

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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**Private and Special Laws**

OF THE

**STATE OF MAINE**

As Passed by the One Hundredth Legislature

**1961**

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## PRIVATE AND SPECIAL, 1961

## CHAP. 62

solicitor, city auditor, treasurer and tax collector, members of the superintending school committee, members of the board of assessors, ~~members of the water board trustees of the water district,~~ civil service commissioners, ~~two members of the board of registration as provided under section eight of chapter six of the revised statutes~~ such members of the board of registration or a registrar as provided under the laws of the State of Maine, trustees of Sophia Kirstein Student Loan Fund and trustees of the Hersey Fund.

(b) ~~The following officers~~ The heads of the following departments shall be appointed by the city manager, subject to confirmation by the city council: ~~director of public works, city electrician electrical, chief of police, chief of the fire department, superintendent of the city hospital and home, health officer, city physician medical, inspector of buildings inspection, public welfare director~~ and all other department heads or officers whose position may from time to time be created by ordinance; and, except as herein otherwise provided, upon recommendation of the heads of their departments, all minor officers and employees.'

Sec. 5. P. & S. L., 1931, c. 54, Art. V, § 11, repealed. Subject to the provisions of chapter 39 of the private and special laws of 1957, entitled, "An Act to Create the Bangor Water District," section 11 of article V of chapter 54 of the private and special laws of 1931, is repealed as follows:

'Sec. 11. Water board. The water board of the city of Bangor shall consist of six members, two appointed annually by the city council to serve for terms of three years, and until their successors are appointed and qualified.

The said water board shall have all the powers and perform all the duties which are now or may hereafter be conferred and imposed upon said water board by state law and city ordinances.'

Effective September 16, 1961

## Chapter 62

### AN ACT Relating to Sewage Treatment Plant for City of Saco.

**Emergency preamble.** Whereas, the Water Improvement Commission of the State has ordered the City of Saco to take appropriate action to refrain from discharging untreated sewage into Bear Brook; and

Whereas, in order to correct this situation the City of Saco proposes to construct, equip, maintain and operate a sewage treatment plant for the treatment and disposal of sewage; and

Whereas, the estimated cost of constructing and equipping such sewage treatment plant is \$90,000, of which \$45,000 must be provided by the City of Saco and \$45,000 is available from the Federal and State Governments as matching grants; and

Whereas, the federal grant of funds for this purpose is conditional upon construction of such sewage treatment plant being commenced not later than April 1, 1961; and

Whereas, the city charter should be amended to clarify the right of the City of Saco to construct, equip, maintain and operate such a sewage treatment plant; 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., 1953, c. 177, Art. IV, § 20, repealed and replaced. Section 20 of Article IV of chapter 177 of the private and special laws of 1953 is repealed and the following enacted in place thereof:

'Sec. 20. Drains and sewers. The city council of said city may lay out, make, maintain and repair all main drains or common sewers in said city, and the mayor and city council may assess upon the owners of the abutting lots and others benefited thereby, and who shall enter the same directly or indirectly, a proportional part of the charge of making and keeping in repair such main drain or common sewer, to be ascertained and assessed by the mayor and city council of said city and by them certified, after notice thereof given in writing to the party to be charged, or by advertisement for 7 days in at least one newspaper in said city; but not less than  $\frac{1}{3}$  of the cost of making and repairing such main drain or common sewer shall be paid by the city, and not more than  $\frac{2}{3}$  of the same shall be charged to the abutters; and in case the mayor and city council shall adjudge any lot of land, situated so as to be connected with any main drain or common sewer so constructed, to require drainage in order to preserve or promote the health or welfare of the city, it shall be competent for them to give reasonable notice thereof to the owner of such lot, who shall cause the same to be drained, and assess the cost of such drainage upon the owner of such lot. If the owner of any lot thus directed to be drained deems such order unreasonable, he may appeal to the county commissioners, and their decision in such cases shall be final; and the cost of such appeal shall be borne by the party making the appeal if the order of the city council is sustained, otherwise by the city. All assessments made under this section shall constitute a lien on the real estate so assessed for 2 years after they are laid. They shall be certified by the mayor and city council, under their hands, to the treasurer and collector of said city and his successors, with directions to collect the same according to law, and may, with all incidental costs and expenses, be levied by sale of the real estate, by him or them, if the assessment is not paid within 3 months after a written demand of payment made by him or them, either upon the persons assessed or their agent, or in case neither can be found in said city upon any person occupying the estate, such sale to be conducted in like manner as sales for nonpayment of taxes on land of resident owners, and with a similar right of redemption. Any person, who may feel himself aggrieved by any such assessment, may appeal to the county commissioners and their decision as to the sum which the appellant should pay shall be final; and in case the assessment made as aforesaid shall not be reduced on such appeal, the city shall recover costs, but otherwise shall pay costs. Any person who shall directly or indirectly enter such main drain or common sewer, without first obtaining a permit from the mayor thereof, shall be subject to a fine not exceeding \$100.

The City of Saco is authorized to construct, maintain and operate a plant or plants for the treatment and disposal of sewage and waste, and generally to provide a system of sanitary sewage and waste disposal for public purposes.'

Sec. 2. P. & S. L., 1953, c. 177, Art. X, § 7, amended. Section 7 of Article X of chapter 177 of the private and special laws of 1953 is amended to read as follows:

'Sec. 7. **Priority of certain acts.** The rights, duties and liabilities conferred under an act relating to the "Board of Police and Fire commissioners" ~~and an act relating to the "Saco Sanitary District"~~ shall, upon passage by the 96th Legislature and an affirmative vote of the people of the City of Saco at a referendum, supersede and have priority over sections in this charter which may conflict therewith.'

Sec. 3. **Council order validated.** The order passed by the city council of the City of Saco in November, 1960, providing for the issue and sale of \$45,000 principal amount of serial bonds to provide funds for the construction and equipment of a sewage treatment plant, which order was ratified and approved by vote of the inhabitants of the City of Saco at a referendum in the general municipal election in December, 1960, be and the same is validated and confirmed in all respects, and the issue and sale of such bonds for such purpose pursuant to said order is authorized.

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

Effective March 10, 1961

## Chapter 63

### AN ACT To Grant a New Charter to the City of Hallowell.

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

#### ARTICLE I

##### Grant of Powers to the City

Sec. 1. **Corporate existence retained.** The inhabitants of the City of Hallowell shall continue to be a municipal corporation under the name of the City of Hallowell and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation; and may enact ordinances, by-laws, and regulations not inconsistent with the Constitution and laws of the State of Maine.

#### ARTICLE II

##### City Council

Sec. 1. **Powers and duties.** The administration of all the fiscal, prudential and municipal affairs of said city with the government thereof, except as otherwise provided by this charter, shall be and is vested in one body of 7 members and a mayor, which shall constitute and be called the city council, all of whom shall be qualified voters of said city, and shall be sworn in the manner hereinafter