

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

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Legislative Document

No. 476

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H. P. 374

House of Representatives, January 21, 1965

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Knight of Westbrook.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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**AN ACT Changing Name of Soil Conservation Districts to Soil and Water Conservation Districts.**

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

**Sec. 1. R. S., T. 12, § 1, amended.** Section 1 of Title 12 of the Revised Statutes is amended to read as follows :

'**Sec. 1. Short title.** This chapter may be known and cited as the "Soil and Water Conservation Districts" law.'

**Sec. 2. R. S., T. 12, § 3, sub-§§ 1 and 2, amended.** Subsections 1 and 2 of section 3 of Title 12 of the Revised Statutes are amended to read as follows :

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

'**2. 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 this chapter, for the purposes, with the powers, and subject to the restrictions set forth.'

**Sec. 3. R. S., T. 12, § 4, amended.** Section 4 of Title 12 of the Revised Statutes is amended to read as follows :

'**Sec. 4. Limitation of authority.** The powers and duties conferred upon the Soil and Water Conservation Committee or the soil and water conservation districts under this chapter shall not infringe upon or impair in any way the rights of any owner or 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.'

**Sec. 4. R. S., T. 12, § 6, amended.** The first clause of section 6 of Title 12 of the Revised Statutes is amended to read as follows:

'A soil and water 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.'

**Sec. 5. R. S., T. 12, § 7, amended.** The first sentence of section 7 of Title 12 of the Revised Statutes is amended to read as follows:

'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 and Water Conservation Committee requesting that the operations of the district be terminated and the existence of the district discontinued.'

**Sec. 6. R. S., T. 12, § 7, amended.** The 2nd paragraph of section 7 of Title 12 of the Revised Statutes is amended to read as follows:

'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 this chapter, more often than once in 5 years.'

**Sec. 7. R. S., T. 12, § 51, amended.** The first sentence of section 51 of Title 12 of the Revised Statutes is amended to read as follows:

'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.'

**Sec. 8. R. S., T. 12, § 54, amended.** The first clause of section 54 of Title 12 of the Revised Statutes is amended to read as follows:

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

**Sec. 9. R. S., T. 12, § 54, sub-§ 1, amended.** Subsection 1 of section 54 of Title 12 of the Revised Statutes is amended to read as follows:

'1. **Assistance.** To offer such assistance as may be appropriate to the supervisors of soil and water 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;'

**Sec. 10. R. S., T. 12, § 54, sub-§ 10, amended.** The first sentence of subsection 10 of section 54 of Title 12 of the Revised Statutes is amended to read as follows:

'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.'

**Sec. 11. R. S., T. 12, § 102, amended.** The 6th sentence of the 2nd paragraph of section 102 of Title 12 of the Revised Statutes is amended to read as follows:

‘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.’

**Sec. 12. R. S., T. 12, § 102, amended.** The last sentence of the next to the last paragraph of section 102 of Title 12 of the Revised Statutes is amended to read as follows:

‘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 this chapter.’

**Sec. 13. R. S., T. 12, § 151, amended.** The first sentence of section 151 of Title 12 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. 14. R. S., T. 12, § 151, sub-§ 4, amended.** Subsection 4 of section 151 of Title 12 of the Revised Statutes is amended to read as follows:

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

**Sec. 15. R. S., T. 12, § 152, amended.** The 4th sentence of section 152 of Title 12 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. 15. R. S., T. 12, § 152, amended.** The next to the last sentence of section 152 of Title 12 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 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.’

**Sec. 16. R. S., T. 12, § 153, amended.** The 2nd paragraph of section 153 of Title 12 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. 17. R. S., T. 12, § 156, sub-§ 1, amended.** Subsection 1 of section 156 of Title 12 of the Revised Statutes is amended to read as follows:

'1. **Petition.** 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. 18. R. S., T. 12, § 156, amended.** The next to the last paragraph of section 156 of Title 12 of the Revised Statutes is amended to read as follows:

'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 and Water 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 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. The said statement shall set forth the boundaries of the district as they have been defined by the committee.'

**Sec. 19. R. S., T. 12, § 201, sub-§ 1, amended.** Subsection 1 of section 201 of Title 12 of the Revised Statutes is amended to read as follows:

'1. **Committee to districts.** Unless otherwise provided by law, moneys which may 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, in accordance with the procedure specified in subsection 2. 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 this chapter.'