

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1536

S.P. 566

In Senate, May 18, 1995

An Act to Clarify the Municipal Bounds of the Town of Eliot.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator LAWRENCE of York.
Cosponsored by Representative MARSHALL of Eliot.

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

4 Whereas, the current jurisdictional boundary for the Town of
6 Eliot along the Piscataqua River and its tributaries remains
uncertain; and

8 Whereas, the uncertainty of the location of the Town of
10 Eliot's southern bounds along the Piscataqua River and its
tributaries interferes with the orderly administration, operation
12 and policing of the Town of Eliot and its harbors and waters; and

14 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
16 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
18 safety; now, therefore,

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

22 **Sec. 1. Mass. Laws of 1810, c. 74, §1** is amended to read:

24 **Sec. 1. Kittery divided.** Be it enacted by the Senate and House
of Representatives in General Court assembled, and by the
26 authority of the same, That all that part of the town of Kittery
in the county of York, included within the limits of the
28 jurisdiction formerly known as the second parish in said town,
the second parish being further described as including all of the
30 lands, submerged lands and waters within the bounds as follows:
starting at the division line beginning at the mouth of the Great
32 Cove below the point of land heretofore and presently known as
Thomas Spinney's Point or Spinney's Point, running northerly and
34 westerly up through the middle of the Great Cove to the head of
the cove as lies due southwest of the bridge formerly known as
36 Gowell's Bridge, then continuing northeasterly along the bounds
of the Town of Kittery to the bounds of the Town of York, thence
38 continuing west and northerly to the southern bounds of the Town
of South Berwick, then continuing west to the middle of the
40 Piscataqua or Salmon Falls Rivers, then continuing southerly and
easterly down the middle of the Piscataqua River and then to the
42 point of the beginning, the bounds including and comprising all
of the lands, submerged lands and waters contained therein, be,
44 and hereby is incorporated into a separate town, by the name of
Eliot, with all the powers, privileges, and immunities, with
46 which other towns are invested by the constitution and laws of
this commonwealth and the State of Maine.

48 **Sec. 2. Application.** Notwithstanding the Maine Revised
50 Statutes, Title 1, section 302, the provisions of this Act govern
all actions and proceedings pending on the effective date of this
52 Act.

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

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STATEMENT OF FACT

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10 The purpose of this bill is to clarify and confirm that the
Town of Eliot's municipal jurisdiction extends to and includes
12 those lands located within the Piscataqua River immediately
adjacent to the Town of Eliot and to further clarify that the
town's jurisdictional bounds along the Piscataqua River and its
14 tributaries are consistent and conterminous with the southern
boundary of the State of Maine as settled by the decree issued by
the United States Supreme Court in the case State of New
16 Hampshire v. State of Maine, 434 U.S. 1 (1977).