

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fifth Legislature

OF THE

STATE OF MAINE

1931

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Private and Special Laws

OF THE

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**CHAP. 119**

elected. And at said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order and preside until a warden shall have been chosen; and at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen of the town of Biddeford for the time being, shall be delivered to the clerk of each ward when elected, to be used as provided by the law in town meetings; and it shall be the duty of the city council in convention, immediately after their first organization, to elect by ballot, a city clerk and all other necessary city officers, who shall hold their offices respectively until others are chosen and qualified in their places.'

**Sec. 2. P. and S. L., 1862, c. 170, sec. 1, relating to aldermen, amended.** No member of the board of aldermen of the city of Biddeford, shall, during the year for which he was elected, be eligible by election of the city council to any office of profit or emolument in said city.

**Sec. 3. Submission to voters.** This act shall be submitted to the qualified voters of the city of Biddeford, at a special election to be called by the municipal officers of said city at such time as they may determine after the passage of this act, and the city clerk of said city shall reduce the subject matter to the following question,

"Shall the Common Council of the City of Biddeford be abolished."

And the qualified voters shall indicate by a cross placed with a square upon their ballots, opposite the words "Yes" or "No" their opinion of the same and if a majority of votes be cast in favor of the question the act shall take effect on the second Monday of March, A. D. 1932.

All acts, parts of acts, inconsistent herewith and amendatory hereto, are hereby repealed.

Approved April 3, 1931.

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## Chapter 119.

### AN ACT to Provide a Pension for Members of the Police and Fire Departments of the City of Auburn.

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

**Sec. 1. Provisions for retiring pension.** A pension is hereby provided for, to be paid by the city of Auburn to the following members of the police and fire departments of said city, said pension to be equal at any given time to not more than one-half nor less than one-third of the average pay received for a period of ten years next previous to the retirement of the chief, captains or patrolmen of the police department, and by the chief, officers and firemen of the fire department, the exact amount of the pen-

sion to be determined by the Auburn city council at the time of the final passage of this bill as herein provided.

First. To any officer or member of the police and fire departments who has or shall have performed faithful service therein for not less than twenty years, after the examining board for all members of the police and fire departments of said city has or shall have certified that such member has become incapacitated while in performance of duty for further useful service in said departments, it being provided that any member of either the police or fire department who shall have attained the age of sixty-five years, may be retired at said age, if said member so desires. The chief of police or the chief of the fire department may recommend a continuation of such member in service if such member so requests, which recommendation shall be approved by the city manager and confirmed by the Auburn city council. In the case of the chief of either the police or fire department having reached the age of sixty-five years, the said officers may be retained for a longer period by recommendation of the city manager, approved by the Auburn city council.

**Sec. 2. Pensioned persons subject to emergency call.** All persons pensioned under the provisions of this act shall in case of emergency, upon call of the city manager of said city, the chief of police or the chief of the fire department, be liable to temporary service in the police and fire departments for which he is fitted, and during such service shall be entitled to one-half pay in addition to his pension.

**Sec. 3. Creation of a pension fund.** That a fund shall be created for the payment of said pensions, which said fund shall be deposited with the Auburn city treasurer and said pensions shall be paid to members qualified, from this pension fund by the city treasurer each month.

First. From the salary of members and officers who are serving in either the police or fire department there shall be deducted toward the creation of this pension fund a certain percentage of their monthly salary at a percentage not less than two nor greater than six, depending upon the time of service with said department, said percentage to be determined by the Auburn city council at the time of the final adoption of this bill, it being further provided that for officers and members of either department, who shall become eligible to this pension fund within three years from the passage of this bill provision shall be made for deducting from the pension to be received by said members, a sum not greater than ten per cent.

Second. Provided that in the case of death, resignation or discharge of any member of either the fire or police department, the amount of money paid in from such member toward this pension shall be returned to said member or his estate, plus four per cent interest compounded annually.

**CHAP. 120**

Third. In addition thereto the city of Auburn is hereby authorized by this act to raise money to meet the requirements of this pension fund in the event the fund created from the salaries is insufficient to meet the payment of pensions of the fire and police departments.

**Sec. 4. Effective date of this act.** This act shall take effect December first, nineteen hundred thirty-one, after having been accepted by four-fifths of the members of the Auburn city council, and when finally accepted any rule, regulation or ordinance inconsistent with this act shall be and hereby is repealed.

Approved April 3, 1931.

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## Chapter 120.

### AN ACT to Amend the Charter of the Ogunquit Village Corporation.

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

P. and S. L., 1913, c. 203, sec. 2; relating to Ogunquit Village Corporation, amended. Section two of chapter two hundred three of the private and special laws of nineteen hundred thirteen, "an act to incorporate the Ogunquit Village Corporation," is hereby amended by inserting after the words and punctuation, "wharves and landings;" the following provision: 'to widen, deepen, extend and maintain the channel of the Josias river between Flat Pond and the sea' and to widen, deepen and enlarge Flat Pond; and for said purposes to take and acquire by purchase or by eminent domain, between the Mayo Falls, so-called, and the sea, any marshland along or through which said river flows and any land lying on either side of said river from the thread of the stream to a line not more than fifty feet from mean high water mark; and said corporation may exercise the right of eminent domain in the taking of land along said river for the purposes herein specified, in the same manner as provided in chapter twenty-seven of the revised statutes, for the ascertainment of damages in the location and establishment of highways; provided, that application by either party in interest for the determination of damages shall be made within three years after the land is so taken;' and by adding at the end thereof the following: 'Said corporation is hereby authorized and empowered to negotiate its note or notes to procure a temporary loan or loans for the payment in whole or in part of any obligation, or for any purpose, for which said corporation may legally appropriate money, in anticipation of the payment of its annual funds by the town of Wells as herein provided, and to issue its note or notes therefor, at interest, and for terms of not more than one year; the aggregate amount of such