

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842.

AUGUSTA
KENNEBEC JOURNAL PRINT
1905

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

police department for which he is fitted, and during such service shall be entitled to one-half pay in addition to his pension.

Section 4. The city of Bangor is hereby authorized to appropriate money to provide for the payment of the pensions authorized by this act, and shall pay the same in monthly payments.

Section 5. This act shall take effect upon its acceptance by two-thirds of the members of each board of the city council.

Approved March 21, 1905.

—half pay.

City of Bangor may appropriate money for pensions to police.

Act in effect on acceptance by $\frac{2}{3}$ vote of members of city council.

Chapter 350.

An Act to Incorporate the Kittery Village Corporation.

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

Section 1. That the territory embraced within the following bounds, namely: Commencing on the south side of Old Ferry Lane, at the Piscataqua river, and extending northeasterly by the southerly line of said lane, to the road called Government street, extending from the United States Navy Yard bridge to the Portsmouth bridge; thence across Government street to the southwesterly corner of the wall on the south side of Love Lane, so called; thence extending by the southerly line of Love Lane to the intersection of the south line of said lane with the center of the track of the York Harbor and Beach Railroad; thence continuing in a direct line about twenty rods to the southwest corner of the Rice pasture, on the north side of Love Lane, near a gateway; thence continuing northerly and northeasterly by the northerly boundary of said pasture, now owned by Elroy W. Cottle, to the northeasterly corner thereof; thence continuing in a northeasterly direction by the stone wall and lands of divers persons, to the southwesterly corner of Orchard Grove cemetery; thence turning and extending northwesterly by the stone wall on the west side of said cemetery, to the northwesterly corner thereof, thence turning and running by the stone wall, northeasterly, on the north side of said cemetery about twelve rods to a wall at right angles with the last named wall; thence turning and running northwesterly by the stone wall and land of the heirs of Augustus O. Goodsoe, fifteen rods; thence turning and running in a direct line by said heir's land to the Rogers road at a point fifteen rods north of the north line of Orchard Grove cemetery; thence crossing

Description of territory embraced in Kittery Village Corporation

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Rogers road at right angles, to the eastern side; thence extending southerly by the east line of the Rogers road to the land of Andrew R. Wentworth, surgeon, United States Navy; thence extending easterly by the wall on the north side of said Wentworth's land to the easterly limit thereof; thence turning and running southwesterly by the lands of said Wentworth, Oliver B. Moody, and Jethro H. Swett, to the easterly line of the homestead of Albert Manson; thence by Manson's east line to Rogers lane; thence running westerly by the north line of said lane to the southwesterly corner of Manson's land; thence crossing said lane in a direct line to the northeast corner of land of Warren Fernald; thence extending southwesterly by the southerly boundary of said Fernald's land to the southerly line of land of Daniel W. Marden, at the southeasterly corner of said Marden's house lot; thence turning and running southerly by the fence dividing lands of Simon Fernald and James R. Philbrick to the southerly line of the York Harbor and Beach Railroad; thence extending easterly by the southerly line of said railroad to Spruce Creek; thence turning and extending southerly by the westerly shore or boundary of said creek to its junction with Piscataqua river, near the residence of Fred A. Bradbury; thence continuing westerly and northerly by the Piscataqua river to the point of beginning; together with the inhabitants thereon, be, and the same is hereby created a body politic and corporate by the name of Kittery Village Corporation, with all the rights and privileges granted by the laws of the state to similar corporations.

Fire
department.

Section 2. Said corporation is hereby authorized at any legal meeting called for the purpose, to raise by assessment, as hereinafter provided, such sums of money as may be deemed necessary and sufficient for organizing and maintaining within the limits of said corporation, an efficient fire department; for building, renting, purchasing, repairing and maintaining engine houses, hook and ladder carriage houses, and lockups or police stations; for purchasing, repairing and maintaining fire engines, hose, ladders, buckets, machines and other apparatus for the extinguishment and prevention of fire; for the location, construction and repair of reservoirs and aqueducts; for the procuring, by purchase, lease, or otherwise, of water, and pumps, hydrants and machinery for handling and distributing the same, and fixing the rates for using the same; for building, repairing and maintaining roads, streets, ways, avenues, sidewalks, sewers, and other sanitary works, including the collection and removal of offal and garbage; for setting out, maintaining and caring for shade trees; for main-

--roads,
streets, ways
etc.

