

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

# ONE HUNDRED AND FIRST LEGISLATURE

---

---

**Legislative Document**

**No. 125**

---

---

S. P. 45

In Senate, January 10, 1963

Referred to Committee on Agriculture. Sent down for concurrence and 700 copies ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Harrington of Penobscot.

---

---

## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

---

---

### **AN ACT to Create Water Conservation Districts and to Expand Powers of Soil Conservation Districts.**

---

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

**Sec. 1. R. S., c. 34, § 1, amended.** Section 1 of chapter 34 of the Revised Statutes is amended to read as follows :

**'Soil and Water Conservation Districts.**

**Sec. 1. 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, for the prevention of floodwater and sediment damages, and for the conservation, development, utilization and disposal of water, 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.'

**Sec. 2. R. S., c. 34, § 2, amended.** Section 2 of chapter 34 of the Revised Statutes is amended to read as follows :

**'Sec. 2. Definitions.** Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context :

**I. Committee.** "Committee," "State Soil and Water Conservation Committee," or "state committee" means the agency created in section 3.

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

**III. 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, ~~or by posting at a reasonable number of conspicuous places within the appropriate area 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.

**IV. 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 lands suitable for use as timberland~~ lying within a district organized under the provisions of this chapter, whether as owner, lessee, renter, tenant or otherwise.

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

**Sec. 3. R. S., c. 34, § 3, amended.** Section 3 of chapter 34 of the Revised Statutes, as amended by chapter 325 of the public laws of 1955, is further amended to read as follows:

**'Sec. 3. State Soil and Water Conservation Committee.**

**I. Membership; seal; records; rules and regulations.** The State Soil and Water 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 ~~5~~ 7 members: The Dean of the College of Agriculture ~~and~~, the State Commissioner of Agriculture ~~and the President of the Maine State Association of Soil and Water Conservation District Supervisors, who shall serve ex officis; and 3 farmers who shall be appointed by the Governor with the advice and consent of the Council in the following manner; + from a list of 3 names submitted by the executive committee of the state grange, + from a list of 3 names submitted by the executive committee of the Maine farm bureau association and + from a list of 3 names submitted by the Maine state association of soil conservation district supervisors and 4 soil and water conservation district supervisors, one of which shall represent each of the following 4 areas: Area 1, composed of the soil and water 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 Pe-~~

nobscot County, Waldo County, Knox-Lincoln and Hancock County. Any district organized after the effective date of this act 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 ~~a person~~ the state conservationist or his successor 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 ~~the provisions of this chapter.~~

**II. Legal services; employees.** The committee may call upon the Attorney General for such legal services as it may require. It ~~may~~ 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.

**III. Chairman; term; quorum; expenses.** 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 ~~may be~~ is serving on the committee. The ~~former elected~~ members of the committee shall serve for a term of ~~3~~ 4 years from the date of their ~~appointment~~ election and until their successors have been ~~appointed~~ elected and qualified, ~~except that of those first elected, the representatives from areas 1, 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 ~~appointed~~ elected member, his successor shall be ~~appointed by the governor with the advice and consent of the council~~ elected in the same manner, and from the same area, as the retiring member was ~~appointed~~ elected. In the event that the area representative of areas 1, 2, 3 or 4 shall be elected as president of the Maine State Association of Soil and Water Conservation District Supervisors, said representative shall resign from said position upon assuming the office of president of the state association. A ~~vacancy shall be filled for the unexpired term in the same manner as the original appointment.~~ 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.

