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## **An Act To Allow Bayville Village To Separate from the Town of Boothbay Harbor and Affiliate with the Town of Boothbay**

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

### **PART A**

**Sec. A-1. Separation and affiliation.** Notwithstanding the Maine Revised Statutes, Title 30-A, chapter 113, subchapter 2, and subject to referendum elections as set forth in section 3 of this Part and as otherwise specified in this Part, the territory in section 2 of this Part, Bayville Village Corporation, within the Town of Boothbay Harbor, Lincoln County, together with the inhabitants of that territory, is separated and set off from the Town of Boothbay Harbor and affiliated with the Town of Boothbay, Lincoln County, in accordance with Private and Special Law 1911, chapter 227 as amended by this Act.

**Sec. A-2. Boundaries.** The boundaries of Bayville Village Corporation are the same as in Private and Special Law 1911, chapter 227 as amended by this Act.

**Sec. A-3. Referendum elections.** In order for the separation and incorporation described in this Part to take effect, the registered voters of Bayville Village Corporation must vote in an election to separate from the Town of Boothbay Harbor and to affiliate with the Town of Boothbay and the Town of Boothbay must vote in an election to accept the territory after that territory has voted in the affirmative for separation and affiliation. A simple majority of the voters in each referendum is necessary to approve the referendum.

**1. Bayville Village Corporation; separation vote.** Within 3 months of the effective date of this Act, this Part must be submitted to the legal voters of Bayville Village Corporation in a referendum election for the purpose of approval of this Part. Warrants must be issued for this election notifying the qualified voters to vote on the approval or rejection of this Part.

For purposes of this referendum election, all persons residing in the separation territory as set out in section 2 of this Part and legally registered to vote there are eligible to vote on the question with respect to the separation of Bayville Village Corporation from the Town of Boothbay Harbor and its affiliation with the Town of Boothbay.

The town clerk of the Town of Boothbay Harbor shall prepare the required ballots on which the subject matter of this Part must be reduced to the following question:

"Do you favor the separation of Bayville Village from the Town of Boothbay Harbor and the affiliation of Bayville Village with the Town of Boothbay?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the question.

The referendum election must be conducted by the Town Clerk of the Town of Boothbay Harbor, who shall declare the result of the election. The town clerk's declaration of the election results is final, subject to review by the Superior Court for Lincoln County. The result of the vote must be filed by the town clerk with the Secretary of State.

**2. Town of Boothbay; affiliation vote.** Within 6 months of the effective date of this Act, if the referendum in Bayville Village passes, then this Part must be submitted to the legal voters of the Town of Boothbay in a referendum election for the purpose of approval of this Part. Warrants must be issued for this election notifying the qualified voters to vote on the approval or rejection of this Part.

For purposes of this referendum election, all persons resident of the Town of Boothbay and legally registered to vote within the Town of Boothbay are eligible to vote on the question with respect to the separation of Bayville Village from the Town of Boothbay Harbor and its affiliation with the Town of Boothbay.

The town clerk of the Town of Boothbay shall prepare the required ballots on which the subject matter of this Part must be reduced to the following question:

"Do you favor the affiliation of Bayville Village Corporation with the Town of Boothbay?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the question.

The referendum election must be conducted by the town clerk of the Town of Boothbay, who shall declare the result of the election. The town clerk's declaration of the election results is final, subject to review by the Superior Court for Lincoln County. The result of the referendum election must be filed by the town clerk with the Secretary of State.

**Sec. A-4. Boothbay Harbor property.** If the territory consisting of Bayville Village separates from the Town of Boothbay Harbor and is affiliated with the Town of Boothbay, all real property owned by the Town of Boothbay Harbor located within that territory must be conveyed to the Town of Boothbay on the effective date of separation.

Before the effective date of separation, the Town of Boothbay Harbor shall remove all personal property owned by the Town of Boothbay Harbor that is customarily located in Bayville Village.

**Sec. A-5. Property taxes; municipal services.** Bayville Village remains a part of the Town of Boothbay Harbor for all purposes including liabilities, obligations and the collection and disbursement of property taxes up to the effective date of separation, and the Town of Boothbay Harbor shall maintain its customary level of municipal services to Bayville Village until that date. After the effective date of

separation, the Town of Boothbay shall assess and collect property taxes and provide municipal services to Bayville Village Corporation in accordance with Private and Special Law 1911, chapter 227 as amended by this Act.

