

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

meeting to be called and held for the purpose within 3 months of the approval of this Act. This special meeting shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen of the town shall not be required to prepare for posting, nor the town clerk to post, a new list of voters and for the purpose of registration of voters the board of voter registration shall be in session on the secular day next preceding the special election. The town clerk of the town shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

"Shall 'An Act to Increase the Total Authorized Indebtedness of the Kennebunk Sewer District from \$3,000,000 to \$8,000,000,' passed by the 114th 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 immediately upon its acceptance by a majority of the legal voters voting at the election.

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

Effective March 23, 1989, unless otherwise indicated.

CHAPTER 4

S.P. 102 - L.D. 121

An Act to Establish a Portion of the Boundary Between the Town of Lincoln and the Town of Enfield in the County of Penobscot from the Penobscot River to the Westerly Shore of Cold Stream Pond

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

Boundary line between Town of Lincoln and Town of Enfield. The boundary line between the Town of Lincoln and the Town of Enfield in the County of Penobscot shall be as follows: the beginning point being north 57°, 45 minutes, 0 seconds west, a distance of 325 feet, more or less, from a granite monument with an aluminum disk marked in part "Town of Lincoln - Town of Enfield Municipal Boundary," set on the easterly bank of the Penobscot River, thence south 57°, 45 minutes, 0 seconds east, a distance of 325 feet, more or less, to the granite monument mentioned above, thence continuing on the same course, south 57°, 45 minutes, 0 seconds east, passing through other intermediate monuments identified on the plan mentioned below, a distance of 21,382.2 feet to a granite monument with an aluminum disk marked in part "Town of Lincoln - Town of Enfield Municipal Boundary," set on the westerly shore of Cold Stream Pond.

All bearings are oriented to true north as determined by a survey of the above described boundary line depicted on a plan entitled "Survey Plan showing location of a portion of the Municipal Boundary between Town of Lincoln and Town of Enfield, Penobscot County, Maine," dated October 14, 1988, prepared by Plisga and Day, Land Surveyors, to be recorded in the Penobscot County Registry of Deeds.

See title page for effective date.

CHAPTER 5

S.P. 109 - L.D. 164

An Act to Validate and Approve the Town of China's Town Meeting and School Construction Referendum and Related Proceedings

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

Whereas, there is an urgent need to construct a new kindergarten through grade 3 elementary school in the Town of China in order to provide adequate educational programs to the pupils of the Town of China; and

Whereas, the Town of China voted at referendum on October 29, 1988 by a vote of 262 to 146 to authorize a majority of the municipal officers and treasurer of the Town of China to issue bonds or notes in the name of the Town of China for school construction purposes in an amount not to exceed \$3,313,000 to construct and equip a new kindergarten through grade 3 elementary school in the Town of China; and

Whereas, certain problems occurred in conducting the town meeting and school construction referendum, including without limitation, the failure to complete the balloting for election of the moderator in time to open the polls at the time stated in the warrant with the result that the polls did not remain open for 4 hours as required by the former Maine Revised Statutes, Title 30, section 2061; and

Whereas, there is also a question concerning the right to the issuance of an absentee ballot between the time the meeting began and the time the polls were opened; and

Whereas, these problems and questions may prevent the Town of China from issuing bonds or notes for the project unless the Legislature validates and approves proceedings of the town meeting and school construction referendum; 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:

Validation; Town of China meeting and referendum. Notwithstanding the Maine Revised Statutes, Title 30, sections 2052 and 2061, and Title 21-A, chapter 9, subchapter IV, and any other relevant provisions of the Maine Revised Statutes, and notwithstanding any other legal issues which may be raised relating to the town meeting and school construction referendum conducted in the Town of China on October 29, 1988, that town meeting and school construction referendum are hereby validated and approved and a majority of the municipal officers and the treasurer of the Town of China are authorized to issue bonds or notes in the name of the Town of China pursuant to the Maine Revised Statutes, Title 30-A, section 5772 for school construction purposes in an amount not to exceed \$3,313,000 to construct and equip a new kindergarten through grade 3 elementary school in the Town of China. Such bonds or notes of the Town of China when issued in accordance with the provisions of the Maine Revised Statutes, Title 30-A, section 5772 shall be the duly authorized, legal and binding obligations of the Town of China.

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

Effective March 30, 1989.

CHAPTER 6

S.P. 359 - L.D. 960

An Act Concerning Certain Municipal Boundaries

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

Whereas, the Town of Millinocket is without adequate land for development; and

Whereas, the Town of Millinocket may wish in the future to diversify its economy due to changes in the pulp and paper industry; and

Whereas, lack of adequate land may hinder efforts to diversify Millinocket's economy; 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 1987, c. 153, §1 is repealed and the following enacted in its place:

Sec. 1. Parts of Indian Purchase No. 3 Township A, Range 7 and Township 1, Range 7; Annexation to Millinocket. The following lots or parcels of land bounded and described as follows and situated adjacent to the Town of Millinocket in Penobscot County are annexed to the Town of Millinocket:

A. Beginning at a point on the west town line of Township A, Range 7 WELS, said point being located in the center or thread of the West Branch of the Penobscot River, in the channel lying east of Pond Falls Island and also being the southeast corner of the Town of Millinocket; thence northerly by and along the east line of the Town of Millinocket which is also the west line of Township A, Range 7 WELS a distance of 7/8 of a mile more or less to a pin and post at the southwest corner of the parcel annexed to the Town of Millinocket in 1985; thence south 77° 49' 46" east, by and along the south line of said 1985 annexation parcel to the southeast corner thereof a distance of 1,196.12 feet, more or less, to a point marked by a steel pin and post; thence north 5° 04' east, by and along the east bound of the 1985 annexation parcel, a distance of 4,291.33 feet, more or less, to the south bound of Route 157, thence northwesterly by and along the south bound of Route 157 a distance of 1,188.00 feet, more or less, to a point in the east line of Millinocket; thence northerly by and along the east line across Route 157, to the north bound thereof; thence south 69° 14' 24" east by and along said north bound of Route 157 a distance of 1,535.00 feet, more or less, to a point which is the southeast corner of Lot #2, as annexed in the First Regular Session of the Legislature, Private and Special Law 1985, chapter 19, thence northerly, by and along the east line of said Lot #2, a distance of 5,110.00 feet, more or less, to the north line of Township A, Range 7 WELS; thence easterly by and along the north line of Township A, Range 7 WELS a distance of 2 1/2 miles, more or less, to a point in the center or thread of Dolby Pond or Flowage; thence southerly by and along the center or thread of Dolby Pond or Flowage, a distance of 1 3/4 miles, more or less, to a point in the center or thread of the West Branch of the Penobscot River, thence westerly by and along the center or thread of the West Branch of the Penobscot River, a distance of 3 miles, more or less, to a point in the east line of the Town of Millinocket, and the point of beginning. Said parcel contains 3,176 acres, more or less.

B. Beginning at the southwest corner of Section number 33, which is also the southwest corner of Township 1, Range 7; thence northerly by and along the west line of Township 1, Range 7, which is also the present east town line of Millinocket, to the south bound of the main line of the Bangor and Aroostook Railroad between Millinocket and Grindstone; thence easterly by and along said south bound of the main line of the Bangor and Aroostook Railroad a distance of 13,675 feet, more or less, to the center or thread of a small brook, flowing into upper Dolby Pond; thence southeasterly by center or thread of