

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

and personal property, or lease or sublease the same, or enter into contracts with private companies, for the purpose of providing public transportation and support services, such as providing for parking, and for such purpose contract with the federal, state and municipal governments for donations, loans, grants, gifts or other assistance and in such contracts agree to be bound by all applicable provisions of federal, state and municipal statutes and regulations as the case may be.

**Sec. 4. P&SL 1981, c. 22, §10** is amended to read:

**Sec. 10. Powers.** The district may acquire by purchase any properties, stock, franchises, rights and privileges of the owners of Casco Bay Lines. For the purpose of providing necessary and convenient transportation to its service area, the district may also purchase other properties necessary for providing transportation and support services such as providing for parking.

See title page for effective date.

**CHAPTER 4**

**H.P. 588 - L.D. 857**

**An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 32**

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

**Whereas,** on December 12, 2007 the State Board of Education granted concept approval to School Administrative District No. 32 for a school construction project to construct and equip a new prekindergarten to grade 12 school in the Town of Ashland and approved \$22,057,929 as the total cost for that project with \$20,217,001 in indebtedness approved for a state and local debt service subsidy and \$1,720,928 in indebtedness approved as local-only debt and the remainder of the project to be financed through a Maine High Performance Schools energy grant not to exceed \$120,000; and

**Whereas,** on January 31, 2008 at a district referendum the voters of School Administrative District No. 32 approved the school construction project by a vote of 789 in favor and 38 opposed; and

**Whereas,** on June 11, 2008 the State Board of Education granted site preparation design and funding approval for phase I of the school construction project with a total approved project bonded indebtedness not to exceed \$21,937,929; and

**Whereas,** on August 12, 2008 the State Board of Education granted design and funding approval for that school construction project with total approved project bonded indebtedness not to exceed \$21,937,929; and

**Whereas,** pursuant to the Maine Revised Statutes, Title 20-A, section 1311, subsection 6, the aggregate principal amount of outstanding bonds or notes issued by a school administrative district for school construction purposes may not exceed, at any one time, 10% of the total of the last preceding state valuation of all the municipalities within the district, plus an amount not to exceed 4% of that total district valuation set by the State Board of Education at the time of the initial approval of a school construction project; and

**Whereas,** at the time that the State Board of Education approved the School Administrative District No. 32 school construction project, the total indebtedness authorized for the school construction project exceeded the limits on indebtedness established by the Maine Revised Statutes, Title 20-A, section 1311, subsection 6; and

**Whereas,** the 2009 state valuation of all municipalities in School Administrative District No. 32 is \$176,750,000; and

**Whereas,** the total indebtedness authorized by the State Board of Education for the School Administrative District No. 32 school construction project in the amount of \$21,937,929 is within 10% plus 4% of the 2009 state valuation of all municipalities in School Administrative District No. 32; and

**Whereas,** School Administrative District No. 32 has signed a construction contract and borrowed funds in anticipation of the issuance of permanent bonds to finance the school construction project; and

**Whereas,** legislative validation of the proceedings of the State Board of Education and the referendum on the school construction project conducted by School Administrative District No. 32 and legislative authorization for School Administrative District No. 32 to issue permanent bonds for the school construction project is required in order for School Administrative District No. 32 to issue bonds in the amount necessary to complete the school construction project; 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. Validation and authorization.** Notwithstanding the Maine Revised Statutes, Title 20-A, section 1311, subsection 6 and any other provision of

law, the concept approval and the design and funding approvals granted by the State Board of Education to School Administrative District No. 32 for a school construction project to construct and equip a prekindergarten to grade 12 school in the Town of Ashland and the school construction referendum on that project conducted on January 31, 2008 and all subsequent bond anticipation borrowings by the district for that school construction project are validated and the district is authorized to issue bonds or notes in the name of the district for school construction purposes in an amount not to exceed \$21,937,929 to construct and equip that school construction project.

**Sec. 2. Retroactivity.** This Act applies retroactively to December 12, 2007.

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

Effective April 13, 2009.

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## CHAPTER 5

### H.P. 218 - L.D. 275

#### An Act To Amend the Charter of the Limestone Water and Sewer 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 amendments proposed in this bill are necessary for the Limestone Water and Sewer District and the Loring Development Authority of Maine to proceed with the upgrade of the Greater Limestone Wastewater Treatment Facility; and

**Whereas,** the American Recovery and Reinvestment Act of 2009 was signed by the President on February 17, 2009, and within 120 days of signature the Department of Environmental Protection must obligate 50% of the \$30,000,000 allotted to the State for wastewater projects, such as the proposed upgrade to the Greater Limestone Wastewater Treatment Facility; and

**Whereas,** priority ranking for the wastewater project funding is a function of the project's readiness to proceed, and the readiness of the Greater Limestone Wastewater Treatment Facility project depends on the amendments contained in this Act; 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 preserva-

tion 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 1957, c. 59, §8-A** is enacted to read:

**Sec. 8-A. Wastewater facility board.** If the district acquires title to the Greater Limestone Wastewater Treatment Facility, the board of trustees is expanded to form the Greater Limestone Wastewater Treatment Facility Board, referred to in this section as "the wastewater facility board," when the board of trustees considers those matters pertaining to the management and oversight of the Greater Limestone Wastewater Treatment Facility.

**1. Composition of wastewater facility board.** The wastewater facility board consists of the 3 members of the board of trustees and 2 appointed members. One appointed member must be appointed by the trustees of the Loring Development Authority of Maine, and one appointed member must be a member of the Limestone Board of Selectpeople appointed by the selectpeople. The 2 appointed members serve without compensation and serve at the pleasure of their appointing entities and may be removed without cause by their appointing entities at any time.

**2. Function of wastewater facility board.** Whenever the board of trustees takes up matters concerning the management and oversight of the Greater Limestone Wastewater Treatment Facility, the board of trustees shall sit as the wastewater facility board. At such times, the appointed members of the wastewater facility board are entitled to sit with the board of trustees and to speak and vote on those matters specifically relating to the Greater Limestone Wastewater Treatment Facility, including, but not limited to, operation and maintenance of that facility, compliance with environmental regulations applicable to that facility, rate changes and changes in the terms and conditions of wastewater service provided by the district to the Loring Development Authority of Maine.

**Sec. 2. P&SL 1957, c. 59, §12, first sentence,** as amended by P&SL 1981, c. 40, is further amended to read:

For accomplishing the purposes of this act ~~said~~ the district, through its trustees, is authorized to borrow money temporarily in an amount not to exceed \$1,500,000 ~~\$8,000,000~~, and to issue ~~therefor~~ for the borrowing of money the interest-bearing negotiable notes of the district and for the purpose of refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under this act ~~Act~~, including the expenses incurred in the creation of the district, in reimbursing ~~said~~ the town, in acquiring the ~~aforsaid~~ properties, privileges and franchises of the Limestone Water and Sewer Company, its successors