**IV. Additional powers and duties.** In addition to the duties and powers ~~hereinafter~~ conferred upon the State Soil and Water Conservation Committee, it shall have the following duties and powers:

**A.** To offer such assistance as may be appropriate to the supervisors of soil and water conservation districts ~~organized as provided hereinafter~~ 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;

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

**C.** To coordinate the programs of the several districts ~~organized hereunder~~ so far as this may be done by advice and consultation;

**D.** 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;

**E.** To disseminate information throughout the State concerning the activities and programs of the districts ~~organized hereunder~~, and to encourage the formation of such districts in areas where their organization is desirable;

**F.** To carry out preventive and control measures and works of improvement for the control and prevention of soil erosion, flood prevention, or the conservation, development, utilization and disposal of water;

**G.** 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;

**H.** To obtain options upon and to acquire by purchase, exchange, lease, gift, grant, bequest, devise or otherwise any property or rights or interests therein and to acquire real property or rights or interests therein by the exercise of the power of eminent domain in the same manner and under the same conditions as set forth in chapter 52, sections 11 to 22; 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 and water conservation districts for use in carrying out their authorized purposes;

I. 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;

J. To have supervision and control of the Soil and Water 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 shall not lapse but shall be carried forward from year to year to be expended for the purposes set forth in this section.'

**Sec. 4. R. S., c. 34, § 4, sub-§ I, amended.** The first sentence of subsection I of section 4 of chapter 34 of the Revised Statutes is amended to read as follows:

'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 and Water Conservation Committee asking that a soil and water conservation district be organized to function in the territory described in the petition.'

**Sec. 5. R. S., c. 34, § 4, sub-§ I, ¶ D, amended.** Paragraph D of subsection I of section 4 of chapter 34 of the Revised Statutes is amended to read as follows:

'D. 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 and water conservation district in such territory; and that the committee determine that such a district be created.'

**Sec. 6. R. S., c. 34, § 4, sub-§ II, amended.** The 4th sentence of subsection II of section 4 of chapter 34 of the Revised Statutes is amended to read as follows:

'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 and water 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.'

**Sec. 7. R. S., c. 34, § 4, sub-§ II, amended.** The 7th sentence of subsection II of section 4 of chapter 34 of the Revised Statutes is amended to read as follows:

'If the committee shall determine after such hearing, after due consideration of the said relevant facts, that there is no need for a soil and water conserva-

tion 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.'

**Sec. 8. R. S., c. 34, § 4, sub-§ III, amended.** The 2nd paragraph of subsection III of section 4 of chapter 34 of the Revised Statutes is amended to read as follows:

'All occupiers of lands lying within the boundaries of the territory, as determined by the State Soil and Water Conservation Committee, and only such land occupiers, shall be eligible to vote in such referendum.'

**Sec. 9. R. S., c. 34, § 4, sub-§ VI, paragraph A, amended.** Paragraph A of subsection VI of section 4 of chapter 34 of the Revised Statutes is amended to read as follows:

'A. That a petition for the creation of the district was filed with the State Soil and Water 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;'

**Sec. 10. R. S., c. 34, § 4, sub-§ VI, amended.** The 2nd sentence of the 2nd paragraph from the end of subsection VI of section 4 of chapter 34 of the Revised Statutes is amended to read as follows:

'The application shall be accompanied by a statement by the State Soil and Water Conservation Committee, which shall certify that a petition was filed, notice issued and hearing held ~~as aforesaid~~; that the committee did duly determine that there is need for a soil and water 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.'

**Sec. 11. R. S., c. 34, § 6, amended.** Section 6 of chapter 34 of the Revised Statutes is amended to read as follows:

**'Sec. 6. Appointment, qualifications and tenure of supervisors.** 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 ap-**

pointed 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 5, 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 and Water 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 matter within their duties shall be required for its determination. A supervisor ~~shall~~ **may** receive ~~no~~ compensation for his services ~~but~~ **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 and Water Conservation Committee, upon request, any information concerning their activities as it may require in the performance of its duties under ~~the provisions of~~ this chapter.

