

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

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OF THE

STATE OF MAINE

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Any owner or owners of record named in said resolution and statement as having an estate or interest in said real property, or any person acting in their behalf, desiring to appeal such award, may petition the said Superior Court for payment of any part of said award made on account of just compensation for such taking up to 80% of said award. Such petition shall include:

I. A statement that the petitioner is the owner of record of the real property involved, is entitled to just compensation and has not conveyed or transferred any of his rights;

II. A statement of the mortgages, tax liens or other encumbrances on the property involved;

III. An agreement that he will repay to the authority in whatever manner may be directed by the court all or any part of any such award paid by order of the court if it is determined by the court that another person or persons may be entitled to all or part of said award or that the valuation of the real property described is less than the amount of the award paid over to him.

Upon such petition, the court may order any part of such award thus made up to 80% to be paid by the authority to the petitioner forthwith without prejudice to the petitioner's right to have the amount of compensation adjudicated by appeal. In the event of such appeal, if the just compensation finally awarded, exclusive of interest, is less than the award of the authority then the court shall give judgment in favor of the authority for the excess of the award over the final award and for its costs from the time of appeal, and execution may be issued on such judgment. If the just compensation finally awarded exclusive of interest is not less than the award, then the court shall give judgment to the appellant for the amount in which the final award is in excess of the original award and for interest on such excess from the date of taking and for costs from the time of appeal. The clerk shall certify the final judgment of the court to the authority which shall pay the same to the appellant.'

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

Effective February 11, 1965

Chapter 5

AN ACT Amending the Charter of the City of Bangor Relative to the use of Municipal Revenue Bonds.

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

P. & S. L., 1931, c. 54, Art. VI, § 8, amended. The first sentence of section 8 of Article VI of chapter 54 of the private and special laws of 1931, as repealed and replaced by section 4 of chapter 114 of the private and special laws of 1953, is repealed and the following enacted in place thereof:

'Money may be borrowed, within the limitations fixed by the Constitution and statutes of the State now or hereafter applying to said Bangor, by the issue and sale of bonds or notes pledged on the credit of the city, the proceeds to be used

for the payment of indebtedness of the city contracted for the acquisition of land, the construction and equipment of buildings and other permanent public improvements and the payment or refunding of bonds, notes and certificates of indebtedness previously issued, or by proceeding in accordance with the Revised Statutes of 1964, Title 30, chapter 235, or any Act amendatory thereof or in addition thereto.'

Effective September 3, 1965

Chapter 6

AN ACT Relating to Election of Council Members of City of Portland.

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

P. & S. L., 1961, c. 194, Art. II, § 2, repealed and replaced. Section 2 of Article II of chapter 194 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

'Sec. 2. Composition, election, tenure. The city council shall be composed of 9 members who shall hold office for a term of 3 years and until their successors are elected and qualified. Three shall be elected at large from the registered voters of the entire city, and one shall be elected from each of the 6 districts provided for in section 1, by only the registered voters of each respective district. The candidate from each of the 6 districts must be a resident of the district in which he is a candidate and must continue to reside during his term of office.

The provisions of this section shall apply only to elections held after the adoption of this amendment and shall in no way affect the term of office of any member of the city council holding such office at the time of the adoption of this amendment.

Each member shall be entitled to receive as salary the sum of \$750 per year, payable quarterly, for all services rendered, and shall not be eligible during the term for which he was elected for any other office, the salary of which is payable by the city, nor to hold the office of city manager, nor to act as city manager, nor shall he during such term hold any such office.'

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 Portland at the next regular municipal election therein to be held on the first Monday in December, 1965. For the purposes of such election, the city clerk shall reduce the subject matter of this Act to the following question: "Shall 'An Act Relating to Election of Council Members of City of Portland,' passed by the 102nd Legislature, be approved?"

The voters shall indicate by a cross or check mark placed within a square upon their ballots 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 voting at such election; provided the total number of votes cast for and against the acceptance of this Act equals or exceeds 20% of the total number of votes cast for all candidates for Governor in said city at the next preceding gubernatorial election.