

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 SECOND REGULAR SESSION  
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

6 Legislative Document

No. 1843

7  
8 S.P. 720

In Senate, January 15, 1986

9 Approved for introduction by a majority of the Legislative Council  
10 pursuant to Joint Rule 26.

11 Referred to the Committee on Local and County Government and  
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Perkins of Hancock.

12 Cosponsored by Representative Swazey of Bucksport, Representative  
Smith of Island Falls and Senator Stover of Sagadahoc.

13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-SIX  
17

18 AN ACT to Amend the Charter of the Lucerne-  
19 in-Maine Village Corporation.  
20

21 Emergency preamble. Whereas, Acts of the Legis-  
22 lature do not become effective until 90 days after  
23 adjournment unless enacted as emergencies; and

24 Whereas, neither the provisions of Private and  
25 Special Law 1927, chapter 43, Charter of  
26 Lucerne-in-Maine Village Corporation, as amended, nor  
27 the Maine Revised Statutes, Title 38, section 1304-B,  
28 subsection 4, specifically authorizes the village to  
29 enter into long-term contracts for solid waste dis-  
30 posal; and

31 Whereas, the village wishes to consider the op-  
32 portunity of entering into long-term contracts for  
33 its solid waste disposal with Penobscot Energy Recov-  
34 ery Company or another private company; and

1           Whereas, the village must adopt any such contract  
2 as soon as practicable in order to participate in a  
3 proposed waste incinerator project at a beneficial  
4 tipping fee; and

5           Whereas, in the judgment of the Legislature,  
6 these facts create an emergency within the meaning of  
7 the Constitution of Maine and require the following  
8 legislation as immediately necessary for the preser-  
9 vation of the public peace, health and safety; now,  
10 therefore,

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

13           Sec. 1. P&SL 1927, c. 43, §2, first sentence, as  
14 amended by P&SL 1937, c. 96, is further amended to  
15 read:

16 Said corporation is hereby authorized and vested with  
17 the power at any legal meeting called for the purpose  
18 to raise money for the following purposes, namely:  
19 To create and maintain a fire department with all  
20 necessary equipment, appliances and apparatus for the  
21 prevention and extinguishment of fires; to build, re-  
22 pair and maintain roads, streets, ways and bridges,  
23 sidewalks, sewers and other sanitary works, including  
24 the collection and removal of offal, garbage and oth-  
25 er waste material; and for those purposes to contract  
26 with any individual, firm or corporation, on a long-  
27 term basis of up to 30 years for each contract or re-  
28 newals of the contract, to dispose of the  
29 inhabitant's solid waste; to care for and beautify  
30 any portion of the corporate territory which has been  
31 or may hereafter be reserved for and dedicated to  
32 public uses to be enjoyed in common by all the owners  
33 of estates in said territory and to that end to build  
34 roads and walks upon and through said common lands  
35 and in general to beautify same; to build, repair and  
36 maintain wharves, landings and bathing beaches; to  
37 build and maintain golf courses, tennis courts and  
38 grounds for all other athletic sports for use in com-  
39 mon by all owners of real estate within the bounda-  
40 ries of said corporate territory; to establish and  
41 maintain police and night watch; to procure water for  
42 fire, domestic and other purposes and to produce or

1 procure light for public use and for the use of the  
2 inhabitants of said territory, and for such purposes  
3 to contract with any individual, firm or corporation  
4 to furnish such water or light for either or both of  
5 the purposes named and to establish reasonable rates  
6 subject to approval by the public utilities commis-  
7 sion, to be paid by the inhabitants of said territory  
8 using such water or light for domestic purposes, if  
9 produced by said corporation herein created; to con-  
10 struct, maintain and operate telephone and telegraph  
11 lines or to aid in such construction, maintenance and  
12 operation and to that end and for that purpose to  
13 contract with any corporation, firm or individual  
14 therefor; to purchase ice, coal, wood, lumber, teams  
15 and other necessary supplies and equipment and employ  
16 labor, and to sell such supplies and furnish such  
17 teams and labor for hire to the members of the vil-  
18 lage corporation or residents in said territory; to  
19 license entertainments of a character not forbidden  
20 by law, and to forbid the same when, in the judgment  
21 of the overseers, such entertainment is a nuisance or  
22 is immoral; to make and enforce rules and regulations  
23 for the maintenance of order, and the protection of  
24 corporate property; to defray any and all other nec-  
25 essary or proper corporate charges; to defray the ex-  
26 pense of such agents as the overseers of the village  
27 corporation may employ as necessary to carry out the  
28 provisions of this section; to purchase and hold the  
29 shares of the capital stock of Lucerne-in-Maine Vil-  
30 lage Improvement Corporation; and to do all things  
31 and transact and carry on all other kinds of busi-  
32 ness, incidental, ancillary, related, pertaining,  
33 necessary or proper to or connected with any one or  
34 all of the purposes and kinds of business hereinbe-  
35 fore mentioned.

36 Sec. 2. P&SL 1927, c. 43, §19-A is enacted to  
37 read:

38 Sec. 19-A. Emergency clause; adoption. In view  
39 of the emergency set forth in the preamble of this  
40 amendment legislation, amended section 2 shall take  
41 effect when approved by the Governor and whenever ac-  
42 cepted by a majority of the voters of the village  
43 corporation voting at a legal meeting.

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STATEMENT OF FACT

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Private and Special Law 1927, chapter 43, Charter of Lucerne-in-Maine Village Corporation, as amended, are outdated in regard to today's need to make long-term arrangements for disposal of the inhabitants' solid waste at modern facilities such as the incinerator proposed to be constructed in Orrington by Penobscot Energy Recovery Company.

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