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

**Sec. 12. R. S., c. 34, § 7, amended.** Section 7 of chapter 34 of the Revised Statutes is amended to read as follows:

**'Sec. 7. Powers of districts and supervisors.** A soil and water conservation district organized under ~~the provisions of~~ 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:

**I. 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;

**II. 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;

**III. 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 ~~agency~~ **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;

**IV. 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**;

**V. 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;

**VI. Plans.** To develop comprehensive plans for the conservation of soil resources, ~~and~~ 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 specifications

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;

**VII. 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, or erosion control project, 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;**

**VIII. Sue and be sued; seal; borrow money; assessments and taxes.** 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 ~~as hereinafter provided~~; to make and execute contracts and other instruments, 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 assessments and levy taxes as provided herein;** to make and from time to time amend and repeal, rules and regulations not inconsistent with ~~the provisions of~~ this chapter, to carry into effect its purposes and powers;

**IX. Supervisors may require contributions.** As a condition to the extending of any benefits under ~~the provisions of~~ 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;

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

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.'

**Sec. 13. R. S., c. 34, § 9, amended.** Section 9 of chapter 34 of the Revised Statutes is amended to read as follows:

**'Sec. 9. Discontinuance of districts.** At any time after 5 years after the organization of a district under ~~the provisions of~~ this chapter, any 25 occupiers of land lying within the boundaries of such district may file a petition with the State Soil and Water 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 5, as were followed in the organization of such districts; ~~provided, however, that the~~. 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 and Water 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 ~~the provisions of~~ this chapter, more often than once in 5 years.'

**Sec. 14. R. S., c. 34, § 10, amended.** Section 10 of chapter 34 of the Revised Statutes is amended to read as follows:

**'Sec. 10. Allocation of funds.**

**I. Committee to distribute.** Unless otherwise provided by law, ~~all~~ moneys which may ~~from time to time be available to pay the administrative and other expenses of soil conservation districts organized under the provisions of this chapter~~ be under the control of the state committee in the Soil and Water Conservation Districts Fund, or in any other account, shall be allocated by the State Soil and Water Conservation Committee among the districts already organized or to be organized ~~during the ensuing biennial fiscal period~~, in accordance with the procedure specified in subsection II. All moneys allocated to any district by the said committee shall be available to the supervisors of such district for all administrative and other expenses of the district under ~~the provisions of~~ this chapter.

**II. Budget and allocations.** ~~Seventy-five per cent of all moneys which may be appropriated to pay the administrative and other expenses of soil conservation district shall be allocated equally by the committee among all the districts organized, or to be organized, within the ensuing biennial fiscal period under the provisions of this chapter. The remaining 25% of said moneys shall be allocated by the state committee among the districts on such basis of allocation as shall be fair, reasonable and in the public interest, giving due consideration to the greater relative expense of carrying on operations within the particular districts because of such factors as unusual topography, unusual severity of erosion, special difficulty of carrying on operation, special volume of work to be done and the special importance of instituting erosion control operations immediately.~~ Allocations to soil and water 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 ~~the provisions of~~ this section from time to time among newly organized districts ~~which may be organized after the initial allocations are made, but within the ensuing biennial fiscal period.~~

**Sec. 15. R. S., c. 34, §§ 10-A - 10-I, additional.** Chapter 34 of the Revised Statutes is amended by adding 9 new sections, to be numbered 10-A to 10-I, to read as follows:

**‘Sec. 10-A. Assessment of benefits for works of improvement.** When any district has adopted a plan for any work of improvement and has estimated the costs thereof, which costs shall include any incidental expenses and interest payments, and when the district has determined that all or any part of such costs shall be borne by special benefit assessments, the district shall assess such costs against the lands to be benefited by the work of improvement in proportion to the benefits to be received by each tract of land in the following manner:

**I. Appraisers.** The board of supervisors shall as soon as practicable appoint a board of 3 appraisers who shall be qualified by experience or training in land values within the district and shall reside within the soil and water conservation district but shall not be landowners in the benefit areas as shown by the plan for the work of improvement. Said appraisers shall receive such compensation as the board of supervisors shall determine.

**II. Appraisal.** The board of appraisers shall appraise the benefits of every kind to all real property, or interests therein, within the district, which will result from the execution of the work plan. It shall appraise all damages that will accrue to any landowner by reason thereof, including all injury to lands taken or damaged.

