

MAINE STATE LEGISLATURE

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CHAPTER 1
SOIL CONSERVATION DISTRICTS

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GENERAL PROVISIONS

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§ 1. Short title

This chapter may be known and cited as the "Soil Conservation Districts" law.

R.S.1954, c. 34, § 12.

§ 2. Policy

Conservation of soil and water resources may involve adjustments in land and water use and the development, improvement and protection of these resources under various combinations of use. It is declared to be the policy of the Legislature to provide for the conservation of the soil and soil and water resources of this State, and for the control and prevention of soil erosion, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands and protect and promote the health, safety and general welfare of the people of this State.

R.S.1954, c. 34, § 1; 1963, c. 401, § 1.

§ 3. Definitions

Wherever used or referred to in this chapter, unless a different meaning clearly appears from the context:

1. Committee. "Committee," "State Soil Conservation Committee" or "State committee" means the agency created in subchapter II.

2. District or soil conservation district. "District" or "soil conservation district" means an agency of the State, and a body corporate and politic, organized in accordance with this chapter, for the purposes, with the powers, and subject to the restrictions set forth.

3. Due notice. "Due notice" means notice published at least twice, with an interval of 6 days, in a newspaper or other publication of general circulation within the appropriate area, as well as notice through the United States mail, in the name of the district, directed to all affected property owners as their names shall appear on the tax records, except that in the event that land occupiers shall be domiciled in states or territories other than the State of Maine, then such land occupiers shall be notified by registered mail at their last known address. At any hearing held pursuant to such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.

1963, c. 401, § 3.

4. Land occupier. "Land occupier" or "occupier of land" includes any person, firm or corporation who shall hold title to, or shall be in possession of, any lands except land suitable for

and used as timberland lying within a district organized under this chapter, whether as owner, lessee, renter, tenant or otherwise.

5. Supervisor. "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with this chapter.

R.S.1954, c. 34, § 2; 1963, c. 401, § 3.

§ 4. Limitation of authority

The powers and duties conferred upon the Soil Conservation Committee or the soil conservation districts under this chapter shall not infringe upon or impair in any way the rights of any owner of riparian lands located upon, or any rights heretofore or hereafter granted by the Legislature to any person, firm, corporation, association, public or quasi-public body to use or take the water in or from, any lake, pond, river, stream, brook or any other body of water located wholly or partly in the State of Maine.

1963, c. 401, § 2.

§ 5. Cooperation of State agencies

Agencies of this State which shall have jurisdiction over, or be charged with the administration of, any publicly owned lands, lying within the boundaries of any district organized under this chapter, shall cooperate to the fullest extent with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors. Public lands used for research purposes shall comply with this section only to the extent that it does not interfere with existing research work.

R.S.1954, c. 34, § 8.

§ 6. Powers of districts and supervisors

A soil conservation district organized under this chapter shall constitute an agency of the State and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this chapter:

1. Preventive and control measures; flood prevention. To carry out preventive and control measures and works of improvement for flood prevention, or the conservation, development, utilization and disposal of water within the district, including,

but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands;

1963, c. 401, § 6.

2. Agreements. To cooperate, or enter into agreements with, and within the limits of appropriations or other funds duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district, in the carrying on of erosion control and prevention operations and works of improvement for flood prevention and the conservation, development, utilization and disposal of water within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this chapter;

1963, c. 401, § 6.

3. Options, purchase, sale, etc. of property. To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest or devise, any property, real or personal, or rights or interests therein, after consultation with town, city and county officials; all such property shall be exempt from taxation by the State or any subdivisions or agencies thereof; to maintain, administer and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease or otherwise dispose of any of its real and personal property or interests therein in furtherance of the purposes and provisions of this chapter;

1963, c. 401, § 6.

4. Equipment and machinery made available. To make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, and such other equipment or material, as will assist such land occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion, and for flood prevention or the conservation, development, utilization and disposal of water;

1963, c. 401, § 6.

5. Construct and maintain structures. To construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter;

1963, c. 401, § 6.

6. Plans. To develop comprehensive plans for the conservation of soil resources, for the control and prevention of soil erosion, and for flood prevention or the conservation, development, utilization and disposal of water within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices and changes in use of land; and to publish such plans and information and bring them to the attention of occupiers of lands within the district;

1963, c. 401, § 6.

