

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninety-first and Ninety-second
Legislatures
OF THE
STATE OF MAINE

From April 10, 1943 to April 21, 1945
AND MISCELLANEOUS STATE PAPERS
From April 10, 1943 to May 24, 1945

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-second Legislature

1945

fire department, subject to the provisions of section 3, from the eligible list of applicants for firemen, when necessary to make such appointments.

Sec. 16. Order of dismissal. In the event of a reduction of the police or fire department by the city council, the latest to be appointed shall be the first to be removed, and shall be given preference, if still upon the list, in filling the first vacancy.

Sec. 17. Inconsistent acts repealed. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 18. Constitutionality. If any portion of this act shall be held to be unconstitutional, such decision shall not affect the validity of the remaining portion thereof.

Sec. 19. Referendum. This act shall be submitted for approval or rejection to the qualified voters of the city of Saco at the annual municipal election or at any special election held, notified and called by the mayor and aldermen in the manner prescribed by law.

The question proposed on said ballot shall be substantially in the following form:

“Shall an act passed by the legislature in the year 1945 approved (Date) entitled, ‘An act to provide for the appointment of a civil service commission for the city of Saco’ be accepted?” Otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people.

If a majority of the votes cast by the qualified voters of the city favor the acceptance of this act it shall become operative. The city clerk shall forthwith file with the secretary of state a certificate of the action of the city thereon.

Effective July 21, 1945

Chapter 46

AN ACT Authorizing the Town of Mount Desert to Improve the Port of Northeast Harbor and Facilities.

Emergency preamble. Whereas, the harbor facilities in Northeast Harbor are limited and inadequate to accommodate ships, vessels and yachts, and

Whereas, Northeast Harbor, one of the leading resorts on the Atlantic seaboard is seriously retarded in its development by reason of its limited port facilities and accommodations, and

Whereas, it is urgently necessary to increase depth of the harbor and extend the navigable area, that extensive improvements be carried out, and

Whereas, the federal government has made a survey and provision to make such improvements, and

Whereas, immediate provision in form of bulkheads and facilities for retaining deposit from dredging operations must be had before any government activity, and

Whereas, the reclamation of lands providing for public parks, playgrounds, recreational centers and shore privileges are essential to the health and welfare of the people and the general prosperity of the community, and

Whereas, in order to receive the benefits of any federal aid this act must be passed immediately, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI 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. Authorization. The inhabitants of the town of Mount Desert, a municipal corporation in the county of Hancock, is hereby granted the rights, powers and privileges and duties imposed, for the purpose of improving the port of Northeast Harbor and facilities, providing public or common landings, public parks, playgrounds and recreational centers in Northeast Harbor, in said town, all for the benefit of said inhabitants and with the following powers, rights and privileges to be exercised as the same shall be necessary and desirable for the general benefit of the public and of the inhabitants of said town.

I. To acquire by purchase or otherwise real and personal property within said town, about, to and in the lands bordering the shores and waters of Northeast Harbor, including the littoral rights and privileges, easements, rights of ways and facilities, and appurtenances thereto.

II. To reclaim by drainage and/or fill, lands in and about said harbor, including lands within tide waters and areas over which tide waters ebb and flow, said lands, including said rights and privileges, bordering said shores and waters, which shall have been so acquired, or taken as herein-after provided, and reclaimed for said purposes, are the property of said town by virtue of this act.

III. To construct and maintain within tide waters and areas over which tide waters ebb and flow and generally in and about said harbor, bulkheads, bridges, wharves, piers, docks, waterways, public or common landings, highways, and appurtenances thereto.

IV. To construct and maintain public parks, playgrounds and recreational centers within the reclaimed area and the appurtenances thereto.

Sec. 2. **How managed.** All the affairs of the said authority as are herein provided shall be exercised, managed, maintained and carried out by the municipal officers of said town of Mount Desert. Said officers may appoint agents, superintendents, supervisors and assistants or otherwise delegate their powers and duties herein conferred as they deem necessary and required. Municipal officers as used in this act shall be the selectmen of said town.

Sec. 3. **Rights, powers and privileges, extended.** The rights, powers and privileges herein provided and conferred shall extend to and include the land within tide waters of said harbor to be dredged and/or reclaimed which lie below low water mark and/or below and beyond the shore and littoral rights and privileges of the owners of the uplands.

