

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

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES
 TOTAL \$34,559

FINANCE, DEPARTMENT OF
 Tree Growth Tax Reimbursement
 All Other (\$5,100)
 Deappropriates funds no longer required for Plantation E.

DEPARTMENT OF FINANCE
 TOTAL (\$5,100)

TOTAL APPROPRIATIONS \$27,459

Sec. 7. Referendum; certificate to Secretary of State. Notwithstanding Title 30-A, section 7209, the board of assessors of the plantation shall submit this Act to the legal voters of Plantation E by ballot at a special election to be held in May after passage of this Act. This election must be called, advertised and conducted according to the Maine Revised Statutes, Title 30-A, sections 2528 and 2532. The plantation clerk shall prepare the required ballots on which the clerk shall reduce the subject matter of this Act to the following question:

“Shall Plantation E be deorganized?”

The voters shall indicate their opinion on this question by a cross or check mark placed against the word “Yes” or “No.” Before becoming effective, this Act must be approved by at least 2/3 of the legal voters voting at the special election, and the total number of votes cast for and against the acceptance of this Act at the election must equal or exceed 50% of the total number of votes cast in the plantation for Governor at the last gubernatorial election.

The board of assessors of Plantation E shall declare the result of the vote. The plantation clerk shall file a certificate of the election result with the Secretary of State within 10 days from the date of the election.

Emergency clause. In view of the emergency cited in the preamble, section 7 of this Act takes effect when approved. Sections 1 to 6 take effect on July 1, 1990, if deorganization is approved by the voters of Plantation E pursuant to section 7.

Effective pending referendum, unless otherwise indicated.

CHAPTER 116

S.P. 984 - L.D. 2447

An Act to Ratify the Results of a Municipal Referendum Authorizing the Annexation of Cove Point Township by the Town of Greenville

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

Whereas, Private and Special Law 1987, chapter 117, provided that, upon submission to the voters of Greenville for their approval at the next regular municipal election after its effective date, a parcel of land in Cove Point Township would be annexed to the Town of Greenville; and

Whereas, the voters of Greenville voted on the annexation at a special town meeting held on November 8, 1988; and

Whereas, questions have been raised about the efficacy of the November 8, 1988 special town meeting to satisfy the condition of approval at the next regular municipal election; and

Whereas, the Legislature finds that the purpose of the referendum approval required by the law was fulfilled; 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 findings. Private and Special Law 1987, chapter 117, provided that, upon submission to the voters of Greenville for their approval at the next regular municipal election after its effective date and approval at that referendum, a parcel of land in Cove Point Township would be annexed to the Town of Greenville, the parcel bounded and described as follows: on the south by the Town of Greenville and on the west, north and east by Moosehead Lake, and being the same property as shown on a survey map dated 1915 and recorded in Plan Book 3, Page 3, in the Piscataquis County Registry of Deeds.

The Legislature finds that by warrant duly issued in the manner provided by law for the holding of municipal elections the voters of Greenville were instructed to vote on acceptance or rejection of Private and Special Law 1987, chapter 117, at a special town meeting held on November 8, 1988, at the time and place at which the general election for state offices was held and that at such time and place the voters of Greenville approved annexing the above described parcel to the Town of Greenville by a vote of 628 “Yes” to 280 “No,” such total number of votes for and against annexation being greater than 50% of the total votes cast for all candidates for Governor in Greenville at the last gubernatorial election.

The Legislature finds that on November 8, 1988, there were no legal voters in Cove Point Township.

In order to address questions that have been raised about the efficacy of the November 8, 1988, special town meeting to satisfy the condition of approval at the next regular municipal election, the Legislature finds that the purpose of the referendum approval required by Private and Special Law 1987, chapter 117, to determine the will of a majority of the voters of Greenville on the annexation was fulfilled by the election held on November 8, 1988.

The Legislature further finds that in fact the results of that election were declared by the municipal officers of the town and a due certificate of the results was filed by the town clerk with the Secretary of State within 10 days of the date of the vote.

Sec. 2. Referendum; ratification. The issuance of warrants for and the holding of a special town meeting or election by and for the Town of Greenville on November 8, 1988, to vote on the proposition "Shall the Town of Greenville annex a portion of Cove Point Township in Piscataquis County?" in the manner and form in which such actions were taken by the Town of Greenville and the vote certified to the Secretary of State are ratified and approved as compliance with the referendum requirement and all other requirements for the taking effect of Private and Special Law 1987, chapter 117; that from and after November 8, 1988, Private and Special Law 1987, chapter 117, has been in effect; and from and after such date the lot or parcel of land described in that law has been annexed to the Town of Greenville.

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

Effective April 10, 1990.

CHAPTER 117

S.P. 917 - L.D. 2323

An Act to Create the Winter Harbor Water District

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

Whereas, it is imperative that the Town of Winter Harbor establish a water district as soon as possible in order to purchase the Winter Harbor Water Company and take necessary action to comply with requirements of the federally mandated water quality standards without further delay; 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. Territorial limits; corporate name; purposes. The inhabitants and territory of the Town of Winter Harbor in the County of Hancock shall constitute a quasi-municipal corporation under the name of "Winter Harbor Water District" for the purpose of supplying the town and the inhabitants and others of the district with pure water for domestic, sanitary, commercial, industrial, agricultural and municipal purposes.

Sec. 2. Powers of Winter Harbor Water District. The Winter Harbor Water District, for the purposes of its incorporation, may take, collect, store, flow, use, divert, distribute and convey to the district, or any part of the district, water from any source approved by the Department of Human Services, natural or artificial, within the area of the Town of Winter Harbor and from any other source from which the Winter Harbor Water Company may take water. It may also locate, construct and maintain aqueducts, pipes, conduits, dams, wells, reservoirs, standpipes, hydrants, pumping stations and other necessary structures and equipment therefor, and do anything necessary to furnish water for public purposes and for the public health, comfort and convenience of the inhabitants and others of the district, 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 objectives set forth in this Act are granted to the district created by this Act.

Sec. 3. Authorized to lay mains, pipes, conduits and other water conveyances through public ways and across private lands. The district may lay in and through the streets, roads, ways, highways and bridges in the Town of Winter Harbor and across private lands in the Town of Winter Harbor and maintain, repair and replace, all such pipes, mains, conduits, aqueducts and fixtures and appurtenances as may be necessary and convenient for its corporate purposes and, whenever the district shall lay any pipes, mains, 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, at its own expense, without unnecessary delay, shall cause the earth and pavement removed by it to be replaced in proper condition.

Sec. 4. Authorized to erect dams and reservoirs; to cross navigable waters; to supply water to utilities. The water district, for the purposes of its incorporation, may erect and maintain all dams, reservoirs and structures necessary and convenient for its corporate purposes. The water district may lay, construct and maintain its pipes and fixtures in, over and under navigable waters and build and maintain structures therefor, subject to the laws of the United States. The water district may supply water to any public utility now supplying water in the