

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-eighth Legislature

OF THE

STATE OF MAINE

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-eighth Legislature

1957

town of Canton and to be held for that purpose not later than the first day of September, 1957. Such meeting or meetings shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen of said town shall not be required to prepare for posting, nor the town clerk to post, a new list of said voters, and for the purpose of registration of voters said selectmen shall be in session for one hour preceding such special meeting. The town clerk of said town shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Canton Water District, as enacted by the 98th Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed upon their ballots against the words "Yes" or "No" their opinion of the same.

The result of the vote in said district shall be declared by the municipal officers of the town of Canton and due certificate thereof filed by the town clerk with the Secretary of State, and if said result so filed shows that a majority of the vote is for approval of this act, it shall take complete effect; provided that the total number of votes cast for and against the acceptance of this act equals or exceeds 20% of the total vote for all candidates for Governor cast in said district at the next previous gubernatorial election.

Effective March 22, 1957

Chapter 45

AN ACT Amending the Charter of Bingham Water District.

Emergency preamble. Whereas, acts and resolves do not become effective until 90 days after the Legislature adjourns unless passed as emergency measures; and

Whereas, an adequate supply of pure water is essential to the health and well-being of the inhabitants of the town of Bingham and surrounding towns; and

Whereas, the present water supply is entirely inadequate; and

Whereas, it is imperative that action be taken at the earliest possible time to eliminate such condition; 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., 1911, c. 13, § 1, amended. Section 1 of chapter 13 of the private and special laws of 1911, as amended by chapter 62 of the private and special laws of 1935, is hereby further amended to read as follows:

Sec. 1. Territorial limits of water district. The following described territory, and the people within the same, namely: so much of the town of Bingham, in the county of Somerset, beginning at a point on the Kennebec river, at the northerly line of said town of Bingham, and extending easterly along said northerly line of said town of Bingham, to the easterly line of the "River Tier"

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of lots in said Bingham; thence southerly along said easterly line of said "River Tier" of lots to the southerly line of the Ingram C. Pierce farm, so called; thence westerly along said southerly line of the Ingram C. Pierce farm to the Kennebec river; thence northerly by said Kennebec river to the point of beginning, shall constitute a body politic and corporate under the name of the Bingham Water District, for the purpose of supplying the inhabitants of said district with pure water for domestic, sanitary, manufacturing and municipal purposes and. Said district may extend its pipe lines into so much of the town of Bingham as lies outside the aforesaid territorial limits of said district, and into the towns of Moscow and Concord for the purpose of supplying such inhabitants thereof with pure water for domestic, sanitary and manufacturing purposes as may desire such service and as said district may desire to serve.'

Sec. 2. P. & S. L., 1911, c. 13, § 2, repealed and replaced. Section 2 of chapter 13 of the private and special laws of 1911 is hereby repealed and the following enacted in place thereof:

'Sec. 2. Water may be taken from any pond, lake or stream, springs and wells in the towns of Bingham and Moscow and plantations of Pleasant Ridge and Concord. For any of the purposes aforesaid, or for the preservation and purity of said water, said district is hereby authorized to take and use water from springs and wells, the Kennebec river, and from any pond, lake or stream in the towns of Bingham and Moscow and plantations of Pleasant Ridge and Concord; to conduct and distribute the same into and through the towns aforesaid, to survey for, locate, lay, erect and maintain suitable dams, reservoirs, machinery, pipes, aqueducts and fixtures; to carry its pipes or aqueducts under or over any watercourse, bridge, street, railroad, highway or other way; and said district is further authorized to enter upon, and excavate any highway or other way, in such manner as least to obstruct the same; to enter, pass over and excavate any lands, and to take and hold, by purchase or otherwise, any real estate, rights-of-way or water, and in general do any acts necessary, convenient or proper for carrying out any of the purposes hereinbefore specified. Said district is further authorized, for the purpose of making all needed repairs or service connections, to lay its pipes through any public or private lands or ways, with the right to enter upon the same and dig therein, and said district may establish written regulations for the use of said water, and change the same from time to time.'

Sec. 3. P. & S. L., 1911, c. 13, § 5, repealed and replaced. Section 5 of chapter 13 of the private and special laws of 1911 is hereby repealed and the following enacted in place thereof:

'Sec. 5. Right of eminent domain and limitation thereon; crossing property of other public utilities. Said water district is hereby authorized and empowered to acquire by purchase or by the exercise of the right of eminent domain, which right is hereby expressly delegated to said water district for any of its purposes, any lands, rights-of-way, water and water rights, including springs or wells, or any other interest in real estate which may be required for the carrying out of the purposes of the district.

Provided, however, nothing herein contained shall be construed as authorizing said 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.

In case of any crossing of any public utility, unless consent be given by the company owning or operating such public utility as to place, manner and condi-

tions of the crossing within 30 days after such consent is requested by said district, the Public Utilities Commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the district.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective March 22, 1957

Chapter 46

AN ACT to Repeal the Act Incorporating the Saco Sanitary District.

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

Sec. 1. P. & S. L., 1953, c. 148, repealed. Subject to the provisions of section 4 hereof, Chapter 148 of the Private and Special Laws of 1953, as amended, entitled "An Act to Incorporate the Saco Sanitary District" is hereby repealed.

Sec. 2. Rights, etc., of the Saco Sanitary District vested in the City of Saco. Upon acceptance of this act as provided in section 4 hereof, title to all real and personal property, or any interest therein, then owned by the Saco Sanitary District, together with all accounts receivable, choses in action, and all other rights and credits that may be either then due and payable to, or would accrue to, or for the benefit of said Saco Sanitary District but for this act, shall vest in and become the property of the City of Saco; said city being hereby vested with all rights and powers of holding, disposing of or enforcing such rights so acquired.

Sec. 3. Contracts, etc. to be assumed by the City of Saco. Upon acceptance of this act as provided in section 4 hereof, all valid contracts, obligations, bonds and liabilities of the said Saco Sanitary District shall be assumed and executed by the City of Saco.

Sec. 4. 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 city election or at a special election to be held not later than 4 months after the effective date of this act. Such special election may be called for the purpose upon petition of not less than 300 legal voters resident within the City of Saco, said petition to be addressed to the mayor and city council of said city, whereupon said mayor and city council upon their warrants shall call a special election for the purpose to be held not less than 30 nor more than 60 days after receipt of said petition. In the event a special election is called for the purpose, it shall be called, advertised and conducted according to the laws relating to municipal elections.

The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question "Shall 'An Act to Repeal the Act Incorporating the Saco Sanitary District', passed by the 98th Legislature, be accepted?" and the qualified voters shall indicate in the usual manner their opinion of the same.