

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

This Part takes effect for all purposes immediately upon its approval by a majority of the legal voters of each town 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 within 2 years of the effective date of this Act.

PART B

Sec. B-1. P&SL 2001, c. 15, §5, sub-§4-A is enacted to read:

Sec. 4-A. Municipal officers; trustees. Notwithstanding section 5, subsection 4 and the Maine Revised Statutes, Title 35-A, section 6410, subsection 3, municipal officers of the towns within the district are eligible for nomination and election as trustees of the district.

Sec. B-2. Emergency clause; referenda; effective date. In view of the emergency cited in the preamble, this Part takes effect when approved only for the purpose of permitting its submission to the legal voters within the territory of the district. This Part may be submitted to the legal voters within the Town of Boothbay, the Town of Boothbay Harbor and the Town of Southport, only if Part A of this Act takes effect pursuant to the referendum in that Part, at each town's annual election or a special election called for that purpose within 2 years after the effective date of this Act. The election must be called by the municipal officers of the respective towns and must be held at the regular voting places. The election must be called, advertised and conducted according to the law relating to municipal elections. The registrars shall make a complete list of all the eligible voters of the district. The list prepared by the registrars governs the eligibility of a voter. For the purpose of registration of voters, the registrars of voters must be in session the secular day preceding the election. The subject matter of this Part is reduced to the following question:

"Do you favor allowing municipal officers of the towns of the Boothbay Region Water District to be eligible for nomination and election as trustees of the Boothbay Region Water District?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the Town of Boothbay Harbor, the Town of Boothbay and the Town of Southport and due certificate of the results filed by the clerks with the Secretary of State.

This Part takes effect for all purposes immediately upon its approval by a majority of the legal voters of each town voting at the election. Failure to achieve the necessary approval in any referendum does not pro-

hibit subsequent referenda consistent with this section as long as the referenda are held within 2 years of the effective date of this Act.

Effective pending referendum.

CHAPTER 26

H.P. 1363 - L.D. 1842

An Act To Amend the Charter of the Bingham Water District and To Direct That Certain Issues Be Studied

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 Bingham Water District has lost a significant portion of its customer base in the last few years; and

Whereas, the Bingham Water District has invested in infrastructure improvements for its customers; and

Whereas, the debt obligations of the Bingham Water District are increasingly difficult to meet with fewer customers; 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:

PART A

Sec. A-1. P&SL 1911, c. 13, §6, 2nd ¶ is repealed and the following enacted in its place:

Each member is entitled to compensation as recommended by the trustees and approved by a majority vote of the municipal officers of the Town of Bingham and Concord Township. Certification of the vote must be recorded with the Secretary of State and recorded in the bylaws.

Sec. A-2. P&SL 1911, c. 13, §6, last ¶ is amended to read:

The ~~said~~ water district, at any legal meeting ~~thereof~~ called for the purpose, may adopt such ~~by-laws~~ bylaws and provisions, not inconsistent with the constitution and laws of this ~~state~~ State and of the United States, as they ~~may deem~~ determine expedient and necessary for the good government and regulation of the municipal affairs of ~~said~~ the water district; ~~in~~

~~which case, such by laws. The bylaws and provisions so adopted shall apply to said the water district as fully, to for all intents and purposes, as the other provisions of this act, subject to alterations and additions only by a two-thirds simple majority vote of the legal voters of said the water district present and voting at a legal meeting thereof called for the purpose.~~

PART B

Sec. B-1. Public Utilities Commission to examine certain issues. The Public Utilities Commission shall convene a stakeholder group to examine financial issues related to the loss of customers by water utilities and the effect the loss has on the utilities' ability to pay for infrastructure as well as the effects on remaining customers. The commission shall invite participation from a broad range of interested entities. The stakeholder group shall examine whether there are appropriate means by which contributions to system costs may be collected from customers who discontinue service or from property owners whose property has been served or may be served by the system and if so how the collection may be done in a manner that is just and reasonable. The group may also examine readiness-to-service charges and requirements to take service or other mechanisms and shall seek to develop appropriate models for addressing issues created by the loss of customers by water utilities. The commission shall report the findings and recommendations of the stakeholder group, together with the commission's analysis of those findings and recommendations, and any proposals of the stakeholder group for changes to law to implement its recommendations to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by February 15, 2013. The committee may report out a bill on the subject matter of the report to the First Regular Session of the 126th Legislature.

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

Effective April 12, 2012.

CHAPTER 27

H.P. 1403 - L.D. 1901

An Act To Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority

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

Sec. 1. P&SL 1967, c. 92, §14, first ¶, as amended by P&SL 2001, c. 6, §1, is further amended to read:

Sec. 14. Lewiston-Auburn Water Pollution Control Board. The authority is under the management and direction of a board of directors, which is known as the Lewiston-Auburn Water Pollution Control Board, also referred to as "the board" or "the board of the authority." The board consists of 7 members. The director of the Lewiston Department of Public Works, the City Administrator or acting City Administrator of the City of Lewiston or ~~the Assistant City Administrator, if designated by the City Administrator or serving as acting City Administrator during a vacancy in the office of another employee of the City of Lewiston designated by the City Administrator~~ the superintendent and the president of the Auburn Sewerage District and the City Manager or acting City Manager of the City of Auburn or ~~the Assistant City Manager, if designated by the City Manager or serving as acting City Manager during a vacancy in the office of another employee of the City of Auburn designated by the City Manager,~~ are members of the board by virtue of their respective offices. If the president of the Auburn Sewerage District Trustees declines to serve or resigns as a member of the board of the authority, the president shall select another trustee to serve for the remainder of the term. Notice of the appointment must be given in writing by the clerk of the Auburn Sewerage District to the board of the authority. The Mayor of Lewiston shall appoint, subject to confirmation of the city council, a qualified voter of the City of Lewiston to serve for a 2-year term on the board of the authority and thereafter until a successor takes office. In the event that either the Lewiston resident so selected or the appointee of the president of the Auburn Sewerage District ceases to be a resident of that person's respective city, or dies, becomes incapacitated, or otherwise ceases to be a member of the Auburn Sewerage District Trustees, or if the president of the Auburn Sewerage District dies or becomes incapacitated while serving on the board of the authority, a successor must be elected to serve out the remainder of the term by the Mayor and City Council of Lewiston or the Auburn Sewerage District Trustees, as the case may be.

See title page for effective date.

CHAPTER 28

H.P. 1414 - L.D. 1910

An Act To Allow the Town of Fort Kent To Create a Downtown Tax Increment Financing District Using the Current Assessed Value of the Downtown

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until