7. Agent for federal and state agencies; accept gifts; contracts. To act as agent for the United States or any of its agencies, or for this State or any of its agencies, in connection with the acquisition, construction, operation or administration of any project for soil conservation, erosion control, erosion prevention, flood prevention or for the conservation, development, utilization and disposal of water within its boundaries; to accept donations, gifts and contributions in money, services, materials or otherwise from the United States or any of its agencies; or from this State or any of its agencies, and to use or expend such moneys, services, materials or other contributions in carrying on its operations; and to enter into contracts or negotiations with any and all federal agencies having responsibility for the distribution of surplus war or other materials suitable for utilization in soil conservation or water conservation projects for the use thereof; to enter into contracts and negotiate with any agency of the United States Government in any plan related to soil conservation, flood prevention, or the conservation, development, utilization and disposal of water;

1963, c. 401, § 6.

8. Sue and be sued; seal; borrow money. To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated; to make and execute contracts and other instru-

ments necessary or convenient to the exercise of its powers; to borrow money and to execute promissory notes, bonds and other evidences of indebtedness in connection therewith; to make, and from time to time amend and repeal, rules and regulations not inconsistent with this chapter, to carry into effect its purposes and powers;

1963, c. 401, § 6.

9. Supervisors may require contributions. As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this State or any of its agencies, the supervisors may require contributions in money, services, materials or otherwise to any operations conferring such benefits, and may require land occupiers to enter into such agreements as to the permanent use of such lands as will tend to prevent or control erosion thereon;

10. Cooperate with other districts. To cooperate with any other district organized under this chapter in the exercise of any or all powers conferred in this chapter.

1963, c. 401, § 6.

Provisions with respect to the acquisition, operation or disposition of property by other public bodies shall not be applicable to a district organized hereunder unless the Legislature shall specifically so state.

R.S.1954, c. 34, § 7; 1963, c. 401, § 6.

§ 7. Discontinuance of districts

At any time after 5 years after the organization of a district under this chapter, any 25 occupiers of land lying within the boundaries of such district may file a petition with the State Soil Conservation Committee requesting that the operations of the district be terminated and the existence of the district discontinued. Upon receipt of the petition for the discontinuance of a district, the committee shall conduct such public hearings and referenda as may be necessary to assist it in the consideration thereof. In conducting such hearings and referenda, the committee shall adhere substantially to the same procedures and give weight to each of the considerations set forth in section 101, as were followed in the organization of such districts. The committee may not determine that the continued operation of the district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum shall have been cast in favor of the continuance of such district.

The State Soil Conservation Committee shall not entertain petitions for the discontinuance of any district nor conduct referenda upon such petitions nor make determinations pursuant to such petitions in accordance with this chapter, more often than once in 5 years.

R.S.1954, c. 34, § 9.

SUBCHAPTER II

SOIL CONSERVATION COMMITTEE

Sec.

51. Membership; seal; rules and regulations.
52. Legal services; administrative officer; delegation of powers.
53. Officers; terms; quorum; compensation; records.
54. Powers and duties.

§ 51. Membership; seal; rules and regulations

The State Soil Conservation Committee, as heretofore established, shall serve as an agency of the State and shall perform the functions conferred upon it in this chapter. It shall consist of the following 7 members: The Dean of the College of Agriculture, the State Commissioner of Agriculture and the State Forest Commissioner, who shall serve *ex officio*; and 4 soil conservation district supervisors, one of which shall represent each of the following 4 areas: Area 1, composed of the soil conservation districts of St. John Valley, Central Aroostook, Southern Aroostook and Washington County; Area 2, composed of the districts of Piscataquis County, Somerset County, Franklin County and Kennebec County; Area 3, composed of the districts of Oxford County, Androscoggin Valley, Cumberland County and York County; Area 4, composed of Penobscot County, Waldo County, Knox-Lincoln and Hancock County. Any district organized after September 21, 1963 shall be included in one of these 4 areas as determined by the state committee. The representative of each such area shall be elected at an annual meeting of the supervisors in the area held at a time specified by the state committee. Persons now serving as appointed members of the committee shall continue to serve until the representatives from the 4 named areas are elected and qualify. The committee may invite the Secretary of Agriculture of the United States of America to appoint one person to serve with the above-mentioned members as an advisory member of the committee. The committee shall keep an accurate

record of its official actions, shall adopt a seal, which seal shall be judicially noticed, shall have the authority to sue and be sued, and shall perform such acts, execute such contracts and other instruments, hold such public hearings and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter.

