

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co.
Augusta, Maine
1981

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

and

FIFTH SPECIAL SESSION

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

trict. This charter shall take effect only upon an affirmative vote by a majority of those voting on the question.

Effective July 13, 1982, unless otherwise indicated.

CHAPTER 104

H.P. 2119 - L.D. 2041

AN ACT to Amend the Charter of the Lincoln Water District.

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

Sec. 1. P&SL 1949, c. 116, §1 is amended to read:

Sec. 1. Territorial limits; corporate name; purposes. That part of the The town of Lincoln in the county of Penobscot and the people and territory within the same known as Township 2 and Township 3 shall be, and hereby are, constituted a public municipal corporation under the name of the "Lincoln Water District" for the purpose of supplying the inhabitants of said town or any part of said town with pure water for domestic, sanitary and municipal purposes.

Provided, however, that it shall not construct any system of pipe lines or development, without first having submitted its plans to the public utilities commission, and obtained its advice therefor in writing, under power vested in said commission by section 13 of chapter 40 of the revised statutes of 1944 Department of Human Services and the Public Utilities Commission, as provided in the Revised Statutes, Title 22, chapter 601, subchapter II, and the Revised Statutes, Title 35, section 13.

Sec. 2. P&SL 1949, c. 116, §2, as amended by P&SL 1973, c. 190, §1, is further amended to read:

Sec. 2. Powers of said Lincoln Water District. The said district, for the purposes of its incorporation, is hereby authorized to take, hold, divert, use and distribute water from any lake, pond, river, surface or underground brook, spring or vein of water in said town of Lincoln or

elsewhere, for public purposes and for the health, comfort and convenience of the inhabitants of said district.

Sec. 3. P&SL 1949, c. 116, §3, first ¶, as amended by P&SL 1973, c. 190, §2, is further amended to read:

The said district, for the purposes of its incorporation, is hereby authorized to take and hold as for public uses, real estate and personal estate, and any interest therein necessary for such purposes, by purchase, lease or otherwise, and is hereby authorized to exercise the right of eminent domain, as hereinafter provided, to acquire for such purposes any land or interest therein or water rights necessary for erecting and maintaining dams, plants and works, for flowage, for power, for pumping, for supplying water through its mains, for reservoirs, for preserving the purity of the water and watershed, for laying and maintaining mains, aqueducts and other structures for taking and, distributing, discharging and disposing of water, for forming basins and reservoirs, for the erection of buildings for pumping works for use therein, for laying pipes and maintaining same, and for laying and maintaining conduits for carrying, collecting, discharging and disposing of water, for filtering, rectifying, treating and disposal plants, works and facilities water, for such other objects necessary, convenient and proper for the purposes of its incorporation, and for rights-of-way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures, plants, works, facilities and lands.

Sec. 4. P&SL 1949, c. 116, §8, last sentence is amended to read:

During his term of office, no ~~selectman~~ town council member of said town of Lincoln shall serve as a member of the board of trustees of the district.

Sec. 5. P&SL 1949, c. 116, §9 is amended to read:

Sec. 9. Trustees; how elected; meetings; officers; vacancies filled for the unexpired term. The 1st board of trustees shall be appointed by the municipal officers of the town of Lincoln within 10 days after the acceptance of this act by the voters of said district, 1 to serve until the 1st annual meeting of the district, 1 until the 2nd, and 1 until the 3rd such meeting. Thereafter, 1 One member shall be appointed by the municipal officers of the town of Lincoln at the time of each annual meeting to serve for a term of 3 years. As soon as convenient after their appointment, the trustees first appointed shall hold a meeting at some convenient place in the district, to be called by any member thereof, in writing, designating the time and place, and

delivered in hand to the other 2 members not less than 2 full days before the meeting; provided, however, that they meet by agreement and waiver without such notice. They shall then organize by the election of a chairman chairperson and clerk from their own number, adopt a corporate seal and ~~by-laws~~ bylaws, and perform any other acts within the powers delegated to them by law. As necessary, they may choose agents and other needful officers who shall serve at their pleasure, and whose compensation shall be fixed by said trustees. They shall choose annually every 3 years a treasurer to serve for a term of ~~4 year~~ 3 years, fix the treasurer's salary, which shall in no case exceed \$200 per year, and fill vacancies in that office. The treasurer shall furnish a bond, issued in such sum by a surety company as the trustees may approve, and the expense of securing the bond is to be borne by the district. Members of the board shall be eligible to any office under the board, but shall not receive compensation therefor, except as trustee, unless authorized by vote of the municipal officers of the town of Lincoln.

The compensation of the trustees shall not exceed \$50 each per year, unless otherwise provided by vote, as above defined. The trustees shall receive compensation as recommended by them and approved by a majority of the town councillors of the town of Lincoln. Said compensation shall not exceed \$1,000 each per year.

The trustees shall be sworn to the faithful performance of their duties as such, which shall include the duties of any member as clerk or clerk pro tempore. They shall make and publish an annual report, which shall also contain a report of the ~~treasurer~~ treasurer. Meetings will be held at such times and at such places as set out in the bylaws of the Lincoln Water District.

