

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

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

of the results filed by the clerk with the Secretary of State.

This Act takes effect for all purposes immediately upon its approval by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section, as long as the referenda are held prior to July 1, 2010.

Effective pending referendum.

CHAPTER 35

S.P. 422 - L.D. 1221

An Act To Amend the Charter of the Kennebunk Light and Power District

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

Sec. 1. P&SL 1951, c. 53, §3 is repealed and the following enacted in its place:

Sec. 3. Territorial limits. The territorial limits within which the district may sell, distribute and furnish electricity for light, heat and power to individuals, partnerships, firms and corporations are the entire territory of the Town of Kennebunk; and the territorial limits of the Kennebunk Light and Power District include those parts of the Town of Lyman, the Town of Wells and the Town of Arundel, formerly known as North Kennebunkport, that the Kennebunk Light and Power District was providing service on November 7, 2006 and may include in addition those portions of the Town of Lyman, the Town of Wells and the Town of Arundel in which at the time no other public utility was furnishing electric service. Extension of service by the district to any area of the Town of Kennebunk beyond the territory served by the district on November 7, 2006, may not occur unless the district has acquired by purchase the plants, properties, rights, privileges and franchises of any other public utility furnishing electric service to the public in that area of the Town of Kennebunk. Notwithstanding the Maine Revised Statutes, Title 35-A, sections 2102, 2105 and 2110 as amended, extension of service by the district within the Town of Kennebunk is not subject to the consent of the Public Utilities Commission. Extension of service by the district within the Town of Lyman, the Town of Wells and the Town of Arundel after November 7, 2006 is subject to the consent of the Public Utilities Commission in accordance with the Maine Revised Statutes, Title 35-A, sections 2102, 2105 and 2110 as amended.

Sec. 2. P&SL 1951, c. 53, §4 is amended to read:

Sec. 4. Power of sale and purchase. The Kennebunk Light and Power District is authorized to acquire by purchase the plants, properties, rights, privileges and franchises of any public utility now furnishing electric service to the public within the territorial limits of the district and after acquisition shall have, hold, exercise and enjoy in its own name all of the plants, properties, rights, privileges and franchises as though originally granted to it, and the public utility is authorized to convey its plants, properties, rights, privileges and franchises to the Kennebunk Light and Power District. Any public utility now furnishing electric service to the public within the territorial limits of said the district is hereby authorized to acquire by purchase the plants, properties, rights, privileges and franchises of the Kennebunk Light and Power District and after acquisition shall have, hold, exercise and enjoy in its own name all of said plants, properties, rights, privileges and franchises as though originally granted to it, and said the Kennebunk Light and Power District is hereby authorized to convey its plants, properties, rights, privileges and franchises to such the public utility.

Sec. 3. Stranded costs. If the Kennebunk Light and Power District purchases the plants, properties, rights, privileges and franchises of a public utility pursuant to Private and Special Law 1951, chapter 53, section 4, as amended by this Act, the district shall pay to the utility an amount to be determined by the Public Utilities Commission to be a reasonable allocation of the utility's stranded costs. The Public Utilities Commission shall make its determination of the amount the district must pay based on the commission's initial determination of the utility's stranded costs pursuant to the Maine Revised Statutes, Title 35-A, section 3208. Beginning on the date of purchase, the Kennebunk Light and Power District becomes liable for those stranded costs allocated to the district by the Public Utilities Commission under this Act. The method and timing of payments by the district to the utility must be established by agreement between the district and the utility or, agreement failing, on a schedule determined by the Public Utilities Commission.

Sec. 4. Resolve disagreements; independent appraisal. The Public Utilities Commission is authorized to resolve by hearing and order:

1. Any disagreement or dispute between the Kennebunk Light and Power District, referred to in this section as "the district," and any public utility as to the valuation of facilities that the district seeks to acquire under Private and Special Law 1951, chapter 53, section 4, as amended by this Act;

2. Any disagreement or dispute between the district and the public utility regarding payment to compensate the public utility's remaining customers for costs incurred as a result of the migration of customers to the district as the result of any acquisition of facili-