

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 56

H. P. 36

House of Representatives, January 11, 1967

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Fuller of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

**AN ACT to Authorize and Direct the Removal of a Certain Water Tower of the
York Water District.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as an emergency measure; and

Whereas, the trustees of the York Water District have acquired property and erected a water tower thereon in the so-called Bald Head Cliff area immediately adjacent to St. Peters-by-the-Sea Episcopal Church; and

Whereas, many inhabitants of the district have been disturbed by the location of said tower as it affects the natural beauty of said church; and

Whereas, it has been proposed that said water tower be removed to a new and different location; and

Whereas, if it is determined that the water tower be removed, it is necessary that it be done as soon as possible; and

Whereas, the tower is necessary to raise the pressure in the water lines of the York Water District located in the Bald Head Cliff area so that water will be constantly available for domestic and commercial uses; and

Whereas, it is necessary that the inhabitants of the York Water District vote on the issue of the removal of the tower at the earliest possible moment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legis-

lation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P. & S. L., 1929, c. 8, § 22, additional. Chapter 8 of the private and special laws of 1929, as amended by chapter 112 of the private and special laws of 1963, is further amended by adding a new section 22, to read as follows:

Sec. 22. Tower at Bald Head Cliff. The trustees of said district are authorized and directed to remove the water tower and appurtenant structures thereto which were located on January 1, 1967 in the Bald Head Cliff area immediately adjacent to St. Peters-by-the-Sea Episcopal Church and to relocate said tower or contract for the construction of a new tower to serve the area.

Sec. 2. Right of eminent domain. For the purposes of this Act, the York Water District shall have authority to take property in the Bald Head Cliff area, so called, for the relocation of said water tower; said property so taken shall not be more than 150 feet by 150 feet in area, and said district may also take any property, or rights therein, to obtain access to the property so taken for the relocation of the water tower, and to take such property or rights therein as may be necessary to extend the existing water system of the district to the site of the relocated water tower.

Sec. 3. Emergency clause. In view of the emergency cited in the preamble, this Act shall become effective when approved only for the purpose of allowing the referendum set forth in section 4.

Sec. 4. Referendum; effective date; certificate to Secretary of State. This Act shall take effect when approved by the Governor only for the purpose of permitting its submission to the qualified voters of the York Water District at a special meeting to be called by the board of selectmen of the Town of York and to be held no later than 30 days after the date upon which this Act shall become effective as an emergency measure. Such special meeting shall be called, advertised and conducted according to the present provisions of the York Water District charter, provided that neither the registrar of voters of the Town of York nor the town clerk of the Town of York shall be required to post a new list of voters, and for the purpose of registration of voters said registrar of voters shall be in session for 3 secular days next preceding the date set for said special meeting, the first and 2nd days thereof to be devoted to the registration of voters and the last day to enable said registrar to verify the corrections of said lists and to complete and close out his records for the special meeting. The list prepared by the registrar of voters of the Town of York shall be the official list to determine the eligibility of the inhabitants of the district to vote in this special meeting.

The trustees of the district shall cause to be prepared ballots in the following form:

FORM OF BALLOT

Place a cross (X) or a check mark (√) in the square set forth below to indicate your opinion on the question. You may mark only one square. If you mark more than 1 square, your ballot will **not** be counted.

“Shall the provisions of an Act entitled, ‘An Act to Authorize and Direct the Removal of a certain Water Tower of the York Water District,’ as passed by the 103rd Legislature be ratified?”

Yes

No

The inhabitants of said district shall vote by ballot on said question and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open meeting and if it shall appear that a majority of the inhabitants voting on the question are in favor of the Act, the trustees of the district shall enter upon the records of the district the result of this vote and upon such entry said Act shall become effective as law.

After the result of the vote is entered upon the records of said district due certificate thereof shall be filed by the trustees with the Secretary of State and with the Maine Public Utilities Commission.