

MAINE STATE LEGISLATURE

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STATE OF MAINE

N I N E T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 175

H. P. 137

House of Representatives, January 23, 1957.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Walsh of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT to Authorize the Town of Brunswick to Provide for the Collection and Disposal of Garbage and Rubbish.

Emergency preamble. Whereas, the accumulation of garbage, rubbish and refuse without disposal is essentially dangerous to the health of the inhabitants of Brunswick; and

Whereas, provision for the disposal of such garbage, rubbish and refuse is vital to the well-being of the inhabitants of Brunswick; 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. Collection and disposal of garbage and rubbish. The town of Brunswick is hereby authorized and empowered to provide by ordinance for the collection and disposal of garbage and rubbish within the town limits and to assess a charge which bears a fair and just proportion to the cost to the town of rendering such service on any person or legal entities owning or occupying premises within the town boundaries upon which any garbage, rubbish or refuse shall have been produced or accumulated and disposed of as above provided. The money received from such source shall be applied to the cost of collection and disposal of such garbage, rubbish and refuse and to no other purpose.

Sec. 2. Upon whom charges assessed; appeal. The town may, through its board of selectmen, define the persons or legal entities upon whom said charge

shall be assessed, and may adopt such other rules and regulations as may be necessary to carry out the provisions of this act, including the imposition of a penalty for violation of such ordinance, rule or regulation.

Any person aggrieved by the charge made against him for such service may file a request in writing to the board of selectmen for correction; and if such correction is refused, he shall have the same rights of appeal to the county commissioners or the superior court as is provided by statute for abatement of municipal taxes.

Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the town of Brunswick at any regular or special meeting called and held for the purpose not later than 3 months after the approval of this act. Such special meeting shall be called, advertised and conducted according to law relating to municipal elections; provided, however, that the selectmen of the town of Brunswick shall not be required to prepare for posting, nor the town clerk to post, a new list of voters, and for the purpose of registration of voters, said selectmen shall be in session the 3 secular days next preceding such meeting. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act Authorizing the Town of Brunswick to Provide for the Collection and Disposal of Garbage and Rubbish, passed by the 98th Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes thereof immediately upon its acceptance by a majority of the legal voters voting at said meeting; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for Governor in said town at the next previous gubernatorial election.

The result in said town shall be declared by the municipal officers of the town of Brunswick and due certificate thereof shall be filed by the clerk of said town with the Secretary of State.