R.S.1954, c. 34, § 3; 1955, c. 325; 1963, c. 401, § 4.

§ 52. Legal services; administrative officer; delegation of powers

The committee may call upon the Attorney General for such legal services as it may require. It shall employ an executive secretary or administrative officer and such other temporary or permanent employees as it may require. It shall have authority to delegate to any of its members, or to any agent or employee, such powers and duties as it may deem proper.

R.S.1954, c. 34, § 3; 1963, c. 401, § 4.

§ 53. Officers; terms; quorum; compensation; records

The committee shall elect one of its members to be chairman and may, from time to time, change such designation. An ex officio member of the committee shall hold office so long as he shall hold the office by virtue of which he is serving on the committee. The elected members of the committee shall serve for a term of 4 years from the date of their election and until their successors have been elected and qualified, except that of those first elected, the representatives from areas one, 2, 3 and 4 shall serve for terms of one, 2, 3 and 4 years, respectively. Upon the expiration of the term of office of, or in the case of a vacancy in, the office of an elected member, his successor shall be elected in the same manner, and from the same area, as the retiring member was elected. A majority of the committee shall constitute a quorum, and the concurrence of a majority of the said quorum in any matter within their duties shall be required for its determination. The chairman and members of the committee shall receive no compensation for their services on the committee, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the committee, if and when funds are available. The committee shall provide for the keeping of an accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted.

R.S.1954, c. 34, § 3; 1963, c. 401, § 4.

§ 54. Powers and duties

In addition to the duties and powers conferred upon the State Soil Conservation Committee, it shall have the following duties and powers:

1. Assistance. To offer such assistance as may be appropriate to the supervisors of soil conservation districts in the carrying out of any of their powers and programs, and to enter into such agreements as may be appropriate with such districts, with land occupiers and with other state and federal agencies;

1963, c. 401, § 4.

2. Information to supervisors. To keep the supervisors of each of the several districts organized under this chapter informed of the activities and experience of all other districts, and to facilitate an interchange of advice and experience between such districts and cooperation between them;

1963, c. 401, § 4.

3. Coordination. To coordinate the programs of the several districts so far as this may be done by advice and consultation;

1963, c. 401, § 4.

4. United States and state agencies. To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this State, in the work of such districts, and in carrying out the functions of the committee under this chapter; to accept grants, services and materials, and to borrow money from the United States or from any corporation or agency of the United States or from the State of Maine or any of its subdivisions or from any other source, but in no event shall the faith and credit of the State of Maine or any county or other political subdivision thereof be pledged by the committee for the repayment of any indebtedness;

1963, c. 401, § 4.

5. Encourage districts. To disseminate information throughout the State concerning the activities and programs of the districts, and to encourage the formation of such districts in areas where their organization is desirable;

1963, c. 401, § 4.

6. Control measures. To carry out preventive and control measures and works of improvement for the control and preven-

tion of soil erosion, flood prevention, or the conservation, development, utilization and disposal of water;

1963, c. 401, § 4.

7. Surveys. To conduct surveys, investigations and research relating to the character of soil erosion and floodwater and sediment damages and to the conservation, development, utilization and disposal of water and the preventive and control measures and works of improvement needed, to publish the results of such surveys, investigations and research, and to disseminate information concerning such preventive and control measures and works of improvement;

1963, c. 401, § 4.

8. Options, purchases. To obtain options upon and to acquire by purchase, exchange, lease, gift, grant, bequest, devise or otherwise any property or rights or interests therein; to maintain, administer and improve any properties acquired; to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease, or otherwise dispose of any of its real or personal property or interests therein, in furtherance of the purpose and provisions of this chapter, including the conveyance, with or without consideration, of lands or interests therein to soil conservation districts for use in carrying out their authorized purposes;

1963, c. 401, § 4.

