

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
2007

CHAPTER 32

H.P. 1460 - L.D. 2076

**An Act To Amend the Charter
of the Norway Water District**

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

Whereas, the description of the territory of the Norway Water District in its charter does not accurately reflect its current service area; and

Whereas, the Charter of the Norway Water District needs to be amended to reflect changes that are current practice; 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 P&SL 1941, c. 55, §1 is repealed and the following enacted in its place:

Sec. 1. Territorial limits; name; purposes.
The Town of Norway and its inhabitants constitute a water district under the name of the Norway Water District, referred to in this Act as "the district," for the purpose of supplying the inhabitants of the district with pure water for domestic, sanitary, commercial and municipal purposes.

Sec. 2. P&SL 1941, c. 55, §1-A is enacted to read:

Sec. 1-A. Provide service to South Paris.
The district is authorized to provide water service to the residents of Alpine Street in South Paris who are customers of the district.

Sec. 3. P&SL 1941, c. 55, §7, 2nd ¶ is repealed and the following enacted in its place:

The trustees are entitled to \$400 per year unless otherwise provided by vote pursuant to this section.

Sec. 4. P&SL 1941, c. 55, §10 is amended to read:

Sec. 10. District and town authorized to make contracts. ~~Said~~ The district through its trustees is authorized to contract with persons and corporations, including the ~~town~~ Town of Norway, and ~~said town~~ the Town of Norway is authorized to contract with ~~it~~ the district, for the supply of water for municipal purposes. The district is authorized to enter into contracts with the Oxford Water District to operate the Oxford Water District.

Sec. 5. P&SL 1941, c. 55, §16 is repealed and the following enacted in its place:

Sec. 16. Rates. The rates established pursuant to this section must be sufficient to provide revenue for the purposes of this Act and for all other purposes of the corporation. The rates must be established in accordance with the Maine Revised Statutes, Title 35-A, section 6105 to provide for the purposes set forth in that section.

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

Effective February 14, 2008.

CHAPTER 33

S.P. 759 - L.D. 1965

**An Act To Amend the
Lucerne-in-Maine Village
Corporation Charter**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. P&SL 1927, c. 43, §1, as amended by P&SL 1989, c. 57, is further amended by adding before the next-to-last paragraph a new paragraph to read:

Also another certain lot or parcel of land 33 feet in width situated in the Town of Dedham, County of Hancock and State of Maine, located 16.5 feet on each

side of the centerline of the existing traveled way leading from Upper Dedham Road to Hurd Point on the westerly shore of Phillips Lake, more particularly described as follows: beginning at the southeasterly end of the roadway as now maintained by the Town of Dedham, which point is approximately 1,180 feet southeasterly from the Upper Dedham Road, so called, and which point is approximately located with reference to the Maine State Coordinate System of 1983, East Zone, as $x = 949,630$ feet; $y = 379,669$ feet; thence southeasterly following the centerline of said road a distance of 6,235 feet, more or less, to the westerly boundary of the Lucerne-in-Maine Village Corporation as described by this section, which point is approximately located with reference to the Maine State Coordinate System of 1983, East Zone, at $x = 953,669$ feet; $y = 375,700$ feet.

See title page for effective date.

CHAPTER 34

S.P. 807 - L.D. 2117

An Act To Create the Starboard Water District

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

Whereas, water in the Town of Machiasport has been contaminated from a former radar transmission station and this poses a serious threat to the health and well-being of the inhabitants in the area; and

Whereas, an adequate supply of water is essential to the health and well-being of the inhabitants of the Town of Machiasport; 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. Pursuant to the Maine Revised Statutes, Title 35-A, chapter 64, that part of the Town of Machiasport described as follows: starting at a point located at $44^{\circ}37.32'N$ $067^{\circ}23.4'W$, thence west to a point located at $44^{\circ}37.32'N$ $067^{\circ}24.3'W$, thence northwesterly to Hickey Road at a point located at $44^{\circ}37.6'N$ $067^{\circ}24.38'W$, thence following Hickey Road northeasterly to a point located at $44^{\circ}38.14'N$ $067^{\circ}23.7'W$, thence northerly to a point located at $44^{\circ}39.4'N$ $067^{\circ}23.4'W$, thence east to a point located at $44^{\circ}39.4'N$ 067°

$23.09'W$, thence southeast to Smalls Point Road at a point located at $44^{\circ}38.91'N$ $067^{\circ}22.96'W$, thence following Smalls Point Road southeasterly to a point located at $44^{\circ}38.56'N$ $067^{\circ}22.83'W$, thence southeasterly across Bucks Neck to a point located at $44^{\circ}38.48'N$ $067^{\circ}22.8'W$, thence southwesterly across Bucks Harbor to a point located at $44^{\circ}38.21'N$ $067^{\circ}22.88'W$, thence south to a point located at $44^{\circ}37.71'N$ $067^{\circ}22.9'W$, thence southwesterly to the starting point; and its inhabitants constitute a standard district under the name "Starboard Water District," referred to in this Act as "the district."

Sec. 2. Powers; authority; duties. The district has all the powers and authority and is subject to all the requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64.

Sec. 3. Power to take water. For purposes of its incorporation, the district is authorized to use the water on property owned by the district and has the authority to negotiate for water outside the district but within the Town of Machiasport.

Sec. 4. Number of trustees. The board of trustees of the district is composed of 5 trustees.

Sec. 5. Election of first board. The first board is elected in an election called by the municipal officers of the Town of Machiasport within 6 months of approval of this Act by the voters in accordance with this Act. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410.

Sec. 6. Terms of trustees. After the election of the first board, trustees are elected to 3-year terms.

Sec. 7. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the territory described in section 1 of this Act at an election called for that purpose and held by July 1, 2010. The election must be called by the municipal officers of the town and be held at the regular voting places. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The subject matter of this Act is reduced to the following question:

"Do you favor creating the Starboard Water District?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the Town of Machiasport and due certificate