Sec. 4. **Right of eminent domain conferred.** The said town shall have the right to take any property, including shore and littoral rights and privileges, by right of eminent domain for purposes of this authority. Said municipal officers shall, within 90 days after voting to take any lands, easements, or shore and littoral rights and privileges, file and cause to be recorded in the registry of deeds for the county of Hancock, a plan and description thereof sufficiently accurate for identification, with a statement of the purposes for which the same is to be taken signed by a majority of said municipal officers and within 30 days thereafter shall publish notice of such taking and filing in some newspaper published in said county, such publication to be continued for 3 weeks successively. Said recording shall operate as a taking of any real estate and of the rights and easements, including shore and littoral rights and privileges therein, and said town, by a majority of its municipal officers, shall first have the right to enter in

and upon any lands or real estate, including said shore and littoral areas, to make necessary surveys and location preliminary to such returns. Should said municipal officers, or a majority of them, be unable to agree with the land owner upon the damages to be paid for the land, real estate, or shore and littoral rights and privileges so taken, the land owner or the said municipal officers may, within 3 months after the filing of said plan, petition the county commissioners of said county of Hancock who shall cause such damages to be assessed in the same manner and under the same conditions, limitations, restrictions and rights of appeal as are by law prescribed in cases of damages for the laying out of highways, under the provisions of sections 32 to 39, inclusive, of chapter 79 of the revised statutes of 1944, so far as said law is consistent with the provisions of this act.

The town shall pay all damages sustained by any person, firm, or corporation by the taking of any land, easement, rights and privileges as herein provided.

Sec. 5. How financed. The town of Mount Desert is hereby authorized and empowered to raise, appropriate and expend moneys necessary and required for the carrying out of the purposes of this act. Said town is authorized and empowered to borrow sums of money, not exceeding its constitutional debt limit, to be expended in the carrying out of the purposes of this act.

Sec. 6. Town may accept deeds and devise. The town may accept, by gift, grant, bequest or devise, moneys or the equivalent, personal property, lands or rights therein, including shore and littoral rights and privileges within the limitations and subject to the provisions and purposes of this act.

Sec. 7. Town to utilize its properties. The town is hereby authorized to use, utilize and occupy its properties situate and being in and about said harbor for the purposes of this act.

Sec. 8. Referendum. This act shall take effect when approved only for the purpose of permitting its submission to the legal voters of the town of Mount Desert at any regular or special town meeting of such town. Such meetings shall be called for that purpose by an appropriate article inserted in the call for such meeting, and shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in such town of Mount Desert shall not be required to prepare for posting, nor the town clerk to post, a new list of voters. The town clerk shall prepare the required ballots for the meeting, upon which he shall reduce the subject matter of this act to the

following question: "Shall 'An Act Authorizing the Town of Mount Desert to Improve the Port of Northeast Harbor and Facilities' passed by the 92nd legislature be accepted?" and the voters shall indicate by a cross placed over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes of this act immediately upon the acceptance of this act by a majority of the legal voters voting at such meeting.

The result of the vote in such town shall be declared by the municipal officers and a certificate thereof filed by the town clerk with the secretary of state.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when accepted and approved by the town of Mount Desert as hereinafter provided.

Effective March 15, 1945

Chapter 47

AN ACT to Provide a Town Manager Form of Government for the Town of Fairfield.

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

Sec. 1. The municipal year; date of town meeting. The municipal year of the town of Fairfield shall be February 1st to January 31st. The annual town meeting shall be held in the town of Fairfield in the county of Somerset on the 1st Monday of March in each year and the voters shall choose by ballot as now provided by law a moderator; after which the polls shall be opened for the balloting for town officials named in section 2. The time of opening and closing the polls and opening of the business meeting is to be set by a vote of the town. Special town meetings may be called in the manner and for the purposes set forth in the general statutes.

Sec. 2. Elective officers. The officers of the town who shall be nominated and elected by the qualified voters of the town of Fairfield as hereinafter provided shall be: 5 councillors comprising a town council; 3 members comprising the superintending school committee, and a town clerk. To be qualified for nomination and election to such positions a person must be a qualified voter of said town. At the first meeting held under the provisions of this act, said councillors shall be chosen as follows: 2 for a term