

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Seventh Legislature

1975

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mark placed against the words "Yes" or "No" their opinion of the same. The result shall be declared by the municipal officers and due certificate thereof filed by the town clerk with the Secretary of State.

This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said meeting; provided, that the total number of votes cast for and against the acceptance of this Act at said meeting equaled or exceeded 20% of the total vote for all candidates for Governor cast in said town at the next previous gubernatorial election, but nothing in this Act should be construed to prevent resubmitting this Act for acceptance at any annual or special town meeting held within 2 years from the effective date hereof notwithstanding an earlier vote against such acceptance.

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

Effective March 20, 1975

## CHAPTER 21

**AN ACT to Amend the Charter of the Biddeford and Saco Water Company.**

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

P&SL 1881, c. 124, § 1, as last amended by P&SL 1883, c. 365, is further amended to read:

**Sec. 1. Corporators; corporate name.** James M. Andrews, Edward W. Staples, Horace Ford, Alfred Goodwin, R. W. Randall, William Hill, George W. Donnell, Samuel G. Twambley, Albert K. Cleaves, E. H. Banks, C. E. Hussey, Thomas Haley, W. H. Field, O. H. Staples, Oliver C. Clark, John S. Derby, John Quimby, George F. Owen, William J. Bradford, Enoch Lowell, with their associates and successors, are hereby made a corporation by the name of the Biddeford and Saco Water Company, for the purpose of conveying to and supplying the Towns of Lyman, Dayton and Scarborough, and the Cities of Biddeford and Saco and the Kennebunk, Kennebunkport-Wells Water District with pure water for domestic and municipal purposes, including the extinguishment of fires, the supply of shipping, and the use of manufacturing establishments.

Effective October 1, 1975

## CHAPTER 22

**AN ACT to Amend the Charter of the Freeport Sewer District.**

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

Whereas, the sewerage system presently serving the Town of Freeport serves only a small portion of the town and is inadequate to meet the needs of the inhabitants of the Town of Freeport for sewerage, sewage and com-

mercial and industrial waste disposal and sewage treatment and storm and surface water drainage; and

Whereas, said sewerage system is causing degradation of the waters receiving the effluent therefrom; and

Whereas, in the Town of Freeport there are areas with soils that present severe limitations for subsurface sewage disposal such that present subsurface sewage disposal in the town is contributing to the degradation of ground and surface waters and inland and coastal waters and watercourses of the town; and

Whereas, it is essential that an improved and expanded sewerage system be provided for a large number of residents of the Town of Freeport not presently served in order to preserve and protect the public health, safety and welfare and to improve and protect the quality of waters in the town; 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 & SL 1947, c. 60, § 3, first ¶, is amended to read:

The trustees of said district may exercise the right of eminent domain vested in said district for the purposes of this Act after hearing, notice of the time and place of said hearing having been given by personal service upon the owners of the property or property rights to be taken, if known, and if such owners cannot by due diligence be served personally, then by certified mail to their last known address, and in all cases by publication in 2 weekly papers newspapers published in the County of Cumberland, once a week, for 2 weeks previous to the time appointed for said hearing, a copy of which notice shall be filed in the registry of deeds for the County of Cumberland at least 2 weeks prior to said hearing, and the clerk of said district shall keep a record of their proceedings, and their determination and decision, which shall set forth a description of the land or easement taken, and the owners, if known, and the amount of damages awarded therefor, and upon the signing of said record by said trustees, and the filing of the same in the registry of deeds for the County of Cumberland, the title to said property or property rights shall vest in said district, and said trustees may enter upon such land and take possession of the same, or an easement therein, as the case may be, for the purposes of this Act. At the hearing, it shall be in order for the owners of the property or property rights to be taken to be heard by the trustees, or a majority of them, on the subject of the necessity for the proposed location of the taking and such owners may present evidence as to the damages to be sustained by them. The trustees shall give notice of their determination and decision within 2 weeks of the filing of said record in the registry of deeds by personal service of a copy of said record upon the owners of the property or property rights taken, if known, and if such owners cannot by due diligence be served personally, then by certified mail to their last known address, and in all cases by publication in 2 newspapers published in the County of Cumberland once a week for 2 weeks. Any person aggrieved by the decision of said trustees, so far as it relates to the damages for land or easements therein so taken, shall have the same rights of appeal as are provided in the

case of the laying out of town ways, provided that the time limited for such appeal shall run from the date notice of said decision is given to said owners as aforesaid.

**Sec. 2.** P & SL 1947, c. 60, § 5, as amended by P & SL 1949, c. 50, § 2, is further amended to read:

**Sec. 5. Power of trustees to determine necessity of sewer facilities.** The trustees shall have the power to determine when and where in said district sewerage facilities, including but not limited to pipes and conduits for carrying and collecting, discharging and disposing of sewerage matter and waters, are most needed, and how said sewers shall be built; where, when, and what repairs, renewals, and extensions are necessary, and how the same shall be built, and their decision in such matters shall be final and not subject to review. It is provided, however, that the trustees of said district shall give written notice to the municipal officers of said town of any such decision except decisions in regard to repairs, maintenance and renewals and that the municipal officers of said town may make written recommendation to the trustees of said district regarding sewerage necessities in said district.

**Sec. 3. Transitional provision.** Nothing in this Act shall be construed to exempt the district from any applicable municipal zoning ordinance or state land use law.

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

Effective March 24, 1975

## CHAPTER 23

### **AN ACT Making Additional Appropriations from the General Fund for the Expenditures of State Government for the Current Fiscal Year Ending June 30, 1975.**

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable before July 1, 1975; 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. Appropriations from General Fund.** In order to provide for necessary expenditures of State Government and other purposes for the fiscal year