Sec. 6. P&SL 1949, c. 116, §10 is amended to read:

Sec. 10. Annual meeting of district; qualification of voters of district. After the acceptance of this charter and the organization of the board, the annual meeting of the district shall be held within the district on the 1st Monday Tuesday of March, at such hour and place as may be designated by resolution of the board of trustees as provided in the ~~by-laws~~ bylaws. Notice thereof, signed by the chairman chairperson or clerk of the board, shall be conspicuously posted in 2 public places within the district, not less than 7 days before the meeting. Special meetings may be called by the board in like manner at any time, and notice of special meetings shall state the business to be transacted thereat. ~~Thirty-five voters qualified to vote in such meetings shall constitute a quorum.~~ If for any reason a legally

sufficient annual meeting is not held on the above date, a meeting in lieu thereof may be called in like manner to be held within 2 months from said date.

All persons resident in said district and qualified to vote for governor under the laws of this state shall be entitled to vote in at any meeting hearing of the district, including the meeting for acceptance of this charter.

Sec. 7. P&SL 1949, c. 116, §11 is amended to read:

Sec. 11. Trustees granted certain powers of Town Councillors. After the meeting of the voters of the district for acceptance of this charter, and after After the organization of the board under the provisions of section 9, the trustees shall have the same powers and perform the same duties as otherwise are exercised and performed by the selectmen councillors of towns in correcting and preparing lists of the persons qualified to vote in said district, and for that purpose they shall be in session at the place designated for holding the meeting hearing, between the hours of 10 o'clock in the forenoon and 12 o'clock noon on the secular day next before the date of every meeting hearing, and also 2 hours before the opening of the meeting hearing, and notice thereof shall be given in the call of the meeting hearing. All meetings of the district shall Every hearing of the Lincoln Water District may be presided over by a moderator chosen in the same manner and with the same authority as moderators of town meetings to be chosen by vote of those present.

Sec. 8. P&SL 1949, c. 116, §12 is amended to read:

Sec. 12. District and town authorized to make contracts. Said district through its trustees is authorized to contract with persons and corporations, including the town of Lincoln, and said town of Lincoln is authorized to contract with it, for the supply and treatment of water and sewerage facilities for municipal purposes.

Sec. 9. P&SL 1949, c. 116, §13, as last amended by P&SL 1975, c. 20, is further amended to read:

Sec. 13. Authorized to negotiate temporary loans; and to issue notes and bonds; declared a quasi-municipal corporation; notes and bonds legal investment for savings banks. For accomplishing the purposes of this act, said district, through its trustees, without the necessity of a vote of the inhabitants of said district, is authorized to borrow money temporarily from time to time, not exceeding \$2,000,000 and to issue therefor the interest-bearing negotiable notes of the district, maturing not later than one

year from their dates serially or otherwise, and to make subsequent renewals of the same in whole or in part, and for said purposes and for the purpose of refunding any notes, bonds or other lawful indebtedness to establish a fund therefor. For the purpose of refunding the indebtedness so created and for the purpose of obtaining or providing money to pay or to meet any necessary expenses and liabilities under the provisions of this Act, including expenses in the creation of this district, in securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant and sewage disposal system and making extensions, additions and improvements to the same, the said district, through its trustees, without the necessity of a vote of the inhabitants of said district, may from time to time issue bonds or notes of the district, maturing at one time or in uniform or varying installments, with or without call provisions and to an amount necessary in the judgment of the trustees therefor, provided, that such bonds or notes issued by the district at any one time outstanding shall not exceed \$2,000,000 in aggregate principal amount maturing at one time or in uniform or varying installments, and with or without call provisions. Said notes and bonds shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1954, chapter 90-A, section 23, as enacted by section 1 of chapter 405 of the public laws of 1957, Title 35, section 171, et seq. The said notes and bonds shall be legal investments for savings banks.

Sec. 10. P&SL 1949, c. 116, §15 is amended to read:

Sec. 15. **Water rates; application of revenue; sinking fund.** All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates established by said board of trustees for the service used by them, and said rates shall be uniform within the territory supplied by the district, and the water rates shall be subject to the approval of the public utilities commission. Said water and sewer service rates shall be so established as to provide revenue for the following purposes:

I. To pay current expenses for operating and maintaining the water distribution system and sewer system to provide for normal renewal and replacement thereof.

II. To provide for the payment of the interest on the indebtedness created by the district.

III. To provide each year a sum equal to not less than ~~1%~~ 2% nor more than ~~5%~~ 10% of the entire indebtedness

created by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district or invested in such securities as savings banks or fiduciaries or trustees are now or hereafter allowed to hold. Provided, however, that the trustees may, in their discretion and in lieu of the establishment of a sinking fund, issue the bonds of the district so that not less than ~~1%~~ 2% of the amount of the bonds so issued shall mature and be retired each year.

IV. If any surplus remains at the end of the year, it may be turned into the sinking fund.

Sec. 11. P&SL 1949, c. 116, §16, as amended by P&SL 1973, c. 190, §4, is repealed.

Sec. 12. P&SL 1949, c. 116, §§17 and 18 are repealed.

Sec. 13. P&SL 1949, c. 116, §19 is amended to read:

Sec. 19. Existing statutes not affected; rights conferred subject to provisions of law. Nothing herein contained is intended to repeal, or shall be construed as repealing, the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter 40 of the revised statutes of 1944 the Revised Statutes, Title 35 and all acts amendatory thereof or additional thereto.

Sec. 14. P&SL 1949, c. 116, §§20 and 21 are repealed.

Effective July 13, 1982.

CHAPTER 105

S.P. 786 - L.D. 1851

AN ACT Authorizing Husson College to Confer
a Degree of Bachelor of Science in Nursing.

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