**Sec. A-6. Costs not funded.** Any requirements of this Part that result in additional costs to local or county government are not state mandates and the State is not required to fund those costs.

**Sec. A-7. Effective date of separation.** The effective date of separation and affiliation of the territory consisting of Bayville Village is 60 days following the approval of the referendum set out in section 3, subsection 2 of this Part. At the first regularly scheduled town meetings in the Town of Boothbay Harbor and the Town of Boothbay following the effective date of separation and affiliation, all amendments to the respective town charters must be made to reflect the change in Bayville Village's affiliation.

## PART B

**Sec. B-1. P&SL 1911, c. 227,** as amended by P&SL 1961, c. 56, §§1 and 2, is further amended to read:

**Sec. 1. Description of territory within Bayville Village Corporation.** That part of the territory of the town of Boothbay Harbor, in the county of Lincoln, embraced within the limits described as follows: Commencing at the southerly point of the boundary line between the town of Boothbay and Boothbay Harbor, on Linekins bay, so-called, and extending northerly along said boundary line to a point where the line extended along a certain stone wall which runs east and west near the fork of the main road would intersect this town line; thence extending westerly along this line of said stone wall extended east and west to a point which would mark its intersection with the westerly line extended of lots twenty-two, twenty-three, twenty-four and twenty-five, according to the plan of Bayville made by Tristham Griffin; thence along the westerly line of lots twenty-two, twenty-three, twenty-four and twenty-five to the low water mark of Linekins bay to the point of beginning; together with the inhabitants within said territory and certain owners of real estate therein as hereinafter specified is hereby created a body politic and corporate by the name of the Bayville Village Corporation.

**Sec. 2. Authorized to raise money.** 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 and ways, sidewalks, sewers and other sanitary works, including the collection and removal of offal and garbage; to provide for the schooling of scholars within the corporate limits as may be required by the laws of the state of Maine; to care for and beautify that portion of the corporate territory of Bayville which may hereafter be reserved for and dedicated to public uses to be enjoyed in common by all the owners of lots of said Bayville 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 said village corporation, and for such purposes to contract with the town of Boothbay Harbor only to furnish

such water, and with any individual, firm or corporation to furnish such light for either or both of the purposes named; and to establish reasonable rates to be paid by the inhabitants of said Bayville using said light for domestic purposes, if produced by said corporation.

**Sec. 3. Town of Boothbay relieved from certain duties.** The town of Boothbay Harbor is hereby relieved from any and all duty to build, repair or maintain roads, streets or ways within the territory of said Bayville Village Corporation or to build schoolhouses, maintain schools thereon, or to provide for the schooling of scholars as is required by the laws of the state, 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 within the limits of said village corporation, 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 Boothbay Harbor 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. Powers and duties of corporation in laying out town ways.** Said corporation and the overseers thereof shall have the same power and duties in laying out, discontinuing and altering town ways within the territory aforesaid, the Bayville Village Corporation, which the town of Boothbay Harbor 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. Proportion of taxes town of Boothbay shall pay to Village Corporation.** The town of Boothbay Harbor shall annually pay over to the treasurer of said corporation out of the taxes collected from the inhabitants and estates within the territory of the Bayville Village Corporation, aforesaid, a sum equal to sixty per centum of all the town taxes, exclusive of the state and county tax collected from said inhabitants and estates.

**Sec. 6. How assessments shall be made.** 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 Boothbay Harbor 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 within the limits of said Bayville Village Corporation shall be deemed the owner thereof and be taxed for said lot and the improvements, if any, thereon.

**Sec. 7. Corporate officers.** 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, but one of the said overseers shall be, ex-officio, the chairman of the board of selectmen of the town of Boothbay Harbor. 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. Legal voter may be elected or 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. The provisions of this section shall not apply to that member of the overseers who as chairman of the board of selectmen is a member of said board of overseers, ex-officio.

