

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

1. Make ongoing MaineCare payments for services being rendered during the current fiscal year; or

2. Provide partial settlements for hospital fiscal years 2004 and later to certain hospitals in need of such relief in order to relieve financial hardship.

The department shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 20

H.P. 762 - L.D. 1044

An Act To Address Eating Disorders in Maine

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

Sec. 1. Eating disorders initiative. The Department of Health and Human Services, Maine Center for Disease Control and Prevention shall begin an eating disorders initiative to provide education and assistance to residents of the State suffering from eating disorders. The initiative must be designed to reduce the prevalence and long-term emotional and medical consequences of eating disorders and increase the cost-effectiveness of appropriate treatment, public awareness and coordination of treatment resources. The initiative must be undertaken using existing resources within the department of \$38,500 per year. The department shall report to the Joint Standing Committee on Health and Human Services by May 1, 2008 on the implementation of the eating disorders initiative.

See title page for effective date.

CHAPTER 21

H.P. 559 - L.D. 738

An Act To Assist the Community Affected by the Closure of the Cutler Naval Base

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

Whereas, portions of the former naval base in Cutler have been abandoned and unused for many years and this Act is likely to encourage prompt redevelopment of the base; and

Whereas, prompt redevelopment of this former naval base could provide many jobs in an area of high unemployment and enhance the general economy of the State; 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. Cutler naval base; alternative project costs. In order to induce the successful redevelopment of the former naval base in the Town of Cutler, the Commissioner of Economic and Community Development is authorized to consider and approve an expanded range of costs as authorized project costs under the Maine Revised Statutes, Title 30-A, section 5225, subsection 1 that may be funded with tax increment financing revenues under a municipal development district.

If the commissioner determines, upon review of an application for amendment or initial approval of one or more development districts located at the former Cutler naval base, that the Town of Cutler lacks adequate uses for tax increment financing revenue authorized under Title 30-A, section 5225, subsection 1 or that the applicant would not undertake the development program but for the availability of tax increment financing revenues as outlined in the development program, the commissioner must consider and may approve alternative project costs. Alternative project costs include, but are not limited to:

1. School costs. The expenditure of tax increment financing revenues to finance and improve the schools used by residents of the Town of Cutler to make the former Cutler naval base more attractive for residential and commercial development; and

2. Public improvements. The expenditure of tax increment financing revenues for facilities, buildings or portions of buildings used predominantly for the provision of fire, police and emergency response services that are related to the development project or for buildings or open space used predominantly as community recreation facilities that are related to the development project. The commissioner may not authorize the expenditure of tax increment financing revenues for facilities, buildings, portions of buildings or open space used predominantly for the general conduct of local government.

Notwithstanding Title 30-A, section 5227, subsection 3, paragraph D, the corresponding amount of local valuation relating to alternative project costs approved by the commissioner must be included as part

of the captured assessed value if approved by the commissioner.

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

Effective June 20, 2007.

CHAPTER 22

S.P. 621 - L.D. 1754

**An Act To Incorporate the
Greater Augusta Utility
District**

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

PART A

Sec. A-1. Territorial limits; corporate name, purpose. The inhabitants and territory of the City of Augusta and the City of Hallowell constitute a body politic and corporate under the name of the Greater Augusta Utility District, referred to in this Part as "the district," for the following purposes:

1. To supply pure water for domestic and municipal purposes to the City of Augusta, the Town of Manchester and the Togus VA Medical Center. The district may also supply water to portions of the City of Hallowell as the trustees of the Hallowell Water District may consent and to portions of the Town of Chelsea as its municipal officers may consent. The district is authorized to supply water under the rights and duties established under this Act in that portion of the Town of Winthrop known as East Winthrop and along its existing pipeline;

2. To construct, maintain, operate and provide the sewers with all their appurtenances, but not stormwater drainage provided under subsection 3, inside the City of Augusta, the City of Hallowell, the Town of Chelsea and all that area in the Town of Farmingdale lying westerly of a line 1,000 feet easterly of and parallel to the Blaine Road beginning at the Hallowell-Farmingdale line and extending to a point 1,000 feet south of Bowman Street and lying northerly of a line that begins at the southerly end of the first line and extends at right angles to the west line of the Town of Farmingdale; to extend, increase, enlarge and improve the sewers; to extend the present system or systems to furnish sewerage facilities to portions of the City of Augusta, the City of Hallowell, the Town of Chelsea and that portion of the Town of Farmingdale described in this subsection not now served with sewerage facilities; to provide for removal of sewage and to provide for treatment of sewage in whole or in part before discharging it into rivers when and if sewage treatment becomes necessary; and generally to provide a system

of sewerage for public purposes and for the health and comfort and convenience of the inhabitants of the district; and

3. To construct, maintain, operate and provide the stormwater drainage system with all its appurtenances in the City of Augusta only; to extend, increase, enlarge and improve the drains; to extend the present system or systems to furnish stormwater drainage facilities to only the portions of the City of Augusta not now served with stormwater drainage facilities; to provide for surface drainage; and to provide a system of stormwater drainage for public purposes and for the health and comfort and convenience of the inhabitants of the City of Augusta.

Notwithstanding the requirements of the Maine Revised Statutes, Title 35-A, section 6401, subsection 2, paragraphs A and B, the following provisions do not apply to the district: Title 35-A, section 6401, subsection 3; section 6410, subsection 5; and section 6416.

Sec. A-2. Powers and authority. The district has the following powers and authority.

1. The district is authorized for the purposes provided in section 1 to take and hold sufficient water of the Kennebec River, Carleton Pond and Lake Cobbosseecontee and from any other source within the authorized service area of the district and may take and hold by purchase or otherwise any land or real estate necessary for erecting dams, power stations and reservoirs and for preserving the purity of the water and watershed and for laying and maintaining aqueducts for the taking, discharging and disposing of water.

The district, for the purposes of its incorporation, is authorized to take and hold, by purchase or otherwise, any land, real estate or water rights necessary for dams, for flowage, for power, for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and watershed and for laying and maintaining aqueducts and other structures for taking, distributing, discharging and disposing of water and for rights-of-way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and lands.

The district is further authorized to increase the storage of Carleton Pond and to erect and maintain all proper structures for that purpose.

The district is authorized to lay in and through streets and highways and across private lands and to repair and replace all pipes, aqueducts and fixtures as may be necessary and convenient for its corporate purposes, and whenever the district lays any pipes or aqueducts in any street or highway it shall do so with as little obstruction as possible 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.