

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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**  
**JULY 12, 2010**

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

---

---

**Augusta, Maine**  
**2010**

**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

proceedings for retention of outside counsel and related costs.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$100,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$100,000	\$0

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

Effective March 1, 2010.

## CHAPTER 31 H.P. 858 - L.D. 1239

### An Act To Provide Funding To Educate Homeowners in Integrated Pest Management

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

**Sec. 1. Transfer from the Board of Pesticides Control to University of Maine Cooperative Extension.** Notwithstanding any other provision of law, the State Controller shall transfer \$50,000 by August 1, 2010 from the Board of Pesticides Control program, Other Special Revenue Funds account within the Department of Agriculture, Food and Rural Resources to the UM Cooperative Extension - Pesticide Education program, Other Special Revenue Funds account within the University of Maine System.

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

#### UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

#### UM Cooperative Extension - Pesticide Education Z059

Initiative: Allocates one-time funds for the homeowner integrated pest management education program. The university may not assess facilities or administration charges on this grant.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$50,000

OTHER SPECIAL	\$0	\$50,000
REVENUE FUNDS TOTAL		

See title page for effective date.

## CHAPTER 32 S.P. 607 - L.D. 1601

### An Act To Create the Lincolnvile Sewer District

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

**Sec. 1. Territorial limits; corporate name; purpose.** The territory of the Town of Lincolnvile described as follows: Beginning at a point on the shore of the Atlantic Ocean at the ferry terminal 44° 16' 49.4826" latitude and -69° 0' 21.4128" longitude; thence in a southwesterly direction 44° 16' 40.7856" latitude and -69° 0' 36.9390" longitude to Route 1 at Dickenson; thence in a northwesterly direction 44° 17' 9.1032" latitude and -69° 0' 58.3740" longitude to Route 173; thence in a northeasterly direction 44° 17' 18.1284" latitude and -69° 0' 30.3336" longitude to Route 1 at Windsor Chair; thence in a southeasterly direction 44° 17' 12.8904" latitude and -69° 0' 18.4328" longitude to the shore of the Atlantic Ocean; thence southerly along the shore to the point of beginning; and its inhabitants constitute a body politic and corporate under the name of Lincolnvile Sewer District, referred to in this Act as "the district," for the purpose of supplying the town and its inhabitants and others within the territory of the district with sewer and water services.

**Sec. 2. Powers as sewer district.** Except as otherwise expressly provided in this Act, the district, for the purposes of supplying the Town of Lincolnvile and its inhabitants and others within the territory of the district with sewer services, has all the powers, rights, privileges and authority and is subject to all the requirements and restrictions of a sanitary district formed under the Maine Revised Statutes, Title 38, chapter 11, except that sections 1062, 1101, 1102, 1103, 1104, 1105, 1106 and 1162 do not apply to the district and any notice of impending automatic foreclosure issued by the district pursuant to section 1208 must bear the name "Lincolnvile Sewer District" in all appropriate locations.

**Sec. 3. Powers and authority as water utility.** Except as otherwise expressly provided in this Act, the district, for the purposes of performing the functions of a water utility, has all the powers, rights, privileges and authority and is subject to all the requirements and restrictions of a standard water district