9. Structures. To construct, improve, operate and maintain such structures as may be necessary or convenient for the prevention of floodwater and sediment damages and for the conservation, development and utilization of the water impounded by such structures for irrigation, recreation, wildlife, municipal and industrial uses;

1963, c. 401, § 4.

10. Fund. To have supervision and control of the Soil Conservation Districts Fund which shall consist of all moneys appropriated thereto, and any moneys received as donations, repayments of loans or from other sources. The committee may use such fund for carrying out any of its authorized functions, for furnishing financial and other assistance to districts, for making allocations of funds to districts, and for making loans to districts under such terms and conditions as the committee may prescribe. Any balance in this fund, except moneys appropriated by the

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State, shall not lapse but shall be carried forward from year to year to be expended for the purposes set forth in this subchapter;

1963, c. 401, § 4.

11. Sponsor. To serve as a sponsoring or co-sponsoring local organization, within the meaning of the term as used in Public Law 566, as amended, Watershed Protection and Flood Prevention Act, and to serve as a sponsoring or co-sponsoring local organization where a watershed is situated wholly or in part within the geographical boundaries of any unorganized territory or territories. (1963, c. 401, § 4.)

R.S.1954, c. 34, § 3; 1963, c. 401, § 4.

SUBCHAPTER III

SUPERVISORS

Sec.

101. Nomination and election.

102. Organization.

§ 101. Nomination and election

Within 30 days after the date of issuance of a certificate of organization of a district, nominating petitions may be filed with the committee to nominate candidates for supervisors of such district. The committee shall have authority to extend the time within which nominating petitions may be filed. No such nominating petition shall be accepted by the committee, unless it shall be subscribed by 25 or more occupiers of lands lying within the boundaries of such district. Land occupiers may sign more than one such nominating petition to nominate more than one candidate for supervisor. The committee shall give due notice of and hold an election for the election of 3 supervisors for the district. All occupiers of lands lying within the district and only such land occupiers shall be eligible to vote in such election. The 3 candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district. The committee shall pay all the expenses of such election, shall supervise the conduct of such election, shall prescribe regulations governing the conduct of such election and shall publish the results thereof in some newspaper of general circulation in the area.

R.S.1954, c. 34, § 5.

§ 102. Organization

The governing body of the district shall consist of 5 supervisors, elected or appointed. The 2 supervisors appointed by the committee shall be persons who are by training and experience qualified to perform the services which will be required of them in the performance of their duties. In appointing supervisors, the state committee shall take into consideration the recommendations of the representative of the state committee from the area in which the district is located, as well as representation of the various interests of the district such as agricultural, woodland, wildlife, recreation, community and area development.

The supervisors shall elect one of their members to be chairman and may, from time to time, change such designation. The term of office of each supervisor shall be 3 years except that the first appointed supervisors shall be appointed to serve terms of one and 2 years respectively, and the first elected supervisors shall be elected to serve for terms of one, 2 and 3 years respectively. A supervisor shall hold office until his successor has been elected or appointed and has qualified. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term, or for a full term, shall be made in the same manner in which the retiring supervisors shall, respectively, have been selected, except that all elections of supervisors other than the first election, as provided in section 101, shall be supervised and conducted by the district supervisors of the districts involved. Such election shall be held during a period prescribed or approved by the State Soil Conservation Committee and in such manner and under such rules and regulations as the committee shall prescribe. The cost of conducting such elections shall be borne by the district involved. The board of supervisors shall certify to the committee the names of the elected supervisors. The committee shall issue certificates of election to each elected supervisor so certified. In existing soil and water conservation districts, the successors to the present elected supervisors shall be elected to serve one, 2 and 3 year terms, respectively, and thereafter their successors shall be elected to serve a regular term of 3 years, and in any district where the terms of office of appointed supervisors now expire concurrently, their successors shall be appointed to serve one and 2 year terms, respectively, and thereafter the successors of such supervisors shall be appointed to serve a regular term of 3 years.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority of the said quorum in any mat-

ter within their duties shall be required for its determination. A supervisor may receive compensation for his services and he shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties, if and when funds are available.

