

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 2072**

H. P. 1980

House of Representatives, January 13, 1978

Approved for introduction by the Legislative Council pursuant to Joint Rule 24.  
Refer to Committee on Local and County Government. Sent up for Concurrence.

EDWIN H. PERT, Clerk

Presented by Mr. Kerry of Old Orchard Beach.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

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**AN ACT to Revise the Municipal Boundary between the Town of Old Orchard Beach and the City of Saco.**

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

**Emergency preamble.** Whereas, Acts of the legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Old Orchard Beach pier has long provided an important recreational facility for the citizens of southern Maine and the entire State; and

Whereas, the Town of Old Orchard Beach is currently engaged in a study to determine the feasibility of the construction of a municipal pier; and

Whereas, the owners of the present Old Orchard Beach pier are planning an expansion and extension of that pier seaward and have made application to the Army Corps of Engineers to permit that expansion and extension; and

Whereas, the possible construction of a municipal pier or the extension of the present pier would place part of either facility within the municipality of Saco; and

Whereas, it is imperative for proper development and use of the pier that control, regulation and taxation of the facility be subject to one municipality only; and

Whereas, to permit ongoing planning and applications to be completed in time to avoid disruption of planned recreational use of the pier by Maine's citizens, it is imperative that the municipal boundary between Old Orchard Beach and Saco be immediately altered to permit either the planned municipal pier or the extended privately owned pier to be located entirely within the boundaries of Old Orchard Beach; 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 legislation 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&SL 1883, c. 248, § 1, as amended by P&SL 1927, c. 132, is further amended to read:

**Sec. 1. Boundaries changed and extended; payment of damages.** All that part of the city of Saco lying within the following described lines and boundaries, namely; commencing at the easterly corner between said city of Saco and the town of Scarborough northwesterly to a stone in the sea wall; thence north forty-two degrees and fifty-five minutes west, by a set line six hundred ninety-three rods, to a granite stone placed at a point where the line between said city of Saco and said town of Scarborough intersects with a line in the said city of Saco known as the Granger line; thence southerly, forty-seven degrees and twelve minutes west, eight hundred sixty-three and one-half rods, to a granite stone on the bank of Goose Fair Brook in said city of Saco; thence southeasterly by said Goose Fair Brook to the sea; **thence southeasterly, on the same course, 1,000 feet to a point; thence northeasterly, parallel to and 1,000 feet distant from the shore to a point 1,000 feet southeasterly from the boundary first above named; thence northwesterly 1,000 feet to the boundary first above named,** or such distance as the city of Saco may have owned or controlled prior to February twentieth, eighteen hundred and eighty-three; ~~thence by the sea to the boundary first above named,~~ with all the sea shore and flats and all other interests in said land lying between the medial line of said Goose Fair Brook extended and said easterly corner of the city of Saco is hereby incorporated into a separate town by the name of Old Orchard and the inhabitants thereof are hereby invested with all the powers and privileges and are made subject to all the duties and liabilities incident to other towns within this state. Provided the town of Old Orchard pay to the city of Saco, as damages, such an amount as a committee, composed of the chairmen of

the boards of assessors of said Saco and of said Old Orchard and one other disinterested person by them selected, may determine is just and equitable.

**Sec. 2. P&SL 1883, c. 248, § 2 is repealed.**

**Sec. 3. P&SL 1883, c. 248, § 4 is repealed.**

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

The purpose of this bill is to amend the municipal boundary between the Town of Old Orchard Beach and the City of Saco by extending the current easterly boundary of the Town of Old Orchard Beach, 1,000 feet seaward, the area within which extension shall become part of the municipality of the Town of Old Orchard Beach, and thus permit any improvements constructed along the shore to be approved, licensed and subject to taxation within the Town of Old Orchard Beach.