**Sec. 9. Overseers, duties of.** Said overseers shall be the general municipal officers of said corporation and shall have general charge of its affairs and of the expenditures of all money therein except so far as the same may be committed to other officers or persons.

**Sec. 10. Statement of expenditures shall be filed with municipal officers of Boothbay.** The overseers and the treasurer of said corporation shall file with the municipal officers of the town of Boothbay Harbor, on or before the first day of April of each year, a full and detailed statement of all expenditures of money which have been paid to them under the provisions of section five of this act. And should there then be any unexpended balance of the moneys paid to said corporation, according to section five of this act, the treasurer of said corporation shall then pay the same to the treasurer of the town of Boothbay Harbor, but this unexpended balance so paid shall be returned to the treasurer of this corporation upon written request of the overseers, or a majority thereof, to be used by said corporation for any purposes authorized by this act and to all interests and purposes this money shall be deemed and held by the town of Boothbay Harbor as a deposit for the corporate purposes of this corporation payable upon written demand as aforesaid to said corporation.

**Sec. 11. Proceedings for assessment of taxes within limits of the corporation.** Upon a certificate being filed with the assessors of the town of Boothbay Harbor 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 Boothbay Harbor, to assess 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 assessments so made to the collector of the town of Boothbay Harbor, whose duty it shall be to collect the same in like manner as county and town taxes are by law collected and said collector shall pay over all moneys 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 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 Boothbay Harbor 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 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 Boothbay Harbor 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 Boothbay Harbor 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, but if said collector shall be paid a salary for the collection of taxes in said town, then he shall be entitled to receive for the collection of taxes assessed under this act that proportionate part of said salary that the taxes assessed in the corporate limits of Bayville bears to the taxes collected for the town of Boothbay Harbor.

**Sec. 12. Legal voters at meetings of the corporation defined.** All persons residing within the limits of said corporation who would be legal voters in the town of Boothbay Harbor, and every person of lawful age who owns and occupies or leases and occupies one or more lots of land within the limits of said corporation, and at the same time is a shareholder in good standing in the Bayville improvement association 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 twenty-four hours before every 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 five legal voters; provided, however, that every person who by virtue of a joint ownership of himself and some other person or persons of a share of said stock and by agreement with the other joint owners, is in possession of a certain aliquot part of a lot of land within the corporate limits of Bayville, 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, and provided further, that the majority in interest of the joint owners of any share of stock may designate in writing one of such owners to represent such share who shall be a legal voter at any meeting of the corporation at which he is present, but no person shall be entitled to more than one vote in any meeting either for himself or as representing the joint owners of any share of stock.

**Sec. 13. First election of officers; tenure of office.** 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 in the first week of August in each year.

**Sec. 14. Charter may be accepted within five years.** ~~This charter may be accepted at any time within five years after it shall become law, but only one meeting to vote thereon shall be called in any one calendar year. George M. Harmon, Albert E. Shipman, Charles Fletcher, George P. Merrill, Frederick A. Smith, Leland F. Bridgham, Bryant G. Smith and Joshua M. Dill, or either of them, may call all meetings in 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 within the said limits of this corporation, by posting of notices in two public places within the limits of said corporation, 14 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 are 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 moderator shall be chosen in the manner, and with the same power as in town meetings.~~

**Sec. 14-A. Calling of meetings.** All meetings of the corporation must be called and notified by the overseers as town meetings are called and notified by the selectmen. James O. Coleman, Jr., Charles Wolfram, Barbara Allison or Barrett L. Gilchrist are authorized to preside at any meeting until a moderator has been chosen by ballot and sworn. At all meetings of the corporation a moderator must be chosen in the manner and with the same power as in town meetings.

**Sec. 15. When charter shall take effect.** 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.

**Sec. B-2. Effective date.** This Part takes effect for all purposes immediately upon the approval of both referenda in Part A of this Act by a majority of the legal voters voting on each referendum.

## SUMMARY

This bill allows Bayville Village Corporation to separate from the Town of Boothbay Harbor and to affiliate with the Town of Boothbay if the legal voters of Bayville Village Corporation vote in favor of the separation and affiliation and the legal voters of the Town of Boothbay vote in favor of the affiliation.