

# 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**

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## Chapter 132

AN ACT Relating to Jurisdiction of Trial Justices in Towns of Kittery and York.

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

Sec. 1. P. & S. L., 1915, c. 153, repealed. Chapter 153 of the private and special laws of 1915 is hereby repealed.

Sec. 2. P. & S. L., 1911, c. 279, § 2, sub-§ (a), amended. Subsection (a) of section 2 of chapter 279 of the private and special laws of 1911 is hereby amended to read as follows:

'(a) Exclusive jurisdiction of all such criminal offenses and misdemeanors committed within the said municipal district as are cognizable by trial justices. Trial justices in the towns of Kittery and York, in the county of York, shall have concurrent jurisdiction with The Yorkshire Municipal Court of all criminal offenses, including all violations of town by-laws, in both of said towns.'

Effective August 28, 1957

## Chapter 133

AN ACT Relating to Crimes Committed on the Maine Turnpike.

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

P. & S. L., 1941, c. 69, § 20, additional. Chapter 69 of the private and special laws of 1941, as amended, is hereby further amended by adding thereto a new section, to be numbered 20, to read as follows:

'Sec. 20. Crimes committed upon Turnpike. The provisions of the Revised Statutes and amendments thereto shall apply to criminal acts committed on the Turnpike. This section shall not revoke the power of the Authority to make rules and regulations governing use of the Turnpike, or the power to prescribe limitations on the speed, volume and weight of vehicles using the Turnpike, as heretofore granted to the Authority, which powers are hereby expressly reaffirmed.'

Effective August 28, 1957

## Chapter 134

AN ACT Relating to Police Department and Pension System for Employees of City of Westbrook.

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

Sec. 1. P. & S. L., 1907, c. 257, § 20, repealed and replaced. Section 20 of chapter 257 of the private and special laws of 1907, as amended by section 2 of

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chapter 275 of the private and special laws of 1909 and by chapter 41 of the private and special laws of 1929, is hereby repealed and the following enacted in place thereof:

'Sec. 20. Police department established; chief, appointment, tenure of office. The city council shall establish a police department for said city, to consist of a chief of police and such further officers and men as it may prescribe, and shall make regulations for the government of such department.

The chief of police shall be appointed by the mayor, with the approval of 2/3 of the city council. The chief shall hold such office until:

I. Retirement; or

II. He resigns and such resignation is accepted by the mayor and council; or

III. He is removed for good and sufficient cause, on complaint of the mayor, sustained by a 2/3 vote of the city council.'

Sec. 2. P. & S. L., 1907, c. 257, § 20-A, additional. Chapter 257 of the private and special laws of 1907, as amended, is hereby further amended by adding thereto a new section, to be numbered 20-A, to read as follows:

'Sec. 20-A. Pension systems. The city council, subject to the established powers of the mayor, may institute a system of pensions for all municipal employees, including any benefits to be paid if such employee shall die or become disabled while in the performance of his duties. Nothing herein shall be construed to decrease existing benefits to municipal employees.'

Sec. 3. P. & S. L., 1907, c. 257, § 24, amended. The first sentence of section 24 of chapter 257 of the private and special laws of 1907 is hereby amended to read as follows:

'Unless herein otherwise provided, The the mayor shall have the sole power of appointment to all the municipal offices established by or under this act ~~unless herein otherwise provided~~; and he may remove from office, by written order, any officer so appointed hereunder, for any cause which he shall in his official discretion deem sufficient, which cause he shall assign in his order of removal.'

Sec. 4. P. & S. L., 1907, c. 257, § 26, repealed. Section 26 of chapter 257 of the private and special laws of 1907 is hereby repealed.

Sec. 5. P. & S. L., 1907, c. 257, § 30, sub-§ IV, repealed. Subsection IV of section 30 of chapter 257 of the private and special laws of 1907 is hereby repealed.

Sec. 6. P. & S. L., 1907, c. 257, § 32, amended. Section 32 of chapter 257 of the private and special laws of 1907 is hereby amended to read as follows:

'Sec. 32. Eligibility of persons elected to office; when office becomes vacant. No person shall be eligible for election or appointment to any office established by this act, unless at the time of election he shall have been a citizen of the United States and a resident of the city for at least 3 months, except the office of superintendent of schools. Any office established by or under this act shall become vacant if the incumbent thereof ceases to be a resident of the city.'

**Sec. 7. Inconsistent acts repealed.** All acts or parts of acts inconsistent with the provisions of this act are hereby repealed or amended to conform hereto.

**Referendum; effective date; certificate to Secretary of State.** This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the city of Westbrook at the next regular municipal election to be held in December, 1957, an appropriate article being inserted in the call for such election. 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 Relating to Police Department and Pension System for Employees of City of Westbrook,' passed by the 98th Legislature, 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 on the first Monday in January, 1958, if accepted by a majority of the legal voters at said election; 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 in said city at the next previous gubernatorial election.

The result of the vote shall be declared by the municipal officers of the city of Westbrook and due certificate thereof filed by the city clerk with the Secretary of State.

Effective August 28, 1957

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## Chapter 135

### AN ACT to Create the Cape Elizabeth Sewer District.

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

**Sec. 1. Incorporation.** The territory, and the inhabitants therein, of the town of Cape Elizabeth in the county of Cumberland, shall constitute a public sewerage district and a body politic and corporate under the name of "Cape Elizabeth Sewer District." The purpose of said district, subject to the provisions of section 10 hereof, shall be to take over, control, operate and manage the sewers now owned by the town of Cape Elizabeth with all appurtenances thereto; to extend, increase, enlarge and improve said sewers; to extend the present system or systems so as to furnish sewerage facilities to parts of the town not now served with such facilities; to provide for removal and treatment of sewage when, as and if such treatment becomes necessary; and generally to construct, maintain, operate and provide a system of sewerage, sewage disposal and sewage treatment for public purposes and for the health, welfare, comfort and convenience of the inhabitants of the district.

**Sec. 2. Authority to construct and maintain.** Within said territory and the territory of any adjoining municipality said Cape Elizabeth Sewer District is hereby authorized to lay pipes, drains, sewers and conduits, and to take up, repair and maintain the same or to contract for the same to be done, in, along and through any public or private ways and public grounds, and in, along and through lands of any person or corporation as hereafter provided, to and into tidal waters, rivers, watercourses or treatment works or to or into any drain or sewer now or hereafter built which empties into tidal waters, rivers, watercourses or treatment works, the discharge therefrom to be at such points con-