failure of said assessors to so qualify within ten days after their election by the corporation, said money apportioned to the corporation shall be expended by the town upon the highways within said corporation by the proper town authorities, as provided by general law. But this section shall not relieve the town of York of any duty in respect to the proper care and maintenance of said ways within the limits of said corporation.

—shall have all the powers of road commissioners.

—how money shall be expended if assessors fail to qualify.

—town not relieved of duty respecting care of ways.

Section 5. All moneys which shall be raised for the purposes aforesaid, 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 thereof in the same manner as is provided by law for the assessment of town and county taxes. The assessors may copy the last valuation of said property made by the assessors of the town of York and assess the taxes thereon; or, if the corporation shall so direct, may correct said valuation, or make a new valuation thereof according to law, and assess the tax on that valuation, and may make abatements on taxes assessed in the same manner as assessors of towns may do.

How money shall be raised and assessed.

—valuation, how determined.

Section 6. Said corporation may issue its bonds, or notes to obtain money to purchase and improve real property provided for under section two of this act; to construct sidewalks; to make permanent improvements to highways; to construct drains and sewers, as provided in section three of this act. Said bonds or notes shall be signed by the assessors and treasurer, and shall be on such time and bear such rate of interest as the corporation may deem expedient, subject, however, to the limitations contained in article twenty-two of the constitution of Maine limiting municipal indebtedness.

May issue bonds for certain purposes.

—how bonds shall be signed.

Section 7. The officers of said corporation shall be a clerk, treasurer, three assessors, a collector, three fire wardens, and such other officers as the by-laws of said corporation may require. The clerk, treasurer, assessors and collector shall be chosen by ballot at the annual meeting, or at a special meeting called for the purpose, and said other officers by ballot or other method agreed upon by a vote of the corporation. Said clerk, treasurer, assessors and collector shall reside within the limits of the corporation and shall hold office for one year from the date of the last annual meeting and afterwards until their successors

Officers.

—how chosen.

—qualification and tenure.

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- are chosen and qualified, and shall severally have exclusively all the power and authority within the limits of said corporation that similar officers chosen by towns now have or may have. The assessors may appoint, and remove, police officers, and such other officers as the by-laws allow, and whose selection is not otherwise provided for herein. Said corporation at any legal meeting may adopt a code of by-laws not repugnant to the laws of this state, nor to its charter, for the efficient management of its affairs. All officers aforesaid shall be sworn before the clerk, or a justice of the peace, for the faithful performance of their duties. The collector and treasurer shall each give bond, with such sureties as the assessors of the corporation may approve in a sum not less than double the amount of the taxes raised as aforesaid, to the inhabitants of the corporation, for the faithful performance of their duties, and said bond shall be approved in writing by the assessors, and thereafter deposited with and retained by the clerk. The compensation of all officers herein provided for shall be fixed by the corporation.
- Section 8. Said assessors shall be the general municipal officers of said corporation and shall have general charge of its affairs and of the expenditure of money thereof, except so far as the same may by this act be committed to other officers or persons.
- Section 9. The fire wardens shall have exclusively all the power and authority, within the limits of said corporation, that fire wardens have, or may have, when chosen by towns in town meeting. The police officers shall have power to execute all warrants and have the same power to prevent public disturbances and preserve public peace, within said corporation as is given by the laws of this state to constables, and to restrain all infractions of, and carry into effect, such by-laws as said corporation shall adopt in pursuance of this act.
- Section 10. The clerk shall record all doings and proceedings at the meetings of said corporation.
- The clerk may appoint a deputy to act in his absence in the manner provided by statute for the appointment of a clerk in the absence of a town clerk; and in case of the clerk's absence, death, resignation, or removal from office without having made such an appointment, the assessors may appoint a resident of the corporation in the manner provided by statute for the appointment of a clerk by municipal officers of towns.
- Section 11. Upon a certificate being filed with the assessors of said corporation, by the clerk thereof, stating the amount of money voted to be raised by taxation at any meeting for any of the purposes aforesaid, it shall be the duty of said assessors, as soon as may be, to assess said amount upon the polls and estates
- appointment of police officers.
- by-laws.
- all officers shall be sworn.
- collector and treasurer shall give bond.
- compensation.
- Powers of the assessors.
- Authority of fire wardens.
- powers of police.
- Clerk shall keep all records.
- may appoint deputy.
- vacancy, how filled.
- How money raised shall be assessed.

