

BUSTIN'S ISLAND VILLAGE CORPORATION

ENABLING ACT

(as amended as of August 3, 1985)

CHAPTER 213, as amended\*

An Act to Create a Body Politic and Corporate by the Name of Bustin's Island Village Corporation.

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

Territorial limits - Corporate Name.

Section 1. The territory embraced within the limits of Bustin's Island, sometimes known as Bibber's Island, in the town of Freeport, in the county of Cumberland, 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 Bustin's Island Village Corporation.

Corporation may raise money for certain purposes.

Section 2. 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, 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

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\* Refers to Chapter 213 of the Private and Special Laws of 1913. This Chapter was amended by Chapter 17 of the Private and Special Laws of 1967 and Chapter 24 of the Private and Special Laws of 1985.

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; to acquire by purchase or gift, and by deed, will, lease or otherwise, title to real estate and personal property, and to manage, operate, mortgage, sell, lease and exchange real estate and personal property for the benefit of the Village Corporation; to arrange for, either by contract, purchase or lease, boat and ferry service from the mainland to Bustin's Island and to defray any and all other necessary or proper corporate charges. The corporation is further authorized to borrow funds towards accomplishing the purposes of this section.

Town of Freeport relieved of certain obligations.

Section 2-A. The Town of Freeport is relieved from any and all duty to build, repair or maintain roads, streets or ways upon Bustin's Island or to perform any of the duties for which the corporation is authorized by Private and Special Laws of 1913, chapter 213, section 2, to raise money, and the town shall not be liable for any failure to perform any duty from which it is relieved by this section, but the corporation shall assume all of those duties.

Town of Freeport shall raise moneys for corporation.

Section 3. All moneys which shall be raised by the town of Freeport by special action for use on said Bustin's Island, not including moneys raised for general town purposes, shall be expended only upon the request of, and for such purposes as, the board of overseers of said corporation may direct.

Annual payments by Town of Freeport.

Section 3-A. The Town of Freeport shall annually pay to the treasurer of the corporation a sum equal to 60% of all real estate and personal property taxes collected by the town out of the taxes and estates on Bustin's Island, exclusive of any state or county tax or tax collected pursuant to the Private and Special Laws of 1913, chapter 213, section 8, that money to be expended by the corporation for its municipal purposes. The money to be paid annually to the treasurer of the corporation shall be paid each year as soon as practicable, but in no event later than 30 days after the start of each fiscal year, and the amount to be paid shall be computed on the basis of the taxes collected during the immediate preceding fiscal year.

Assessments, how levied.

Section 4. All moneys which shall be raised by the corporation for the purposes named in section 2 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 Freeport 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.

Officers of corporation - Corporation may adopt by-laws.

Section 5. 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.

Only legal voters shall hold office.

Section 6. 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.

Overseers.

Section 7. 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.

Certificate of money voted by corporation shall be filed with clerk of Freeport.

-duties of collector and treasurer of Freeport.

Section 8. Upon a certificate being filed with the assessors of the town of Freeport 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 Freeport, 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 assessments so made to the collector of the town of Freeport, 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 Freeport 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 Freeport 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 Freeport 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.

Overseers shall prepare lists of legal voters.

-votes, how taken and checked.

Section 9. All persons residing within the limits of said corporation who would be legal voters in the town of Freeport, and every person of legal age who owns a part or the whole of one or more lots of land upon 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 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 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.

First election of officers.

Section 10. 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 or 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.

When this charter may be accepted.

Section 11. This charter may be accepted at any time within five years from its approval by the governor, but only one meeting to vote thereon shall be called in any one calendar year. Frederic D. Fuller, Freeman M. Grant, E. S. Hosmer, W. C. Russell, C. E. Brainard, Frederic W. Mar, and E. W. Tuttle, 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 Bustin's Island, by posting of notices in two public places on said 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; 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 moderator shall be chosen in the manner, and with the same power as in town meetings.

Transfer of Bustin's Island Cottage Ass'n authorized.

Section 12. The Bustin's Island Cottage Association 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 Bustin's Island 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 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.

When this act shall take effect.

Section 13. This act shall take effect when approved by the governor 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.