

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1971

PRIVATE and SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

One Hundred and Fifth Legislature

1971

Chapter 42

AN ACT Increasing Indebtedness of Town of York School District.

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

P. & S. L., 1951, c. 57, § 4, amended. The first sentence of section 4 of chapter 57 of the private and special laws of 1951, as amended by chapter 150 of the private and special laws of 1961, is further amended to read as follows:

To procure funds for the purposes of this act, and for such other expenses as may be necessary to carry out said purposes, the said trustees are hereby authorized from time to time to borrow money and to issue the district's bonds and notes therefor, but shall not incur a total indebtedness exceeding the sum of ~~\$350,000~~ **\$1,000,000** at any one time.

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 Town of York at any regular or special town election or state-wide election held before April 1, 1972, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said town to vote on the approval or rejection of this Act.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: "Shall 'An Act Increasing Indebtedness of Town of York School District,' passed by the 105th 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 purposes hereof upon its acceptance by a majority of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this Act at said election equals or exceeds 20% of the total vote for all candidates for Governor in said town at the next previous gubernatorial election.

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

Effective September 23, 1971

Chapter 43

AN ACT Amending Charter of Eliot and Kittery Mutual Fire Insurance Company.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Eliot and Kittery Mutual Fire Insurance Company was organized in 1844 and the business of the company has decreased to such an amount that its reserves do not warrant its continuing to operate as a separate entity and it is considered advisable to affiliate with the York Mutual Insurance Company; and

Whereas, the following legislation is vitally necessary for the protection of the company's policyholders; 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., 1844, c. 164, § 1, amended. Section 1 of chapter 164 of the private and special laws of 1844, is amended to read as follows:

Sec. 1. Corporators: Powers and privileges. Gowen Wilson, William Fogg, William Hammond, James Knowlton, Horace Stacy, Moses Paul, George A. Hammond, James Shapleigh, Jun., and John R. Hanscom, with their associates and successors, are hereby created a body corporate by the name of the Eliot and Kittery Mutual Fire Insurance Company, with power by that name to prosecute and defend suits at law, to have and use a common seal, to make by-laws and regulations for the management of their affairs not repugnant to the laws of the state; **to have guaranty capital shares and to issue certificates therefor**, to purchase and hold such real and personal estate, as may be necessary to effect the objects of the association, and to enjoy all the rights and powers incident to such corporations.

Sec. 2. P. & S. L., 1844, c. 164, § 3, amended. The first sentence of section 3 of chapter 164 of the private and special laws of 1844, is amended to read as follows:

The office of said company shall be kept ~~either in the towns of Eliot or Kittery~~ in such town in the county of York as the said company shall determine; and the annual meeting shall be held, ~~in said Eliot or Kittery~~ at the office of said company, on the first Monday of June, annually, or on such other day as the said company may hereafter determine; at which meeting shall be chosen, by a major vote of the members present, a board of directors, to consist of such number as the said company may determine at said meeting.

Sec. 3. P. & S. L., 1844, c. 164, § 4, amended. The 3rd sentence of section 4 of chapter 164 of the private and special laws of 1844 is amended to read as follows:

They shall determine the rates of insurance, and may fix the sum to be insured on any building or property, ~~not exceeding three-fourths of its value~~ and the amount of the note to be deposited for the insurance thereof under the assessment plan.

Sec. 4. P. & S. L., 1844, c. 164, § 5, amended. Section 5 of chapter 164 of the private and special laws of 1844 is amended to read as follows:

Sec. 5. Said company may issue prepaid or cash plan policies or assessment type policies. Every person who shall become a member of said company by effecting insurance therein, under the assessment plan shall, before he receives his policy, deposit his promissory note for such sum of money

as the directors shall determine, a part of which note, not exceeding ten per cent., shall, immediately, be paid for the purpose of defraying the incidental expenses of the company, and indorsed thereon; and the remainder of said note shall be paid wholly or in part, at such time as the directors shall require, for the payment of losses or other expenses; and in thirty days after the expiration of the terms of insurance, said note, or such part thereof as may remain unpaid, after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the signer thereof, his heirs, executors or assigns.

Sec. 5. P. & S. L., 1844, c. 164, § 6, amended. The first sentence of section 6 of chapter 164 of the private and special laws of 1844 is amended to read as follows:

Whenever said company shall make insurance under the assessment plan on any building, such building, the land under the same, and appurtenances thereof, shall be holden as security for such deposit money and assessments, as the person thus insured shall be liable to pay; and the policy of insurance shall, from the time it issues, create a lien on said buildings and land therefor, which shall continue, notwithstanding any transfer of the property.

Sec. 6. P. & S. L., 1844, c. 164, § 7, repealed. Section 7 of chapter 164 of the private and special laws of 1844 is repealed.

Sec. 7. P. & S. L., 1844, c. 164, § 8, amended. The first sentence of section 8 of chapter 164 of the private and special laws of 1844 is amended to read as follows:

The directors, after receiving notice of any loss or damage by fire, sustained by any member, under the assessment plan and ascertaining the amount of the same, may settle and determine the sums to be paid by the several members of said company, as their respective proportions of such loss, and publish the same in such manner as the by-laws may prescribe.

Sec. 8. P. & S. L., 1844, c. 164, § 9, amended. Section 9 of chapter 164 of the private and special laws of 1844, as amended by chapter 6 of the private and special laws of 1935, is further amended to read as follows:

Sec. 9. Term of insurance and description of property that may be insured. Said company may make insurance for any term of time, not exceeding 7 years, on any house or other building, household furniture, machinery and goods in any building property in the State of Maine, against damage as permitted by the statutes governing mutual insurers by fire originating from any cause other than design in the insured.

Sec. 9. P. & S. L., 1844, c. 164, § 10, repealed. Section 10 of chapter 164 of the private and special laws of 1844 is repealed.

Sec. 10. P. & S. L., 1844, c. 164, § 13, amended. Section 13 of chapter 164 of the private and special laws of 1844 is amended to read as follows:

Sec. 13. Charter under control of Legislature. The powers granted by this act may be enlarged or restrained at the pleasure of the Legislature, and no director or member of said company shall, in any case, be liable beyond

the amount of his said note deposited as aforesaid; and no policy shall be issued by said company, until applications for insurance to the amount of twenty thousand dollars shall have been made and accepted.

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

Effective March 22, 1971

Chapter 44

AN ACT Relating to Weekly Closed Season on Taking Alewives in Town of Orland.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is a weekly closed season on the taking of alewives in the Town of Orland, Hancock County; and

Whereas, fishing is one of Maine's greatest natural resources; and

Whereas, conservation of fish is vital to the economy of the State; 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:

P. & S. L., 1959, c. 155, § 42, amended. The 2nd sentence of the 2nd paragraph of section 42 of chapter 155 of the private and special laws of 1959, is amended to read as follows:

There shall be a 24-hour weekly closed season on alewives in all such waters from sunrise on each ~~Sunday~~ **Saturday** morning until sunrise on the following ~~Monday~~ **Sunday** morning.

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

Effective March 25, 1971

Chapter 45

AN ACT Creating the Kennebec Sanitary Treatment District.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and