

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-second Legislature

OF THE

STATE OF MAINE

1925

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Second
Legislature

1925

Chapter 27.

An Act to Incorporate the Cousins and Littlejohns Islands Village Corporation.

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

Sec. 1. Village corporation created; territorial limits. The territory embraced within the limits of Cousins Island and Littlejohns Island in the town of Yarmouth in the county of Cumberland and state of Maine together with the territory lying between said islands, and together with the inhabitants thereon and certain owners of real estate thereon as herein specified, is hereby created a body politic and corporate by the name of Cousins and Littlejohns Islands Village Corporation.

Sec. 2. Purposes for which corporation may raise money and make contracts. 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, ways, bridges, 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 of land 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 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 and 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. Money raised by town of Yarmouth for use in corporate limits to be expended under direction of overseers. All moneys which shall be raised by the town of Yarmouth by special action under the provisions of this act for use on the territory included within the limits of said village corporation, not including moneys raised for general town purposes, shall

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be expended only upon the request of, and for such purposes as the board of overseers of said corporation may direct.

Sec. 4. Taxes to be assessed by assessors of Yarmouth; limit of assessment; persons entitled to use of land may be assessed as owners. All moneys which shall be raised by said corporation for the purposes named in section two of this act or for any other purposes, 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 Yarmouth in the same manner as is provided by law for the assessment of town and county taxes; provided, that it shall not be legal for said assessment to exceed two mills on the dollar on estates, and that the total appropriations together with any indebtedness of said corporation shall not exceed two and one-half per cent of the total valuation of said islands as shown on the assessors' books of said town at the last preceding assessment. 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 islands shall be deemed the owner thereof and be taxed for said lot and the improvements, if any, thereon.

Sec. 5. Officers of corporation; authorized to adopt 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 five 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 sums as the overseers may direct, which bond shall be approved by the overseers and the clerk. At all meetings of the corporation, a moderator shall be chosen in the manner, and with the same power as in town meetings.

Sec. 6. Eligibility of officers. 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. 7. Overseers shall be the municipal officers. 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 they may be committed to other officers or persons.

Sec. 8. Procedure for assessment and collection of taxes of corporation; duties of treasurer respecting receipt and disbursement of funds. Upon a certificate being filed with the assessors of the town of Yarmouth by the clerk of this corporation of the amount of money voted to be raised at any meeting of the corporation, 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 Yarmouth, to assess in addition thereto the total amounts certified by the clerk of this corporation, upon the polls and estates of persons residing within the limits of said corporation, and upon the estates of non-resident proprietors thereof and to certify and deliver the lists of the assessment so made to the collector of the town of Yarmouth, whose duty it shall be to collect the same in like manner as county and town taxes are collected by law, and said collector shall pay over to the treasurer of said corporation, whenever the overseers shall so direct, all money collected by him of said sum assessed in addition to said town, county and state taxes. It shall be the duty of the treasurer of said corporation to receive all moneys belonging to the corporation, to pay it out only upon the written order or direction of the overseers, 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 Yarmouth shall have the same power to direct the mode of collecting said taxes that it has in the collection of 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 Yarmouth 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 Yarmouth 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 town taxes.

Sec. 9. Qualification of voters; overseers to prepare lists; use of check list. All persons residing within the limits of said corporation who are legal voters in the town of Yarmouth and every person of legal age who owns a part or the whole of one or more lots of land upon either of said islands 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 such legal voters twenty-four hours, at least, before every meeting, which said list they may 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 said list upon the demand of five legal voters, provided, however, that where a lot of land is owned by two or more persons, such persons may

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agree in writing filed with said board of overseers which of the said owners is to be the legal voter at any meeting of the corporation, and in no case shall the ownership of any tract or parcel of land entitle the owner or owners thereof to more than one vote at any of the meetings of the said corporation.

Sec. 10. First election; terms of officers; annual meeting. 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 first Monday of September, following the annual meeting of the corporation, at which said meeting officers may be elected and thereafterwards at each annual meeting, but they shall not assume the duties of their respective offices until the first Monday in September following their election; but, in any event, all officers duly elected shall hold office until their successors are elected and duly qualified. The annual meeting of the said corporation shall be held on the first Saturday of August in each year.

Sec. 11. Procedure for acceptance of charter; subsequent meetings, how called; voters to file statement of qualifications. This charter shall be accepted within five years from the time of its taking effect under the constitution of this state but only one meeting to vote thereon shall be called in any one calendar year. Louis O. Van Doren, Orville F. Rogers, Raymond H. Talbot, Gilbert H. Hamilton, Charles Duran, Alexander L. Hill or either of them, may call all meetings of the corporation previous to the acceptance of this charter and the election of officers, and notify the persons entitled to vote therein to meet at some suitable time and place on said Cousins Island, by posting of notices in two public places on said Cousins Island and two public places on said Littlejohns Island seven 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; providing, however, that notices for meetings shall be posted in two public places on each of said islands; 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. Each person claiming the right to vote at a meeting held to pass upon the acceptance of this charter shall file with the presiding officer of said meeting a written statement which statement shall show the following facts, viz.: name; age; residence; if a resident of the town of Yarmouth; whether he is a resident upon either Cousins Island or Littlejohns Island; whether a legal voter in said Yarmouth; whether an owner of a lot of land situated either in Cousins or Littlejohns Islands; and if an owner of a lot of land whether he owns the whole or a part of said lot.

Sec. 12. Corporation authorized to purchase property of Cousins Island Wharf and Improvement Co. The Cousins Island Wharf and Improvement Company is hereby authorized to sell, convey, lease or otherwise dispose of any and all real estate, or interest therein, which it now has to the Cousins and Littlejohns Islands Village Corporation, and said latter corporation is hereby authorized to purchase, take title to, lease or otherwise acquire said real estate or interest therein and if it acquires title to said property, 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. 13. Act effective when accepted by voters; record of vote to be filed with secretary of state. This act shall not take full effect until it is accepted by a majority of the voters of said corporation at a legal meeting called for the purpose; provided, however, that the provisions hereof authorizing the calling of a meeting or meetings for the purpose of voting upon the acceptance of the act shall take effect as provided in the constitution of the state. A copy of the record of said vote accepting this act shall be filed with the secretary of state.

Approved March 14, 1925.

Chapter 28.

An Act to Change the Name of the City of South Portland.

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

Preamble. Whereas, many citizens of the city of South Portland represent, that being a separate and distinct municipality duly incorporated, that it is a serious handicap to be burdened by a name suggestive of a suburb of an adjoining city and

Whereas, they are desirous of being relieved of this burden by having its name changed to another such as its citizens shall select.

Municipal officers directed to call an election to vote on change of name; form of ballot; rights, privileges and immunities secured to municipality under new name. The municipal officers of the city of South Portland are hereby ordered and directed to call a special election not less than sixty nor more than one hundred and twenty days after this act shall become a law for the purpose of permitting its electors to decide whether or not they desire a change of name and if so to select a new name.

The questions to be printed on the ballot shall be:

Do you wish the name of the city of South Portland to be changed to