**III. Report.** The board of appraisers shall prepare a report of its findings which shall be arranged in tabular form and which shall be known as the district appraisal record. Such record shall contain the name of the owner of property appraised as it may appear on the tax records and a description of the property appraised. It shall make report of any other benefits, or any other matter which in its opinion should be brought to the attention of the board of supervisors. No error in the names of owners of real property or in the description thereof shall invalidate said appraisal or the levy of assessments or taxes based thereon, if sufficient description is given to identify such real property and the owner or owners thereof.

If the appraisers find that lands or other property not embraced within the benefit area as shown by the plans for the work of improvement will be affected by the work of improvement and should be included in the area, they shall appraise the benefits and damages to such land and make a report thereon to the board of supervisors. The appraisers shall report to the board of supervisors any lands which in their opinion should be eliminated from the designated benefit area.

When the report is completed, it shall be signed by the appraisers and filed with the board of supervisors.

IV. Notice and hearing. Upon the filing of the report of the appraisers, the board of supervisors shall give due notice thereof as provided in this chapter. The notice shall be in the name of the district, directed to property owners of said district as a class, without naming such persons, notifying them of the filing of the report of the appraisers and that a copy of said report is on file, and can be inspected, in the office of the soil and water conservation district affected, and that on the day fixed in the notice the board will hear said report and any objections that may be filed thereto, and that said objections shall be made known in writing and filed with the board at least 5 days prior to the date of hearing. The day for the hearing on the report of the appraisers, so set, shall not be less than 30 days nor more than 60 days from the first publication of the notice.

V. Hearing on inclusion or exclusion of land. If the report of the board of appraisers includes recommendations that other lands be included in the benefit area, or that certain lands be excluded from such benefit area, it shall be the duty of the board of supervisors to give notice to the owners of such property by publication, to be made as provided in this chapter, that a hearing will be held on the question of the inclusion or exclusion of said land. The time and place of the hearing may be the same as the hearing on the report of the appraisers. Upon said hearing, the board of supervisors may adopt, reject or modify the recommendations and appraisals of the appraisers.

VI. Objections. Any property owner or any public or private corporations within the district may accept the appraisals made by the appraisers, and shall be construed to have done so unless he shall 5 days before the date set for hearing, in the notice by publication provided for herein, file objections to said report of the appraisers. All objections shall be heard by the board of supervisors, on the day set for hearing, or in the case of necessity, at the discretion of the board, on such succeeding days as are necessary until all objections have been heard. Within 10 days after the hearing on all objections has been completed, the board of supervisors shall notify each individual objector in writing the decision reached by the board regarding said objections. Said notice shall be by registered or certified mail to the objector at the address appearing on his written objection.

VII. Approving appraisers' report. If it appears to the satisfaction of the board of supervisors after having heard and determined all said objections that the appraisals have been fairly and equitably made and that the estimated cost of constructing the improvements contemplated in the plan is less than the benefits appraised, then the board shall approve and confirm said appraisers' report as filed or as modified and amended, and shall enter an order upon its records approving and confirming said report, which shall thereupon be the final assessment of special benefits for the work of improvement, except as amended on appeal.

VIII. Appeal. Any person, or public or private corporation desiring to appeal an appraisal of benefits, shall within 30 days from the order of the board of supervisors confirming the report of the appraisers, proceed with his appeal from said order to the Superior Court for the county in which said land is located.

**IX. Alterations and additions to plan.** The board of supervisors may at any time, when necessary to fulfill the objects for which the plan of improvement was adopted, alter or add to the plan, and when such alterations or additions are formally approved by the board, and are filed with the secretary, they shall become a part of the plan, but they shall neither materially modify the general character of the work, nor materially increase resulting damages for which the board is not able to make amicable settlement, nor increase the cost to the district more than 10%, except as provided below. No action other than a resolution of the board of supervisors shall be necessary for the approval of such alterations or additions. In case the proposed alterations or additions materially modify the resulting damages or materially reduce the benefits, for which the board of supervisors is not able to make amicable settlement, or materially increase the benefits in such a manner as to require a new appraisal, or increase the cost more than 10%, the board shall direct the board of appraisers, which may be the original board, or a new board appointed by the board of supervisors, to appraise the property benefited by the proposed alterations or additions. Upon the completion of the report of the board of appraisers, notice shall be given by the board of supervisors in the same manner as in the case of the original report of the board of appraisers, and the same right of appeal shall exist. Where few landowners are affected, if found to be more economical and convenient, notice of the pendency of the report of the appraisers shall be given by personal service of the notice on such landowners instead of by publication. After bonds have been sold or other obligations issued, in order that their security may not be impaired, no reduction shall be made in the amount of benefits appraised against property in the district, but in lieu of such reduction in benefits, if any are made, the amount shall be paid to the party in cash. This provision shall apply to all changes in appraisals under this chapter.

