

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.

Augusta, Maine
2009

law to the contrary, a participating municipality may by vote of its legislative body authorize the exercise by the district on behalf of the participating municipality of any or all of the powers granted to the participating municipality to collect such rates and charges from the users of the sewer system of the participating municipality as provided in this Act, however, nothing in this section may be construed to permit the transfer by a participating municipality to the district of the right to make or collect assessments authorized by Title 30-A, chapter 161, subchapter 1, or any private and special law authorizing a participating municipality to make or collect such assessments.

In the event the user of the sewer system of the district or municipality fails within reasonable time to pay the statement of rates, fees or charges submitted by the district to the user, the district has the power to disconnect the water service of the user, notwithstanding any rule or statute to the contrary, as long as the action by the district is accomplished in accordance with the procedures set forth in applicable statutes and rules for the disconnection of utility services.

Nothing in the contract authorized under this section may affect in any way the unconditional obligation of the participating municipality to pay its share of the district's costs apportioned and certified as provided in section 13.

Sec. 12. P&SL 1907, c. 433, §18, 2nd ¶, as amended by P&SL 2001, c. 56, §2, is further amended to read:

Trustees are elected for a term of 5 years at elections as described in this paragraph. ~~Trustees elected from the City of Portland are elected at the City of Portland's regular municipal elections in November.~~ Trustees elected from the City of Portland, the City of South Portland, the Town of Cape Elizabeth, the City of Westbrook, the Town of Gorham and the Town of Scarborough, the Town of Windham and the Town of Raymond are elected at elections on the first Tuesday after the first Monday of November. The trustee elected from the Town of Cumberland and the Town of Falmouth is elected on a mutually coincident municipal election date in the Town of Cumberland and the Town of Falmouth in June, but, if there is not a mutually coincident municipal election date, then on the 2nd Tuesday of June. ~~The trustee elected from the Town of Raymond and the Town of Windham is elected on the date of municipal elections in the Town of Windham in June. The Town of Raymond shall hold a special town meeting to elect the trustee on the same day that the Town of Windham holds its election to elect the trustee.~~ Costs for any trustee election held concurrently with a federal, state or municipal election are divided between the municipality and the district. When there is a division of costs, the district is responsible for the costs proportional to the total number of

offices and referenda issues voted upon at the election. If an election for a trustee results in a tie vote, the other trustees shall select the person who becomes a trustee.

Sec. 13. P&SL 1907, c. 433, §18, 6th ¶, as amended by P&SL 1979, c. 26, §2, is further amended to read:

The municipal clerks shall present the returns of their respective municipalities to the clerk of the district not later than 5 days after ~~said~~ the elections. The trustees shall at the ~~annual~~ first regular business meeting after the election determine and declare the successful candidates of each area.

Sec. 14. P&SL 1907, c. 433, §26 is enacted to read:

Sec. 26. Provision of administrative services to nonparticipating municipalities. The district is authorized to enter into contracts with nonparticipating municipalities, governmental entities or water and sewer utilities for the purposes of providing administrative services. Services may include but are not limited to billing services, accounting services and other administrative services related to water and sewer operations.

See title page for effective date.

CHAPTER 19

S.P. 170 - L.D. 467

An Act To Exempt School Administrative District 12, School Union 37 and School Union 60 from the Laws Requiring School Administration Consolidation

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 Maine Revised Statutes, Title 20-A, chapter 103-A requires the reorganization of school administrative units into regional state-approved units of administration; and

Whereas, the requirement for a minimum number of students is impractical for School Administrative District 12, School Union 37 and School Union 60 due to geographic isolation; 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. Exemption from school regionalization requirements. Notwithstanding the Maine Revised Statutes, Title 20-A, chapter 103-A and Public Law 2007, chapter 240, Part XXXX as amended by Public Law 2007, chapter 668, School Administrative District 12, serving the towns of Jackman and Moose River; School Union 37, serving the Town of Rangeley, Dallas Plantation, Lincoln Plantation, Magalloway Plantation, Rangeley Plantation and Sandy River Plantation; and School Union 60, serving the towns of Greenville, Shirley, Beaver Cove and Willimantic and Kingsbury Plantation are not required to join other towns to form a regional school unit with a student population exceeding 1,200.

In administering the Maine Revised Statutes, Title 20-A, chapter 103-A and for the purposes of implementing Public Law 2007, chapter 240, Part XXXX, section 36 as amended by Public Law 2007, chapter 668, the Commissioner of Education shall consider the towns of Jackman and Moose River together, the towns and plantations comprising Union 37 together and the towns and plantations comprising Union 60 together to be geographically isolated and provide to those towns exemptions from and accommodations to Title 20-A, chapter 103-A similar to those provided coastal islands.

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

Effective June 2, 2009.

CHAPTER 20
H.P. 921 - L.D. 1318

**An Act To Create the Hancock
Pond 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 residents of the towns of Madison and Anson are in immediate need of forming a quasi-municipal regional entity to supply potable water within those towns; 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, section 6403, subsection 1, paragraphs A and B and subject to section 8 of this Act, the territory and the inhabitants of the Town of Madison and the Town of Anson constitute a standard water district under the name "Hancock Pond Water District," referred to in this Act as "the district."

Sec. 2. Powers; authority; duties. Except as otherwise expressly provided in this Act, 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, and is authorized to perform all acts and to do all things necessary or convenient to carry out the purposes and powers provided in this Act or reasonably implied from those purposes and powers.

Sec. 3. Authority to take water and locate, construct and maintain dams, reservoirs, pipes, aqueducts and other structures and improvements. Notwithstanding any provision in the Maine Revised Statutes, Title 35-A, section 6404 to the contrary, the district has the power and authority to take, hold and convey water and to locate facilities as set forth in this section. The district is authorized to take, to hold and to convey within the Town of Madison and the Town of Anson and from any part of those towns water from any surface and groundwater source within the towns, including without limitation the Kennebec River, Wesserunsett Lake, also known as Hayden Lake, and Marshall's Pond. Pursuant to Title 35-A, section 6403, subsection 2, paragraph D, the district is authorized to take, to hold and to convey within the Town of Embden water from Hancock Pond, Sand Pond, Black Hill Pond, Mill Stream and Embden Pond and any of the tributary lakes and streams of those ponds and that stream. The district is authorized to erect, maintain and operate dams, reservoirs, gates, hydrants, standpipes and all other structures and improvements necessary or convenient for accomplishing the purposes of this Act and to lay down, maintain and operate pipes, aqueducts and all other structures and improvements necessary or convenient for accumulating, conducting, discharging, distributing and disbursing water, for forming proper reservoirs for those purposes and for accomplishing the purposes of this Act. Pursuant to the Maine Revised Statutes, Title 35-A, section 6403, subsection 2, paragraphs F and G, the district is authorized to supply, furnish or otherwise provide water within the Town of Embden pursuant to contract and to construct, locate, acquire, equip, maintain and operate facilities and all other structures and improvements necessary or convenient for accomplishing those purposes. Pursuant to the Maine Revised Statutes, Title 35-A, section 6403, subsection 2, paragraph F, the