

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

Ninety-ninth Legislature

OF THE

# STATE OF MAINE

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**Private and Special Laws**

OF THE

**STATE OF MAINE**

As Passed by the Ninety-ninth Legislature

**1959**

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## Chapter 106

### AN ACT Relating to Maintenance and Rehabilitation of Wire Bridge in Town of New Portland, Somerset County.

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

**Maintenance and rehabilitation of wire bridge in Town of New Portland, Somerset County.** The municipal officers of the Town of New Portland may petition the county commissioners of Somerset County and the State Highway Commission to meet with them for the purpose of examining into and determining whether public convenience and necessity require the maintenance and rehabilitation work on the wire bridge in the Town of New Portland, Somerset County, as is necessary and practicable for the preservation of the structure.

Any action upon this petition and any work done as the result of such action shall be in accordance with all provisions of the Revised Statutes of 1954, chapter 23, sections 108 to 115, section 118 and sections 120 to 122, not inconsistent with the provisions and purpose of this act.

Effective September 12, 1959

## Chapter 107

### AN ACT Relating to the South Portland Park and Recreation Commission.

**Emergency preamble.** Whereas, the charter of the City of South Portland mandates that "a 1 mill tax" upon "all estates and property in said city" be assessed annually for the Park and Recreation Commission; and

Whereas, due to the recent adoption of an "equalization of tax" basis for assessment, the sum based upon an April 1, 1959 assessment resultedly due the said Park and Recreation Commission for the municipal year of 1959 would be approximately quadruple that sum received for the municipal year of 1958; and

Whereas, such quadrupled sum would be substantially in excess of and disproportionate to the commission's expressed budget needs; and

Whereas, not to allow a "not less than  $\frac{3}{4}$  mill nor more than 1 mill" standard of assessment would be detrimental to the realistic, efficient utilization of the city's tax revenue for maximum efficiency of the administration of the city's government in all departments so vital to the well-being of the city and its inhabitants; and

Whereas, a Charter Study Committee, with a membership composed of representation from each ward within the city, appointed by the City of South Portland, has recommended the following amendments to the charter of said city; and

Whereas, the municipal officers of said city have approved and endorsed the said Charter Study Committee's recommendation of the following amendments to the charter of said city; and

Whereas, acts of the Legislature do not take effect until 90 days after adjournment unless enacted as emergency measures; 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., 1933, c. 55, Art. 12, § 5, amended.** Section 5 of article 12 of chapter 55 of the private and special laws of 1933, as enacted by chapter 61 of the private and special laws of 1945, is amended to read as follows:

'**Sec. 5. Authority to purchase property.** For the purposes aforesaid, upon requisition by the commission, the purchasing agent shall purchase equipment and necessary materials and supplies for recreation and park purposes, and acquire lands, water areas, buildings and other property by gift, purchase, devise, lease or license, in trust or otherwise, in the name of the City of South Portland, but shall not pledge the credit of the city in any manner whatever. All expenditures shall be made only from the fund herein established appropriations made for said commission by said city.'

**Sec. 1-A. P. & S. L., 1933, c. 55, Art. 12, § 6, amended.** Section 6 of article 12 of chapter 55 of the private and special laws of 1933, as enacted by chapter 61 of the private and special laws of 1945, is amended to read as follows:

'**Sec. 6. Eminent domain.** Upon request of the commission in writing, directed to the municipal officers, describing the land to be taken, and the names of the owners thereof, so far as they may be known, the city council may direct such municipal officers to take such land for public parks, playgrounds and recreational purposes by the right of eminent domain. Said municipal officers, when so directed, shall proceed in accordance with the provisions of sections 5, 6 and 7 of chapter 84 of the Revised Statutes of 1944, except that the request of the commission herein provided, shall be in lieu of the petition of at least 30 of the tax-paying citizens as provided in said section 5. All damages awarded or finally determined on appeal shall be paid by the treasurer of the City of South Portland from the fund provided for in this act said appropriations, but if such fund appropriations shall not be sufficient to pay all of such damages, then any balance shall be paid from the treasury of the City of South Portland.'

**Sec. 1-B. P. & S. L., 1933, c. 55, Art. 12, § 7, repealed.** Section 7 of article 12 of chapter 55 of the private and special laws of 1933, as enacted by chapter 61 of the private and special laws of 1945, and as amended by chapter 46 of the private and special laws of 1949, is repealed.

**Sec. 2. P. & S. L., 1933, c. 55, Art. 12, § 8, amended.** Section 8 of article 12 of chapter 55 of the private and special laws of 1933, as enacted by chapter 61 of the private and special laws of 1945, is amended to read as follows:

'**Sec. 8. Funds how held and designated.** All money paid to or received by said commission from any source whatever for the purposes herein specified, including any appropriations by the city which it is hereby authorized to make, shall be deposited in the treasury of the City of South Portland, set apart in a separate fund account and designated Park and Recreation Commission funds Account, and shall be disbursed only on order voucher of the commission, and

for the purposes herein provided, but damages awarded for land taken as provided under section 6 shall not require such order.

The commission shall have the authority, when deemed by it advisable, to demand and receive fees or revenue for the use and enjoyment of any of said property and facilities, and all income so received shall be deposited in said ~~fund~~ account.

Property received in trust shall be used in accordance with the purposes expressed in said trust, and all other money not necessary for immediate purposes shall be safely invested by the treasurer in high grade, liquid marketable securities upon request of the commission, and said securities shall be sold on like request. All income from trusts and other investments shall be deposited to the credit of said ~~fund~~ account.

“Fund” whenever referred to in Article 12 shall mean ‘account’ as used in this section.’

Sec. 3. P. & S. L., 1933, c. 55, Art. 12, § 9, amended. Section 9 of article 12 of chapter 55 of the private and special laws of 1933, as enacted by chapter 61 of the private and special laws of 1945, is amended to read as follows:

‘Sec. 9. Assessment of tax. In addition to any other money or property received by said commission to carry on its work, a tax of not less than  $\frac{1}{4}$  mill nor more than 1 mill on the dollar, as the city council shall authorize, shall be assessed annually by the assessors of said city upon all estates and property in said city subject to taxation in said city to be taken at the last regular valuation. The amount of the above tax when raised shall be set aside and placed in said ~~fund~~ account provided for in section 8 for the purposes specified in this act. Budgetary requests for retirement of general obligation securities of the commission shall be exempt from the provisions of this section.’

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

Effective April 17, 1959

## Chapter 108

### AN ACT Increasing Number of Members of School Board in North Berwick.

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

Sec. 1. Superintending school committee. The Town of North Berwick shall choose by ballot at its annual meeting a superintending school committee of 5 members, to hold office as provided in the following section. A vote of a majority of the full membership of the committee shall be required for the purpose of conducting business and exercising the powers of the committee and for all other purposes.

Sec. 2. Members. The school committee first chosen shall designate by lot a member or members to hold office for one, 2 and 3 years respectively, in manner as follows: one for one year, 2 for 2 years and 2 for 3 years; and they shall