

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
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Augusta, Maine
2010

PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
2009

CHAPTER 27

H.P. 1055 - L.D. 1506

**An Act To Authorize Maine
Media College To Confer the
Degree of Master of Fine Arts**

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

Whereas, authorization by the Legislature is required for any institution of higher education to confer academic, educational, literary or professional degrees, upon the recommendation of the State Board of Education; and

Whereas, Private and Special Law 2009, chapter 9 granted approval of degree-granting authority until June 30, 2010 to Maine Media College; and

Whereas, this legislation confers degree-granting authority beyond June 30, 2010; 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. Degree. Maine Media College may confer the degree of Master of Fine Arts upon all students who successfully complete the course of study prescribed by the school.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect June 30, 2010.

Effective June 30, 2010.

CHAPTER 28

H.P. 1099 - L.D. 1557

**An Act To Raise the
Indebtedness Limit of the
Eagle Lake Water and Sewer
District**

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

Sec. 1. P&SL 1955, c. 162, §8, first sentence, as amended by P&SL 1977, c. 51, §1, is further amended to read:

For accomplishing the purposes of this Act, ~~said~~ the district, through its trustees, is authorized to borrow money temporarily, 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 the provisions of this Act, including the expenses incurred in the creation of the district, of securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant and sewerage and drainage system and making extensions, additions and improvements to the same, the ~~said~~ district, through its trustees, may from time to time issue bonds of the district to an amount not exceeding ~~\$2,500,000~~ \$3,500,000.

See title page for effective date.

CHAPTER 29

H.P. 1064 - L.D. 1515

**An Act To Amend the Charter
of the Caribou Utilities 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 Caribou Utilities District needs immediate authority to contract with persons inside and outside the district to provide for disposal of sewage and commercial and industrial wastewater; 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 1945, c. 83, §10-A is enacted to read:

Sec. 10-A. Contracts for disposal of sewage. The district may contract with persons, corporations, districts and other municipalities, both inside and outside the boundaries of the district and with the State of Maine and the United States Government or any agency of either, to provide for disposal of sewage and commercial and industrial waste and storm and surface water through the district's system and through the system of any such person, corporation, district or other municipality; and every other district and municipality of the State of Maine is authorized to contract with the district for the collection, distribution, treatment and disposal of sewage and commercial and industrial waste and storm and surface water, and for said purposes any such municipality may raise money as for other municipal charges.

Sec. 2. P&SL 1945, c. 83, §16-C is enacted to read:

Sec. 16-C. Authority to disconnect water for nonpayment of sewer service. Notwithstanding any other provision of law, in the event a user of the district's sewer system fails within a reasonable time to pay the district's rates, fees or charges for service, the district may disconnect water service to the user, as long as the disconnection is accomplished in accordance with procedures established in applicable law or rules governing disconnection of utility services and terms and conditions approved by the Public Utilities Commission.

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

Effective March 1, 2010.

CHAPTER 30

H.P. 1171 - L.D. 1643

An Act To Facilitate the Involvement of the Office of the Public Advocate in the FairPoint Communications Bankruptcy Case

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

Whereas, FairPoint Communications has filed for Chapter 11 bankruptcy protection in United States Bankruptcy Court, Southern District of New York in Manhattan; and

Whereas, the interests of Maine customers, other users of FairPoint's network in Maine and certain state agencies, including the Department of Public Safety, the Maine Emergency Management Agency and the

Office of the Governor, are at risk of being ignored or not given proper consideration by the bankruptcy court if the Office of the Public Advocate, on behalf of Maine telecommunications providers' ratepayers and other Maine public interests, does not have sufficient financial resources to cover the costs necessary to be actively involved in the resolution of the FairPoint bankruptcy proceeding; and

Whereas, the FairPoint bankruptcy case is currently underway in New York City, and the immediate and active involvement of the Office of the Public Advocate and its bankruptcy attorney is necessary in order to engage in the proceedings and negotiations that will lead to a settlement in the case, either through a settlement agreement or a judgment by the bankruptcy judge; and

Whereas, without the timely availability of sufficient funds for the Office of the Public Advocate to carry on an active and aggressive effort to advance and protect Maine's public interest in this proceeding, there is a real risk that the resources needed to ensure that the necessary repairs to FairPoint's OSS/BSS back office systems may not be set aside by the bankruptcy court and reserved for these critically important repairs; 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. Office of the Public Advocate; special assessment on telecommunications entities. Notwithstanding any other provision of law, in fiscal year 2009-10, every telecommunications entity subject to an assessment under the Maine Revised Statutes, Title 35-A, section 116, subsection 8 is subject to an additional assessment on its intrastate gross operating revenues sufficient to produce \$100,000 total. The revenues produced from this assessment are transferred to the Public Advocate Regulatory Fund and may only be used for the costs associated with representing Maine telecommunications ratepayers and Maine's public interests in the FairPoint Communications bankruptcy proceedings in United States Bankruptcy Court, Southern District of New York.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC ADVOCATE

Public Advocate 0410

Initiative: Provides an allocation for expenditures anticipated in FairPoint Communications bankruptcy