The supervisors may employ a secretary and such other employees as they may require, if and when funds are available. The supervisors may call upon the Attorney General for such legal services as they may require. The supervisors may delegate to one or more supervisors, or to any agents or employees, such powers and duties as they may deem proper. The supervisors shall furnish to the State Soil Conservation Committee, upon request, any information concerning their activities as it may require in the performance of its duties under this chapter.

The supervisors shall require the execution of surety bonds by all employees and officers who shall be entrusted with funds or property, and shall provide for the keeping of an accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted.

R.S.1954, c. 34, § 6; 1963, c. 401, § 5.

SUBCHAPTER IV

FORMATION OF DISTRICTS

Sec.

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- 157. Subsequent petitions.
- 158. Petition for additional territory.

§ 151. Petition for creation

Any 25 occupiers of land lying within the limits of the territory proposed to be organized into a district may file a petition with the State Soil Conservation Committee asking that a soil

conservation district be organized to function in the territory described in the petition. Such petition shall set forth:

1. **Name.** The proposed name of said district;
2. **Need.** That there is need, in the interest of the public health, safety and welfare, for a district to function in the territory described in the petition;
3. **Description.** A description of the territory proposed to be organized as a district;
4. **Referendum.** A request that the committee duly define the boundaries for such district; that a referendum be held within the territory so defined on the question of the creation of a soil conservation district in such territory; and that the committee determine that such a district be created.

Where more than one petition is filed covering parts of the same territory, the committee may consolidate all or any such petitions.

R.S.1954, c. 34, § 4.

§ 152. **Hearing; determination**

Within 30 days after such a petition has been filed with the committee, it shall cause due notice to be given of a proposed hearing upon the question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of such district, upon the question of the appropriate boundaries to be assigned to such district and upon all questions relevant to such inquiries. All occupiers of land within the limits of the territory described in the petition, and of lands within any territory considered for addition to such described territory, and all other interested parties shall have the right to attend such hearings and to be heard. If it shall appear upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing held. After such hearing, if the committee shall determine, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety and welfare, for a soil conservation district to function in the territory considered at the hearing, it shall make and record such determination and

shall define the boundaries of such district. In making such determination and in defining such boundaries, the committee shall give due weight and consideration to the topography of the area considered and of the state, the composition of soils in the proposed district, the distribution of erosion, the prevailing land-use practices, the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries, the relation of the proposed area to existing watersheds and agricultural regions, and to other districts already organized under this chapter, and such other physical, geographical and economic factors as are relevant. The territory to be included within such boundaries need not be contiguous. If the committee shall determine after such hearing, after due consideration of the said relevant facts, that there is no need for a soil conservation district to function in the territory, or any part thereof, considered at the hearing, it shall make and record such determination and shall deny the petition. After 6 months shall have expired from the date of the denial of any such petition, subsequent petitions covering the same or substantially the same territory may be filed, new hearings held and determinations made thereon.

R.S.1954, c. 34, § 4.

§ 153. Referendum

After the committee has made and recorded a determination that there is need for the organization of a district in a particular territory and has defined the boundaries thereof, it shall consider the question whether the operation of a district within such boundaries is administratively practicable and feasible. To assist the committee in the determination of such administrative practicability and feasibility, it shall, within a reasonable time after entry of the finding that there is need for the organization of the proposed district, cause due notice of a referendum to be given, and hold such referendum within the proposed district. The question shall be submitted by ballots. The usual voting places available for regular elections within the district shall be available for the purposes of such referenda, and city and town officials are directed to assist in the carrying out of such referenda.

All occupiers of lands lying within the boundaries of the territory, as determined by the State Soil Conservation Committee,

and only such land occupiers, shall be eligible to vote in such referendum.

R.S.1954, c. 34, § 4.

§ 154. Expenses; regulations; informalities

The committee shall pay all expenses for the issuance of such notices and the conduct of such hearings and referenda. It shall issue appropriate regulations governing the conduct of such hearings and referenda. No informalities in the conduct thereof shall invalidate said referendum.

R.S.1954, c. 34, § 4.

