

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1977

estimated assessment shall be the encumbrance upon the land and, when notice of such agreement is recorded in the Cumberland County Registry of Deeds, such agreement shall bind subsequent purchases and all persons in privity of estate with, or claiming through, the person executing the agreement.

Sec. 13. Agreement to pay terminated. The agreement to pay the assessment shall terminate upon the happening of any event enumerated in section 9, or upon creation of a lien under section 5.

Sec. 14. Lien. In the event that a lien is at any time created under section 5, the provisions of that section and of sections 6, 7, 8, 9 and 10 shall then be applicable, but the section 5 lien shall be deemed to relate back in time to the date of execution of the agreement authorized by section 11.

Sec. 15. Existence of lien. Upon termination other than by payment in full or by creation of a lien under section 5, an agreement made pursuant to section 11 shall become a lien upon the property described therein in the amount of the unpaid balance then due and, if the agreement or notice of the agreement was recorded in the Cumberland County Registry of Deeds, such recording shall be deemed to give notice as to the existence of such lien.

Sec. 16. Foreclosure of lien. A lien created under section 15 shall be foreclosed in accordance with the provisions contained in section 10. In addition, the city shall have all the remedies provided in section 7 to collect the unpaid balance.

Sec. 2. P & SL 1891, c. 184, §§ 8 - 12, as enacted by P & SL 1967, c. 138, § 1, are renumbered to be sections 17 to 21.

Sec. 3. P & SL 1891, c. 184, §§ 13 and 14, as renumbered by P & SL 1967, c. 138, § 2, are renumbered to be sections 22 and 23.

Effective October 24, 1977

CHAPTER 32

AN ACT Repealing the Lucerne-in-Maine Village Corporation.

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

Sec. 1. P & SL 1927, c. 43, repealed. Subject to the provisions of this Act, chapter 43 of the private and special laws of 1927, as amended by the private and special laws of 1969, c. 200, is repealed.

Sec. 2. Winding up of corporate affairs. Upon acceptance of this Act in accordance with section 7, Lucerne-in-Maine Village Corporation shall remain in existence as a legal entity only for the purpose of carrying out its orderly dissolution. It shall be the duty of the overseers to carry out all procedures

leading toward the orderly dissolution of the corporation within a reasonable period of time, and the overseers shall retain all powers appropriate to that purpose.

Sec. 3. Discharge of liabilities. Upon acceptance of this Act as provided in section 9, the overseers shall perform or enforce all valid contracts, meet existing obligations and pay all debts of the Lucerne-in-Maine Village Corporation with a view to closing down corporate affairs. The overseers may negotiate with the selectmen of the Town of Dedham to have the town assume certain liabilities upon conditions as may be mutually agreed upon, subject always to ratification by the voters of the Town of Dedham at a special town meeting called for that purpose.

Sec. 4. Conveyance of interests in real estate. Following the discharge of liabilities or their assumption by the Town of Dedham in accordance with section 3, the overseers shall transfer to the Town of Dedham by appropriate deeds, assignments or other instruments: All real property and any interests in real property, legal or equitable, whether acquired by liens for unpaid real estate taxes or otherwise; and all interests of Lucerne-in-Maine Village Corporation in Lucerne Land Company and Lucerne-in-Maine Improvement Corporation.

Sec. 5. Cancellation and assignment of certain indebtedness. All indebtedness owing between the Lucerne-in-Maine Village Corporation and the Town of Dedham, with the exception of amounts owing by reason of apportionment of taxes, shall be cancelled. No apportionment of taxes between the Town of Dedham and Lucerne-in-Maine Village Corporation shall be made for any municipal tax year beginning April 1, 1978, or thereafter. All sums owing to Lucerne-in-Maine Village Corporation as unpaid real estate and personal property taxes and interest and costs on such taxes, shall be assigned by the overseers to the Town of Dedham.

Sec. 6. Distribution of remaining property. After the discharge of liabilities under section 3, all remaining personal property, whether tangible or intangible and including remaining accounts receivable and choses in action, shall be liquidated and converted to cash within a reasonable time. The cash shall be paid over to those persons who are real estate taxpayers of Lucerne-in-Maine Village Corporation on April 1, 1978, in proportion to the "value" of each parcel of real estate owned by such taxpayers on that date which is located within the boundaries of the village corporation. For the purposes of this Act, the "value" of each such parcel of real estate shall be the average assessed value as determined by the assessors in accordance with the Revised Statutes, Title 36, section 708, for the years 1973 through 1977.

Sec. 7. Final dissolution. When all liabilities of the corporation have been discharged or assumed by the Town of Dedham in accordance with section 3, and all transfers and adjustments of property and indebtedness are completed in accordance with sections 4, 5 and 6, the overseers shall file a certificate with the selectmen of the Town of Dedham and the Secretary of State stating that the dissolution process is complete. Following the filings of such certificates, the existence of Lucerne-in-Maine Village Corporation shall cease.