**Sec. 10-B. Unorganized territory defined.** Within the meaning of sections 10-B to 10-E, unorganized territory shall include all territory not a part of any city, town or plantation, and an unorganized unit shall be any unorganized township, gore, strip, tract, surplus, point, patent, peninsula, island, deorganized town or plantation or any other distinct and separate portion of unorganized state territory.

**Sec. 10-C. Assessment in unorganized territory.** The assessment or assessments provided under section 10-A, in the case of unorganized territory, shall be certified by the board of supervisors, on or before March 15th of each year, to the State Tax Assessor.

**Sec. 10-D. Collection of such taxes.** The State Tax Assessor shall include such amounts in the statement referred to in chapter 16, section 82. The State Tax Assessor shall collect such taxes and deposit the receipts with the Treasurer of State daily.

**Sec. 10-E. Assessments included in state property tax.** The assessments referred to in sections 10-B to 10-D shall be included in the annual state property tax assessment to unorganized territories and shall be an integral part thereof; and shall be administered in accordance with chapter 16, sections 76 to 94.

Sec. 10-F. Issuance of bonds and notes. Bonds and notes authorized by section 7 shall be issued subject to the following requirements:

I. Purpose; amount; interest. Such bonds and notes shall not be issued until proposed by order or resolution of the board of supervisors specifying the purpose for which the funds are to be used and the proposed undertaking, the amount of bonds or notes to be issued, and the rate of interest that is to be paid. Such bonds and notes shall bear interest at rates specified and upon conditions and terms enumerated.

II. Referendum. The proposal shall be submitted to the landowners of the district by referendum under supervision of the board of supervisors. For the purposes of this section the word "landowner" shall also include any firm or corporate landowners who shall have the same opportunity to vote as do other affected landowners. Each firm or corporate landowner shall file with the registrar of voters in the municipality in which the referendum is to be held, within 5 days prior to the referendum, the name of a representative of the firm or corporation, as well as the name of an alternate representative, only one of whom shall vote for said firm or corporate landowner. Only landowners whose property is assessed for the work of improvement shall vote in the referendum. Provisions as to notice and manner of holding referendum elections in organizing a soil and water conservation district shall apply to the referendum held under this section.

III. Issued; conditions. If a majority of the landowners voting favor the proposal, such bonds or notes may be issued. They shall have inscribed upon the face thereof the words " soil

(Name of specific district)

and water conservation district" and shall be dated at such time or times, shall be in such denomination, shall bear such rate of interest, payable semi-annually, be in such form, and be sold in such manner, at public or private sale as the supervisors shall determine. Each issue of bonds or notes shall mature in installments, the first installment to be payable not later than 5 years after the date of issue and the last installment not later than 40 years from the date thereof. All notes or bonds issued by said district shall be signed by the chairman and countersigned by the secretary of said district board of supervisors, and if coupons be issued, each coupon shall be attested by a facsimile signature of the chairman printed thereon. Said notes and bonds issued under this chapter shall be legal obligations of the districts and not be deemed to be a debt of the State of Maine or a pledge of the faith and credit of the State of Maine, but shall be payable exclusively out of the proceeds of the special benefit assessment. All such notes and bonds shall contain a statement on their face that the State of Maine shall not be obligated to pay the same or the interest thereon. All notes and bonds of said districts shall be legal investments for the savings banks of the State.