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taining and improving the common lands or parks; for the purchasing and renting of real estate for any of the above purposes; to pay for the services of one or more police officers, night watchmen or any other officers to whom the said corporation may vote a salary or other compensation; for sprinkling and lighting its streets, and for the purchase of all necessary materials and appliances for the same, including the erection of posts; for school purposes; for the purchase of land for a village cemetery or burying ground, and for the improvement and proper management of the same, with the power to sell and convey the same in lots for burial purposes. Said corporation may receive, hold, and manage devises, bequests and gifts for any of the above purposes, and for the purpose of public improvements within said territory.

—shade trees.

—police,
night watch-
man, etc.—sprinkling
and lighting
streets.—school
purposes.

Section 3. Money raised by said corporation for the purposes aforesaid; also for any lawful purpose, shall be assessed upon the property and polls, with the territory aforesaid by its assessors, in the same manner in which the town taxes are assessed. The assessors may copy the last valuation of said property made by the assessors of the town of Kittery, and assess the tax thereon; or if the corporation shall so direct, may correct said valuations, or make a new valuation thereof according to the principles established by the last state tax, and assess the tax on that valuation, and may make abatements on taxes assessed in the same manner as assessors of towns may do, provided the sum to be assessed for any one year shall not exceed the sum of two thousand dollars.

Assessments
how made.

Section 4. Upon a certificate being filed with the assessors of the corporation by the clerk thereof, showing the amount of money lawfully raised at any meeting, they shall proceed as soon as may be to assess the same upon the polls and estates of the persons residing, or embraced within the limits of the territory aforesaid, and upon the estates therein of non-resident proprietors, and the assessment so made shall be certified and delivered to the collector of said corporation, who shall collect the same as town taxes are collected, and pay the same within such time as his warrant shall prescribe, to the corporation treasurer; and said collector shall have the same power and authority in collecting the taxes so assessed as a constable or town collector, has by law for collecting town and county taxes, and shall enforce payment of the same in the same manner as a town constable, or town collector, is required to do by law, and the said corporation shall have the same powers to direct the mode of collecting taxes as towns have in the collection thereof.

Clerk shall
file with
assessors
a certificate
showing
amount of
money raised.—assessors
shall assess.—collection
of taxes.

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Treasurer.

Section 5. All moneys received by said corporation from taxation, or from any other source, shall be paid to the treasurer and he shall receive the same and pay it out on the order of the assessors, for legitimate expenses of the corporation and other purposes for which it may be obtained, and shall keep regular accounts of all his official transactions, and exhibit the same to the assessors when requested, and make report to each meeting of the corporation at which officers are chosen.

May adopt by-laws.

Section 6. 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.

Officers of corporation.

Section 7. The officers of said corporation shall consist of a clerk, treasurer, collector, three assessors, and such other officers as its by-laws may provide for, and said officers shall hold office for one year from the date of their election, or until their successors are chosen and qualified, and shall severally have all the powers and authority within the limits of said corporation that similar officers chosen by towns now have or may have; said officers shall be chosen by ballot, except that in case of a vacancy in the office of collector, the assessors may appoint, as town collectors are appointed, the first election to be at the meeting of the legal voters of said corporation at which this charter is accepted; and the annual election of officers shall be in the month of April at a place and time to be designated by the by-laws of said corporation. Said officers shall be sworn to the faithful performance of their respective duties.

—officers, how chosen.

Clerk, duties of.

Section 8. The clerk shall record all the doings and proceedings at the meetings of the corporation.

Collector and treasurer shall give bond.

Section 9. 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 as aforesaid, to the inhabitants of the corporation, for the faithful performance of their duties, and said bonds shall be approved in writing by the assessors, and thereafter deposited and retained by the clerk.

Assessors given exclusive right to lay out streets, etc.