§ 155. Results of referendum; determination

The committee shall publish the result of such referendum in a newspaper of general circulation in the territory affected and shall thereafter again consider and determine whether the operation of the district is administratively practicable and feasible. If the committee shall determine that the operation of such district is not administratively practicable and feasible, it shall record such determination and deny the petition. If the committee shall determine that the operation of such district is administratively practicable and feasible, it shall record such determination and shall proceed with the organization of the district in the manner provided. In making such determination the committee shall give due regard and weight to the attitude of the occupiers of lands lying within the defined boundaries, the number of land occupiers eligible to vote in such referendum who shall have voted, the proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast, the probable expense of carrying on erosion-control operations within such district and such other economic and social factors as may be relevant to such determination. The committee shall not have authority to determine that the operation of the proposed district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum shall have been cast in favor of the creation of such district.

R.S.1954, c. 34, § 4.

§ 156. Appointment of governing body; application to Secretary of State

If the committee shall determine that the operation of the proposed district is administratively practicable and feasible, it

shall appoint 2 supervisors to act, with the 3 supervisors elected, as the governing body of the district. Such district shall be an agency of the State and a public body corporate and politic, upon the taking of the following proceedings:

The 2 appointed supervisors shall present to the Secretary of State an application signed by them, which shall set forth:

1. Petition. That a petition for the creation of the district was filed with the State Soil Conservation Committee, and that the proceedings specified in this chapter were taken pursuant to such petition; that the application is being filed in order to complete the organization of the district; and that the committee has appointed them as supervisors;

2. Supervisors. The name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office;

3. Term of office. The term of office of each of the supervisors;

4. Name of district. The name which is proposed for the district.

The application shall be subscribed and sworn to by each of the said supervisors. The application shall be accompanied by a statement by the State Soil Conservation Committee, which shall certify that a petition was filed, notice issued and hearing held; that the committee did duly determine that there is need for a soil conservation district to function in the proposed territory and it did define the boundaries thereof; that notice was given and a referendum held on the question of the creation of such district, and that the result of such referendum showed a majority of the votes cast to be in favor of the creation of the district; that thereafter the committee did duly determine that the operation of the proposed district is administratively practicable and feasible. The said statement shall set forth the boundaries of the district as they have been defined by the committee.

The Secretary of State shall file the application and statement and shall record them in an appropriate book of record in his office. When the application and statement have been made, filed and recorded, the district shall constitute an agency of the State and a public body corporate and politic. The Secretary of State shall make and issue to the said supervisors a certificate, under the seal of the State, of the due organization of the said

district, and shall record a copy of such certificate with the application and statement.

R.S.1954, c. 34, § 4.

§ 157. Subsequent petitions

After 6 months shall have expired from the date of entry of a determination by the committee that operation of a proposed district is not administratively practicable and feasible, and denial of a petition, subsequent petitions may be filed and action taken by the committee.

R.S.1954, c. 34, § 4.

§ 158. Petition for additional territory

Petitions for including additional territory within an existing district may be filed with the committee, and the proceedings provided for in the case of petitions to organize a district shall be observed in the case of petitions for such inclusion. Where the total number of land occupiers in the area proposed for inclusion shall be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no hearing or referendum need be held. In referenda upon petitions for such inclusion, all occupiers of land lying within the proposed additional area shall be eligible to vote.

R.S.1954, c. 34, § 4.

SUBCHAPTER V

FINANCES

Sec.

201. Allocation of funds.

§ 201. Allocation of funds

1. Committee to districts. Unless otherwise provided by law, moneys which may be under the control of the state committee in the Soil Conservation Districts Fund, or in any other account, shall be allocated by the State Soil Conservation Committee among the districts already organized or to be organized, in accordance with the procedure specified in subsection 2. All moneys allocated to any district by the said committee shall be

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available to the supervisors of such district for all administrative and other expenses of the district under this chapter.

1963, c. 401, § 7.

2. Budget and allocations. Allocations to soil conservation districts shall be made on the basis of a budget submitted by each district to the state committee by February 1st of each year. In making such allocations of such moneys, the committee shall retain an amount estimated by it to be adequate to enable it to make subsequent allocations in accordance with this section from time to time among newly organized districts. (1963, c. 401, § 7.)

R.S.1954, c. 34, § 10; 1963, c. 401, § 7.