Sec. 10-G. Levy of assessment to meet indebtedness; collection; transfer to district. The district supervisors shall annually, prior to the first day of February determine the sum required each year to meet the costs of payment of bonds and notes and interest thereon falling due, and shall apportion such

costs among the benefited tracts of land, such apportionment being in the same ratio with respect to each tract as the benefits to such tract bore to the total benefits as fixed and determined in the original appraisal of benefits. The supervisors shall thereupon issue their warrants, in substantially the same form as the warrant of the Treasurer of State for taxes, to the assessors of each participating town, requiring them to assess upon each benefited tract of the district its proportionate share of the amount required for payment of bonds and notes, and interest thereon. The assessors shall commit the assessment to the collector of taxes of said municipality who shall have the same power to collect such assessments as is vested in him by law to collect state, county and municipal taxes. On or before the 15th day of September of the year in which said tax is so levied, the treasurer of each town shall pay the amount thereof to the district. In case of a failure to pay any part thereof on or before said 15th day of September of the year in which said tax is levied, the district may issue its warrant for the amount of said tax or so much thereof as shall then remain unpaid to the sheriff of the county, requiring him to levy by distress and sale on the benefited tracts of land within the district on which the tax has not been paid by said date, and the sheriff or any of his deputies shall execute the warrant. The same authority as is vested in county officials for the collection of county taxes is vested in the supervisors of said district in relation to the collection of taxes within the district.

Sec. 10-H. Operation and maintenance costs. If the board has determined that operation and maintenance costs shall be borne by assessment on the basis of benefits, the board of supervisors shall annually, prior to the first day of February, compute the funds needed for the ensuing year to operate and maintain works of improvement of the district, and shall apportion such expenses among the benefited tracts of land using the benefit appraisal accepted by the board under section 10-A. Such apportionment shall be in the same ratio with respect to each tract as the benefits to such tract bore to the total benefits as fixed and determined in the original appraisal of benefits, and shall be assessed and collected in the same manner and at the same time as provided in section 10-C for the levy and collection of assessments to meet indebtedness of the district.

Sec. 10-I. Alternate or additional method of financing works of improvement. If the board of supervisors deems it feasible, the construction of all or part of an approved plan for works of improvement may be financed by the issuance of revenue bonds. Such bonds shall be payable solely out of revenues derived from the use or operation of the works of improvement and facilities related thereto, or any portion thereof so financed, and may be issued to bear interest at rates specified and upon conditions and terms enumerated, payable semiannually, and shall be executed in such manner and be payable at such times not exceeding 40 years from the date thereof and at such place or places as the board of supervisors determines.

At or before the issuance of such bonds the board of supervisors shall, by resolution, set aside and pledge the income and revenue of the work of improvement and facilities related thereto, or a designated portion thereof, into a separate and special fund to be used and applied to the payment of principal



**and interest on such bonds. Such bonds shall not be deemed a debt of the State of Maine or a pledge of the faith and credit of the State of Maine.'**

**Sec. 16. R. S., c. 34, § 11, repealed.** Section 11 of chapter 34 of the Revised Statutes is repealed.

**Sec. 17. R. S., c. 34, § 12, amended.** Section 12 of chapter 34 of the Revised Statutes is amended to read as follows:

**'Sec. 12. Title.** This chapter may be known and cited as the "Soil and Water Conservation Districts" law. **Districts organized before or after the effective date of this act under this chapter shall be known as "soil and water conservation districts".'**

**Sec. 18. Appropriation.** There is appropriated from the General Fund the sum of \$55,000 for the fiscal year ending June 30, 1964 and the sum of \$55,000 for the fiscal year ending June 30, 1965 to carry out the purposes of this act. Such funds may be allocated as follows: Not more than \$30,000 each fiscal year for regular administrative and operational costs; not more than \$25,000 each fiscal year for watershed development, operation and maintenance. Any balance in this fund shall not lapse but shall be carried forward from year to year to be expended for the purposes set forth in this section.