

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

# STATE OF MAINE

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

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## Chapter 193

### AN ACT Relating to the Appointment of the Fire Chief and the Chief of Police of the City of Saco.

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

Sec. 1. P. & S. L., 1953, c. 142, § 9, amended. The 1st paragraph of section 9 of chapter 142 of the private and special laws of 1953 is hereby amended to read as follows:

'The fire chief and the chief of police shall be ~~chosen~~ appointed by the board of commissioners ~~for a term of 2 years from the date of their election, or until their successors shall be elected and qualified to serve until each shall arrive at the age of 70, when he shall be retired, unless previously removed by said board as hereinafter provided.~~ They shall qualify by being sworn by the city clerk of the city of Saco or by a justice of the peace, and in the event that they qualify before a justice of the peace, a certificate thereof shall be forthwith filed by said justice with the city clerk. The oath shall be to the faithful performance of their duties. They shall have and exercise all the powers and authority given to them by the statutes of the state and such special powers and authority as may, from time to time, be delegated to them by the board of commissioners for the police and fire departments.'

Sec. 2. P. & S. L., 1953, c. 142, § 16, amended. Section 16 of chapter 142 of the private and special laws of 1953 is hereby amended by adding at the end thereof the following paragraph:

'Any fire chief or chief of police serving in the fire department or police department at the time of the taking effect of this act shall be exempt from the qualifying age restriction of this act.'

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after the adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the city of Saco at the next annual municipal election to be held in January, 1956, or at a special election held for that purpose prior to said annual municipal election. In the event a special election is called for the purpose, it shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said city shall not be required to prepare for posting, nor the city clerk to post, a new list of voters.

The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the Act, passed by the 97th Legislature, to provide that the Fire Chief and the Chief of Police be appointed to serve until the age of 70 years when each shall be retired, 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 hereof immediately upon its acceptance by a majority vote of the legal voters voting at said election; provided the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 20% of the total vote for all candidates for Governor in said city at the next previous gubernatorial election.

The result of such election shall be declared by the municipal officers of the city of Saco and a due certificate thereof shall be filed by the city clerk with the Secretary of State.

Effective August 20, 1955

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## Chapter 194

### AN ACT Amending the Charter of the Gardiner Water District.

**Emergency preamble.** Whereas, the charter of the Gardiner Water District, being chapter 82 of the private and special laws of 1903 as amended by chapter 89 of the private and special laws of 1905, limits to \$10,000 the amount which the district, through its trustees, may borrow during any one fiscal year to provide funds for making renewals, extensions, additions or improvements to its plant; and

Whereas, there is a substantial number of inhabitants of the district who will be without water supply and adequate fire protection until such time as the water system of the district is extended along the Brunswick Road from the district's standpipe on Iron Mine Hill to Libby Hill; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve this situation; and

Whereas, the funds required to make such extension will exceed the borrowing power hereinbefore mentioned; 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. P. & S. L., 1903, c. 82, § 2, amended.** Section 2 of chapter 82 of the private and special laws of 1903 is hereby amended by adding at the end thereof a new paragraph to read as follows:

'Provided, however, nothing herein contained shall be construed as authorizing said water district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized thereto herein, or by subsequent act of the legislature.'

**Sec. 2. P. & S. L., 1903, c. 82, § 4, amended.** Section 4 of chapter 82 of the private and special laws of 1903 is hereby amended by adding at the end thereof a new paragraph to read as follows:

'In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by said district, the Public Utilities Commission upon petition by the district shall determine