

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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Private and Special Laws

OF THE

STATE OF MAINE

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to the subject matter covered in sections one to five inclusive of this act only when said sections shall be finally accepted by the electors of said city of Calais as provided in section six.

Approved March 21, 1923.

Chapter 70.

An Act to Amend the Charter of the City of Eastport.

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

Sec. 1. Purpose of act; P. & S. L., 1893, (c. 450), amended. For the purpose of saving expense thereunder and rendering the same more convenient for the people, the private and special laws of eighteen hundred ninety-three, entitled "An Act to Incorporate the City of Eastport," and acts additional thereto and amendatory thereof and revising and further amending the same, said original act is hereby further amended, as follows:

Sec. 2. P. & S. L., 1893, c. 450, sec. 6; relating to election of city officers and filling vacancies, amended. Section six of said act is hereby further amended by striking out after the word "subsequently" in the ninth line thereof the words "and more than three months previous to the expiration of the municipal year warrants shall forthwith be issued for a new election, and the same proceedings shall be had in all respects as hereinbefore provided, and shall be repeated until such election is completed," and inserting in lieu thereof the words 'such vacancy in the office of mayor shall be filled for the unexpired term by a majority vote of the members of the board of aldermen by roll-call, except that the president of said board shall have a casting vote in case of a tie only,' so that said section, as amended, shall read as follows:

'Sec. 6. Vacancy in office of mayor to be filled by vote of aldermen; in office of alderman, by city council. Whenever two or more persons are to be elected to the same office, the several persons up to the number to be chosen, receiving the highest number of votes, shall be deemed and declared to be elected. If it shall appear that there is no choice of mayor, or any of the other officers to be elected from the citizens at large, or from any of the several wards, or if the person elected mayor, or any person or persons elected to any other of the offices aforesaid, shall refuse to accept the office, or shall die before qualifying, or if a vacancy in the office of mayor shall occur subsequently, such vacancy in the office of mayor shall be filled for the unexpired term by a majority vote of all the members of the board of aldermen by roll call, except that the president of said board shall have a casting vote in case of a tie only. A vacancy occurring in the office of city clerk by death, resignation or removal from the city, shall be filled for the unexpired term by election by the city coun-

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cil. A vacancy occurring in the board of aldermen by death, resignation or removal from the city, or any member thereof, shall be filled for the unexpired term by a plurality vote of the remaining members of the council, by roll call, from the ward where it occurs.'

Sec. 3. Provision for local referendum. This act shall take effect only after and in case of its acceptance by a vote of the legal voters of said city at a meeting duly called and held subsequent to the passage of this act.

Approved March 22, 1923.

Chapter 71.

An Act for the Better Protection of Smelts in the Damariscotta River.

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

Sec. 1. Close time on smelts in Damariscotta river. No smelts shall be taken, or fished for, in the Damariscotta river or its tributaries, in any other way than by hook and line above a line drawn from Farnham's Head in the town of Boothbay to a point opposite on the shore in the town of South Bristol, under a penalty of one hundred dollars for each offense.

Sec. 2. Inconsistent acts repealed. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 22, 1923.

Chapter 72.

An Act to Incorporate the Yarmouth Water District.

Emergency preamble. Whereas, it is imperative that the people within the territory hereinafter named be supplied with pure water; and

Whereas, it is impossible to furnish such supply under the existing conditions; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section sixteen of article thirty-one of the constitution of the state 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. Territorial limits, corporate name and purposes. The territory and the people constituting the town of Yarmouth in the county of Cumberland and state of Maine, are hereby constituted a body politic and cor-