Section 10. The assessors of said corporation are hereby given the exclusive right to lay out ways, streets, and avenues, and the exclusive supervision and control of maintaining and repairing the highways, other ways, and bridges within the limits of said corporation; and for that purpose the same rights and powers are conferred upon said assessors as are now, or may hereafter be, conferred by law upon road commissioners and selectmen of towns in relation to laying out, maintaining, and repairing ways and bridges. The inhabitants of said corporation shall be responsible for all damages resulting from

—highway damages, corporation liable for.

defects in the highways and bridges within the limits of said corporation, and shall reimburse the town of Kittery for any and all damages and costs recovered against said town for or on account of defects in said highways and bridges.

Section 11. The town treasurer of the town of Kittery shall pay to the treasurer of said corporation one-half of such proportion of all moneys voted for highways and bridges and for the payment of unpaid highway bills, at any and all town meetings of said town including that of nineteen hundred and five, by the first day of September, and the remaining one-half of such proportion by the first day of the following January of each year, as the valuation of the property and estates within said corporation, as fixed by the assessors of said town for the purposes of taxation, bears to the valuation of the property and estates within said town of Kittery, including said corporation; and said money shall be expended upon the highways and bridges within the limits of said corporation by and under the supervision of said corporation assessors. Said corporation may raise money for the maintaining and repairing ways and bridges within the limits of said corporation, in addition to the foregoing, and direct the same to be assessed as other taxes are assessed in said corporation, and the same shall be expended by and under the supervision of the assessors of said corporation.

Shall receive a certain proportion of moneys, voted by town, for highways.

Section 12. This charter may be accepted at any time within five years from its approval by the governor, and its rejection in any calendar year shall not prevent its acceptance in any later calendar year during the time aforesaid; but only one meeting to vote thereon, shall be held in any one calendar year. Moses A. Safford, Calvin L. Hayes, Jethro H. Swett, Amos S. Rundlett, Joseph W. Hobbs, or any one of them may call all meetings of the inhabitants of said territory previous to the acceptance of this charter, by posting a notice, stating the time, place and objects of said meeting, in at least three public and conspicuous places in said territory, at least seven days before the time of holding said meeting, and all subsequent meetings shall be called and notified by the assessors of said corporation as town meetings are called and notified, unless said corporation shall otherwise define the manner of calling and notifying its meetings in its by-laws.

Charter may be accepted at any time within five years.

Section 13. Every person residing within the limits of said corporation, qualified to vote for governor, senators and representatives, shall be a legal voter at any meeting of said corporation, provided that at any meeting for the adoption of this charter, any person twenty-one years of age, not an alien, own-

Legal voters of the corporation.

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ing real estate within the limits of this corporation, and residing therein, shall have the right to vote.

Proceedings
at meeting for
acceptance of
this charter.

Section 14. At any meeting prescribed in section twelve of this act, the legal voters shall elect a moderator and clerk, both of whom shall be sworn by some justice of the peace, for the faithful discharge of their duties, and thereupon said meeting shall proceed by ballot to vote on the question of accepting this charter, and if a majority of all the legal voters present and voting at said meeting, shall vote in favor of its acceptance, then it shall take effect, and said corporation may immediately after said vote is declared, proceed to the adoption of by-laws and the election of officers as provided in sections six and seven of this act.

Section 15. This act shall take effect when approved by the governor, but shall not bind the inhabitants of the territory aforesaid until its acceptance by them as hereinbefore provided.

Approved March 21, 1905.

Chapter 351.

An Act regulating the taking of Clams in the Town of North Haven.

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

Non-residents
forbidden to
take clams in
North Haven
and in
Vinalhaven.

Section 1. No clams shall be taken within the limits of the town of North Haven or Vinalhaven by any person not residing in the town where such clams are taken. This section shall not interfere with any law relating to the taking of shell fish for bait by fishermen.

Penalty.

Section 2. Whoever shall violate the provisions of section one of this act, shall for each offense, be fined not more than ten dollars, or imprisoned not more than thirty days.

Section 3. This act shall take effect when approved.

Approved March 21, 1905.