

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE

FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
and
FIRST SPECIAL SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
1983

district for sewer purposes is liable to pay twice the amount of the damage to the district, to be recovered in any proper action and that person is guilty of a Class E crime.

Effective September 23, 1983.

CHAPTER 13

H.P. 129 - L.D. 137

AN ACT Amending the Charter of the
Aroostook Prestile Treatment District and
the Charter of the Presque Isle
Sewer District to Authorize the Withdrawal
of Municipalities from the Aroostook
Prestile Treatment District.

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

Sec. 1. P&SL 1937, c. 80, §4, 2nd ¶, as amended by P&SL 1963, c. 67, is further amended to read:

Commencing at a granite monument, being the southeast corner of the Town of Mapleton and the northeast corner of the Town of Chapman; thence proceeding in an easterly direction along a line with a true bearing of north ninety (90) degrees east until said line intersects the center line of the Center Line Road in the City of Presque Isle; thence proceeding in a northerly direction along the center line of said Center Line Road until the projection of said center line intersects the high water line on the south side of the Aroostook River; thence proceeding in a northwesterly direction along the high water line on the south side of the Aroostook River to its intersection with a true east-west line said line being "y" coordinate one million forty-eight thousand five hundred (1,048,500) on the Maine Transverse Mercator System (East Zone); thence proceeding westerly along said "y" coordinate line to its intersection with the east line of the Town of Mapleton; thence proceeding southerly along the said east line of the Town of Mapleton to the southeast corner of the Town of Mapleton and the place of beginning; is hereby created a body politic and corporate by the name of Presque Isle Sewer District for the purpose of providing collecting and treating sewage in said district a system of public sewerage and drainage for the comfort, convenience and health of the inhabitants of said district, with all the rights, privi-

leges and immunities incident to similar corporations.

Sec. 2. P&SL 1937, c. 80, §4, last paragraph, as amended by P&SL 1963, c. 67, is repealed.

Sec. 3. P&SL 1973, c. 95, § 1, as amended by P&SL 1975, c. 54, is further amended by adding at the end a new sentence to read:

The district shall have all such powers, rights, privileges and immunities as may be necessary for the accomplishment of the aforesaid purposes, whether or not such powers are hereinafter specifically given.

Sec. 4. P&SL 1973, c. 95, §11, as repealed and replaced by P&SL 1977, c. 4, is amended by adding at the end a new paragraph to read:

In the event any of the people and territory of the district withdraw from the district pursuant to section 23, the trustees appointed solely by the municipal officials representing the withdrawing people and territory or by the quasi-municipal sewer district serving the withdrawing people and territory or by an industrial user located in the withdrawing territory shall cease to serve as trustees once the withdrawal is approved by the board of trustees of the district. No vacancy may occur upon that resignation.

Sec. 5. P&SL 1973, c. 95, §12, first sentence, as repealed and replaced by P&SL 1977, c. 4, is amended to read:

A quorum of the trustees able to conduct any business shall be ~~7 in number~~ a majority of the trustees; all votes shall be by a majority of those present and voting.

Sec. 6. P&SL 1973, c. 95, as last amended by P&SL 1977, c. 4, is further amended by adding at the end a new section to read:

Sec. 23. Withdrawal of municipality. The city council of Presque Isle, the city council of Caribou, or the selectmen of Easton may, on behalf of the people and territory from which they are elected, upon 90 days written notice to the district, request in writing to withdraw from the district. The trustees shall vote on any request within 30 days after the request is received by the district and such withdrawal shall take effect upon approval by a majority vote of the trustees of the district present and voting, including those trustees representing the people and territory requesting withdrawal.

The people and territory, through their elected municipal officials, and any quasi-municipal sewer district serving the withdrawing people and territory and any industrial user located in the withdrawing territory shall negotiate in good faith with the district over the terms of the withdrawal. Prior to the trustees' vote, either the municipality, comprised of the withdrawing people and territory, or the quasi-municipal sewer district serving all or part of the withdrawing people and territory shall agree in writing to assume, in the event the trustees approve the withdrawal, all debts, duties and obligations of the district, existing as of the date of the trustees' approval, which are related to any sewage treatment facility located or to be located within the withdrawing territory and shall also agree to indemnify and hold the district harmless, in the event the trustees approve the withdrawal, from and against any and all claims, demands or obligations arising out of or in connection with the debts, duties and obligations being assumed, and further the district shall agree to indemnify and hold the party assuming the debts, duties and obligations referred to in this paragraph harmless, in the event the trustees approve the withdrawal, from and against any and all claims, demands or obligations arising out of or in connection with any debts, duties or obligations of the district not assumed by the withdrawing member municipality.

Nothing in this Act shall be construed to authorize any act which impairs any contractual obligations within the meaning of the prohibitions against such acts contained in the Constitution of Maine, Article I, Section 11 and the United States Constitution, Article I, Section 10.

Upon the approval of the request for withdrawal by majority vote of the trustees, the district shall have no further authority to act in the municipality comprised of the withdrawing people and territory.

Sec. 7. Acquisition of facility upon withdrawal.
Upon the withdrawal of any portion of the people and territory of Aroostook Prestile Treatment District therefrom, the municipality comprised of the withdrawing people and territory or a quasi-municipal sewer district serving all or part of that municipality, if one exists, shall have the authority to plan, acquire facilities for, construct, operate, maintain or improve a sewage treatment plant or plants, interceptor and collector lines, sewers, pumping stations and other facilities necessarily incident thereto within the municipality comprised of the withdrawing people and territory.

Sec. 8. Presque Isle Sewer District reinvested with authority upon withdrawal from Aroostook Prestile Treatment District. In the event the people and territory of the City of Presque Isle withdraw from Aroostook Prestile Treatment District pursuant to this Act, Presque Isle Sewer District, originally incorporated pursuant to Private and Special Law 1925, chapter 80, as amended, and as reincorporated by Private and Special Law 1937, chapter 80, is hereby reinvested with all authority granted to it prior to the date of incorporation of the Aroostook Prestile Treatment District pursuant to Private and Special Law 1973, chapter 95. Furthermore, all acts and actions done and performed heretofore by Presque Isle Sewer District, pursuant to the above referenced statutes, are hereby authorized and ratified.

Effective September 23, 1983.

CHAPTER 14

H.P. 274 - L.D. 334

AN ACT to Ratify Dedication of Fort Sumner Park in the City of Portland.

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

Sec. 1. Dedication of certain lands for park and recreational uses. The action of the city council of the City of Portland of January 3, 1983, dedicating the property described in this Act for perpetual use for park and recreational purposes, subject to ratification by the 111th Legislature, is ratified and approved. This property shall remain and be used solely for park and recreational purposes in perpetuity.

Sec. 2. Description. This Act refers only to that certain piece of land located in the City of Portland, commonly known as Fort Sumner Park, and described more particularly as follows:

Beginning at a point on the westerly right of way line of North Street, said point being S 19° 57' 40" E, 429.32' from a monument marking the southerly right of way line of Walnut Street and said westerly line of North Street; thence S 69° 48' 42" W, 168.23' along a wrought iron fence and the southerly line of Jacqueline Price as described in Deed Book 4404, Page 190, to an iron fence