

# 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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of the Revised Statutes of 1954, chapter 44, and all acts amendatory thereof or additional thereto.

**Referendum; effective date.** 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 district at a special election or elections called and held for the purpose. Said elections shall be called by the municipal officers of the Town of Boothbay and shall be held at the regular voting places; the dates of said elections shall be determined by said municipal officers, but the first such meeting of said town shall not be later than the first day of November, 1960. Such special elections shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, the board of registration shall not be required to prepare nor the town clerk to post a new list of voters; and for this purpose said board of registration shall be in session on the 3 secular days next preceding such election, the first and 2nd days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up its records of said session. The town clerk shall reduce the subject matter of this act to the following question: "Shall the Act to Incorporate the East Boothbay Water District, passed by the 99th Legislature, be accepted?" 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 of the legal voters of said district voting at such elections, but only if the total number of votes cast for and against the acceptance of this act in said special election equals or exceeds 20% of the total number of names on the check list of voters of said district provided for herein, which check list shall be used at such election; but failure of approval by the necessary majority or percentage of voters shall not prevent subsequent elections.

For the purpose of said elections, any registered voters of the Town of Boothbay Harbor, who reside within the small area of the northeast corner of Boothbay Harbor, which lies within the area of said district, may register for said elections and vote at the voting places of said Town of Boothbay.

The results of such elections shall be declared by the municipal officers of said Town of Boothbay and due certificates thereof filed by the town clerk with the Secretary of State.

Effective September 12, 1959

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## Chapter 133

### AN ACT Relating to Extension of Water Service in Town of Falmouth.

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

**Extension of Water Service in Town of Falmouth.** When at least 4/5 of the owners of property abutting on an accepted public way in the Town of Falmouth, not presently served with water service by the Portland Water District, petition the selectmen of the Town of Falmouth to include an appropriate article in the Warrant for a town meeting, the selectmen are hereby authorized to insert in said Warrant an article in substantially the following form:

“To see if the Town will vote to instruct the Selectmen to enter into a contract with the Portland Water District to install a water main in \_\_\_\_\_ (public way), starting at \_\_\_\_\_, extending along said \_\_\_\_\_ (public way) (starting point) for a distance of \_\_\_\_\_ (feet) and ending at \_\_\_\_\_ (certain point) and to install along said main \_\_\_\_\_ hydrants on said way, and vote to raise and appropriate the sum of \$\_\_\_\_\_ (if any) to pay the annual charge therefor.”

If the tax income to the town from real estate on said way capable of being directly served by said water main is less than 4 times the annual charge of the Portland Water District to the town for said main, the assessors shall determine the benefit derived from said main and extension thereof to each lot or parcel of real estate on said way and make an assessment therefor based on said charge to the town for the preceding year.

The legislative body of the town shall establish a formula with respect to each such petition to define the benefit and to determine that portion of the aforesaid benefit that shall be assessed annually to the owners of the real estate, but in no event shall such assessments exceed 70% of the annual cost to the town for each main or extension thereof; said formula may provide the terms and conditions for the termination of the benefit assessment. Every such assessment until paid shall be a lien on the real estate assessed.

Unless otherwise provided by the legislative body of the town as aforesaid the benefit assessments shall terminate when it is determined by the assessors that tax income to the town from real estate on any way herein affected is equal to 4 times the annual charge of the Portland Water District to the town for service to the real estate on such way.

The municipal officers shall file with the tax collector each year the location of each such water main and extension thereof, a statement of its cost to the town for the preceding year, the amount of the benefit assessment made on each lot or parcel of real estate, and identity of the owner responsible for its payment; within 20 days of said filing the tax collector shall give written notice of the assessment to said owner.

Each water main and extension thereof so authorized by the town shall be considered separately, and not in combination, to determine water main expense in relation to tax income, except for purpose of terminating the benefit assessment as aforesaid.

The intention of this act is to provide a supplemental and not an exclusive method for the financing of water main extensions in the town.