of persons residing within said corporation, and upon the estates of non-residents located therein, and to certify and deliver the lists of the assessments so made, to the collector whose duty it shall be to collect the same in like manner as county and town taxes are by law collected by collectors for towns. Said collector shall pay over all moneys collected by him to the treasurer of said corporation whenever the assessors shall so direct, and 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 assessors, and to keep a regular account of all moneys received and paid out, and to exhibit the same to the assessors whenever requested. And said corporation shall have the power to direct the mode of collecting said taxes as towns have in the collection of town taxes, and said collector shall have the same rights and powers to recover any taxes committed to him that town collectors have by law to recover any taxes committed to them, and the corporation shall have the same rights that towns have by law to recover taxes by suit.

—duties of collector.

—duty of treasurer.

— corporation shall have power to direct mode of collecting taxes.

Section 12. Every person having his legal residence within the territory aforesaid, qualified to vote for governor, senators and representatives, shall be a legal voter at any meeting of the corporation, and shall also be qualified to vote upon the acceptance of this charter.

Qualification of voters.

Section 13. This charter may be accepted at any time within five years from its approval by the governor, except that not more than two meetings for such acceptance shall be held in any one calendar year.

When charter may be accepted.

William H. Hogarth, Will C. Hildreth and R. F. Tapley, or any of them, are hereby authorized to call any meeting of said corporation to act on said acceptance, and to notify all persons qualified to vote at said meeting, to assemble at some suitable time and place within the limits aforesaid, by posting up notices in two public and conspicuous places within said limits, seven days at least before the time of said meeting; and any one of said persons is authorized to preside at said meeting until after its organization and until after a clerk and moderator of the meeting shall have been chosen by ballot and sworn. At all meetings of said corporation a moderator shall be chosen in the manner and with the same powers as in town meetings.

First meeting how called.

—moderator and powers.

Section 14. Said assessors shall call all subsequent meetings of the corporation by posting up notice thereof in two public and conspicuous places within the limits of said corporation, signed by them, and stating the time and place of each meeting, seven days at least, before the time appointed for the meeting. All notices shall state in distinct articles the business to be acted

Manner of calling meetings.

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—any article may be inserted in warrant at request of ten voters.

—annual meeting, when held.

—how meetings may be called if assessors refuse.

Acceptance of charter.

When act shall take complete effect.

upon at the meeting, and no other business shall be there acted upon. When ten or more voters in writing request the assessors to insert a particular article in any notice they shall insert it in their next notice issued, or shall call a special meeting for the consideration thereof to be held within thirty days after the filing of said notice. The annual meetings for the election of officers, after the first, shall be held in the month of April in each year. In case the assessors unreasonably neglect or refuse to call a meeting, any justice of the peace may, call a meeting of the corporation on petition of ten legal voters, by posting up a notice in the manner herein provided.

Section 15. At any first meeting of said corporation called in pursuance to section thirteen of this act, the legal voters within said corporate limits shall by ballot vote on the question of accepting this charter, and if a majority of such voters present and voting at said meeting shall vote in favor of its acceptance, then this act shall take effect and the corporation shall proceed to organize and choose its officers, and may adopt a code of by-laws.

Section 16. This act shall take effect from and after its approval by the governor, so far as to empower the calling of any of said first meetings to act on the acceptance of this charter, and if said charter shall be accepted, as provided in the preceding section of this act, then the same shall take and have complete effect in all its parts.

Approved March 21, 1901.

Chapter 456.

An Act to prevent the throwing of sawdust and other refuse matter into the tributaries of the lakes and ponds in Vienna and Mount Vernon.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Throwing of sawdust, etc., in Vienna and Mt. Vernon forbidden.

—penalties.

When act shall take effect.

Section 1. It shall be unlawful for any person to put, or allow the same to be done by any person within his employ, any sawdust, slabs, edgings, or other refuse matter into any of the tributaries to any of the ponds or lakes lying wholly or partly in the towns of Vienna and Mount Vernon, Kennebec county, under a penalty of not less than fifty dollars nor more than one hundred dollars for each offense, one half of the fine shall be paid to the complainant, the other half to the treasurer of the state for the benefit of the inland fish and game fund.

Section 2. This act shall take effect January first, nineteen hundred and two.

Approved March 21, 1901.