Sec. 8. Existing ordinances to remain in force. Upon the acceptance of this Act as provided in section 9, hereof, all valid ordinances then in force in Lucerne-in-Maine Village Corporation shall become valid and enforceable

ordinances within the Town of Dedham, unless otherwise amended by the Town of Dedham.

Sec. 9. Referendum, effective date; certificate to Secretary of State. This Act shall be submitted to the legal voters of the Lucerne-in-Maine Village Corporation at a regular or special meeting thereof, held between July 1, 1977, and September 30, 1977, provided that the warrant calling the meeting contains an appropriate article for that purpose. The meeting shall be called and conducted according to the law governing meetings of the Lucerne-in-Maine Village Corporation; except voting on the article relating to this Act shall be accomplished by written ballot to be prepared for the meeting by the clerk and voting by proxy shall not be allowed on this article, but voting by absentee ballot as provided in the Revised Statutes, Title 21, chapter 29, shall be allowed.

The overseers shall prepare proper ballots upon which this action will be reduced to the following question: "Shall 'An Act Repealing the Lucerne-in-Maine Village Corporation,' passed by the First Regular Session of the 108th Legislature, be accepted?"

The qualified voters of the village corporation shall record by a cross or check mark placed in the box next to the words "Yes" or "No" their opinion of the same. The result of the vote taken at the meeting shall be declared in open meeting by the overseers of the village corporation, and a certificate of the result of the meeting shall be filed by the clerk with the municipal officers of the Town of Dedham and the Secretary of State.

If this Act is accepted by a majority of the legal voters present and voting at the meeting, and the total number of votes cast for and against this Act at the meeting equaled or exceeded 20% of the total number of votes cast in the village corporation at the last regular corporation election of overseers, then the issue shall be submitted to the voters of the Town of Dedham.

This Act shall be submitted to the legal voters of the Town of Dedham at a regular or special meeting thereof, held not less than 15 days nor more than 90 days after the village corporation meeting, provided that the warrant calling such meeting contains an appropriate article for that purpose. The meeting shall be called and conducted according to the law governing annual and special meetings of the town; except voting on the article relating to this Act shall be accomplished by written ballot to be prepared for that meeting by the town clerk. The town clerk shall prepare proper ballots, upon which the subject matter of this Act shall be reduced to the following question:

"Shall 'An Act Repealing the Lucerne-in-Maine Village Corporation,' as passed by the First Regular Session of the 108th Legislature, be accepted?"

The qualified voters of that town shall record by a cross or check mark placed in the box next to the words "Yes" or "No" their opinion of the same.

This Act shall take effect for all purposes hereof, when accepted by the inhabitants of the Town of Dedham by a majority of the legal voters present and voting at the meeting; provided that the total number of votes cast for and against the acceptance of this Act at the meeting equaled or exceeded 20% of the total number of votes cast in the town at the last gubernatorial election.

The result of the vote taken at the meeting as specified shall be declared in open meeting by the municipal officers of the town and a certificate of the result of the meeting shall be filed by the clerk of the town with the overseers of the village corporation and the Secretary of State.

Effective October 24, 1977

CHAPTER 33

AN ACT Changing the Name of Webster Water District to Sabattus Water District and Providing Compensation for the Trustees.

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

Sec. 1. P&SL 1967, c. 196, §§ 1 - 3, are repealed and the following enacted in their place:

Sec. 1. Territorial limits; corporate name and purpose. The inhabitants of and territory within the Town of Sabattus in the County of Androscoggin shall be and are constituted a body politic and corporate under the name of the "Sabattus Water District," for the purpose of supplying the inhabitants and others in the district and the Town of Sabattus with pure water for domestic, commercial, sanitary, industrial, agricultural and municipal purposes.

Sec. 2. Powers of Sabattus Water District. Said Sabattus Water District is authorized for the purposes of its incorporation to take, collect, store, flow, use, divert, distribute and convey to the Town of Sabattus or any part thereof water from any lake, pond, stream or river, or from any surface or underground brook, spring or vein of water, natural or artificial, in the town and it is also authorized to locate, construct and maintain aqueducts, pipes, conduits, dams, wells, reservoirs, standpipes, hydrants, pumping stations, drains and other necessary structures, or to contract to do any and all of the foregoing things.

All incidental powers, rights and privileges necessary to the accomplishment of the main objects herein set forth are granted to said district hereby created.

Sec. 3. Authorized to lay mains, pipes, conduits, etc., through public ways and across private lands. The district is authorized to lay in and through the streets, roads, ways and highways of the Town of Sabattus, and across private lands therein, and to maintain, repair and replace all such pipes, mains, drains, conduits, aqueducts and fixtures and appurtenances as may be necessary and convenient for its corporate purposes, and whenever said district shall lay any pipes, mains, drains, conduits, aqueducts and fixtures or appurtenances in any street, road, way or highway, it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall at its own expense, without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition.