

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

SECOND REGULAR SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

Sec. 11. Transition. Trustees serving in the Yarmouth Water District on the effective date of this Act shall continue to serve for the remainder of the terms for which they were elected.

Sec. 12. Referendum. This Act shall be submitted to the legal voters of the Town of North Yarmouth, voting at a regular or special election called and held before or within 6 months after passage of this Act. This election shall be called, advertised and conducted according to the law relating to municipal elections, except that the selectmen of each town are not required to prepare nor the town clerk of each town to post a new list of voters, and for the purpose of registration of voters the registrar in each town be in session the 3 secular days next preceding the elections, the first 2 days to be devoted to registration of voters and the last day to enable the registrars to verify the corrections of the lists and to complete and close their records of the sessions. The town clerk of North Yarmouth shall reduce the subject matter of this Act to the following question:

“Shall the North Yarmouth Water District be dissolved and the Yarmouth Water District acquire the assets and liabilities of the North Yarmouth Water District?”

This Act shall also be submitted to the Trustees of the Yarmouth Water District for a ratification vote at any trustees meeting.

This Act shall not take effect unless accepted by the Trustees of the Yarmouth Water District and by a majority of the legal voters of North Yarmouth voting at the election.

The results of the election shall be declared by the municipal officers of the Town of North Yarmouth and due certificate thereof shall be filed by the town clerk with the Secretary of State.

Sec. 13. Retroactivity; effective date. Sections 1 to 3 and sections 5 to 12 of this Act take effect March 7, 1990, and are retroactive to that date. Section 4 of this Act takes effect when the Secretary of State receives valid notice of dissolution and termination pursuant to section 9.

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

Effective April 6, 1990.

CHAPTER 112

S.P. 746 - L.D. 1950

An Act to Authorize the Annexation of Land Adjacent to the Town of East Millinocket

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 East Millinocket requires the annexation of adjacent lands for the proper operation of municipal government, including road maintenance, public safety, and utilities management; 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. One lot or parcel of land; annexed to the Town of East Millinocket. The following lot or parcel of land bounded and described as follows and situated adjacent to the Town of East Millinocket in Penobscot County is annexed to the Town of East Millinocket:

Beginning at a point on the north town line of TA R7 WELS at the center or thread of Dolby Pond (Flowage); thence easterly by and along the north town line a distance of one thousand nine hundred (1,900) feet, more or less, to the northwest corner of the Town of East Millinocket; thence southerly by and along the west town line of East Millinocket a distance of two and one-quarter (2-1/4) miles, more or less, to a point in the center or thread of the West Branch of the Penobscot River; thence northwesterly by said center or thread a distance of three-quarter (3/4) miles, more or less, to the center or thread of Dolby Pond (Flowage); thence northerly by and along the center or thread of Dolby Pond (Flowage) a distance of one and three-quarter (1-3/4) miles, more or less, to the point of beginning. Said parcel contains 521 acres, more or less.

Sec. 2. One lot or parcel of land; annexed to the Town of East Millinocket. The following lot or parcel of land bounded and described as follows and situated adjacent to the Town of East Millinocket in Penobscot County is annexed to the Town of East Millinocket:

Beginning at a point on the west town line of East Millinocket at the center of the thread of the West Branch of the Penobscot River and immediately before that west town line turns southeasterly along the center or thread of the West Branch of the Penobscot River; thence southerly by the west town line of East Millinocket a distance of twenty eight thousand five hundred ninety eight (28,598) feet, more or less, to the south township line of TA R7 WELS; thence easterly by and along the south township line of TA R7 WELS a distance of thirteen thousand eight hundred sixty (13,860) feet, more or less, to the west town line of Medway;

thence northerly by and along the west town line of Medway a distance of twelve thousand four hundred seventy four (12,474) feet, 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 sixteen thousand six hundred ninety eight (16,698) feet, more or less, to the point of beginning.

Sec. 3. Planning costs to be absorbed by the Town of East Millinocket. All costs associated with the transfer of jurisdiction over lands in Township A, Range 7 WELS from the Maine Land Use Regulation Commission to the Town of East Millinocket must be borne by the Town of East Millinocket.

Sec. 4. Referendum; emergency clause; effective date. This Act shall be submitted to the legal voters in the Town of East Millinocket and Township A, Range 7 WELS in Penobscot County at the next regular municipal election after the passage of this Act for the purposes of voting on the annexation described in section 1, and at the 2nd regular municipal election after passage of this Act for the purposes of voting on the annexation described in section 2, and warrants shall be issued for that election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of the town and township to vote on the approval or rejection of this Act.

The subject matter of this Act shall be presented at the town meeting in the form of the following question:

"Shall the Town of East Millinocket annex certain portions of Township A, Range 7 WELS in Penobscot County?"

The voters of TA R7 WELS present at the meeting shall be given one of 2 township ballots, to be distinguished on the basis of the portion of the township proposed for annexation in which the voter resides. The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion on the question posed. The votes of legal voters of the Town of East Millinocket and each portion of Township A, Range 7 WELS proposed for annexation shall be separately counted, tallied and recorded.

In view of the emergency cited in the preamble, section 1 of this Act shall be considered approved upon its acceptance by a majority of the voters of East Millinocket and a majority of the voters of the portion of TA R7 WELS described in section 1. In view of the emergency cited in the preamble, section 2 of this Act shall be considered approved upon its acceptance by a majority of the voters of East Millinocket and if a majority of the voters of the portion of TA R7 WELS described in section 2 do not oppose annexation.

If the referendum fails, it may not be submitted again to the voters under the provisions of this Act.

The result of the votes shall be declared by the municipal officers of the town and due certificates thereof shall be filed by the town clerk with the Secretary of State within 10 days of the date of the vote.

Effective pending referendum.

CHAPTER 113

H.P. 1608 - L.D. 2221

An Act to Make Recommendations on the Governance of the Mackworth Island Public Trust Lands

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

Whereas, recreational pressures on Mackworth Island are increasing and creating conflicts among the users of this public trust land; 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. Legislative intent. It is the intent of the Legislature that the Mackworth Island public trust be governed according to the terms in the Deed of Gift of Mackworth Island, Private and Special Law 1943, chapter 1, and other words and writings of Governor Percival Proctor Baxter that refer to Mackworth Island. The Legislature interprets these documents to allow the use of the island for a wildlife sanctuary, appropriate public recreation and as a home for the Governor Baxter School for the Deaf. Each of these uses must be balanced to provide prudent management of the resources of the island, consideration for the special needs of the deaf community and appropriate measures for wildlife management.

Sec. 2. Draft management plan. The Bureau of Public Lands and the Department of Educational and Cultural Services shall jointly prepare a draft management plan for the Mackworth Island public trust by October 15, 1990. This draft plan must include recommendations for:

1. Managing and protecting the natural and historical resources of the island, including the beaches, wildlife, wetlands, shell heaps and pet cemetery;
2. Managing recreational pressures on the island, including parking, pets, traffic, security and overuse;