

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

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

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

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**PRIVATE AND  
SPECIAL LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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meeting, whenever practical; the notification shall include time and location, by the same or faster means used to notify the members of the agency conducting the public proceeding. The minutes of any emergency meeting shall state the reason for the meeting.

Sec. 7. P&SL 1955, c. 69, §13 is repealed and the following enacted in its place:

Sec. 13. Registration of voters of the district. The preparation and correction of lists of the persons qualified to vote in the district shall be the responsibility of the registrar of the Town of Kennebunk as defined in the Maine Revised Statutes, Title 21-A, section 1, subsection 38, and shall be performed under the same procedure governing the preparation and correction of lists of persons qualified to vote in town elections. All meetings of the district shall be presided over by a moderator chosen in the same manner and with the same authority as moderators of town meetings.

Sec. 8. P&SL 1955, c. 69, §19-A is enacted to read:

Sec. 19-A. District personnel records. The personnel records of the district shall be confidential to the same extent as municipal records pursuant to the Maine Revised Statutes, Title 30, section 2257, subsection 1 and the records shall be reviewable by employees of the district to the same extent and in the same manner as is provided for municipal personnel records pursuant to the Maine Revised Statutes, Title 30, section 2257, subsection 2.

Effective July 16, 1986.

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## CHAPTER 98

H.P. 1312 - L.D. 1828

AN ACT to Establish the Lubec Port Authority.

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

Whereas, Lubec is vitally in need of economic stimulus, and improvement of wharves, docks and warehouses is immediately necessary; and

Whereas, it is desirable for the residents of Lubec to vote on this matter at the earliest possible moment; 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. Lubec Port Authority created. There is hereby created the Lubec Port Authority, which shall have the authority to acquire, construct, operate, maintain, repair and replace piers, terminal and warehouse facilities on the land and in the waters within the limits of the Town of Lubec.

There shall be a board of 5 directors who shall exercise the powers and duties of the authority.

The 5 directors must be residents of Lubec and shall be elected by a majority of the legal voters voting at a regular or special municipal election for a term of 3 years, provided that at the first election under this section, one director shall be elected for one year, 2 for 2 years and 2 for 3 years. Directors shall begin their terms of office immediately following their election and shall serve until their successors have been duly elected and qualified.

Vacancies that may occur by death, resignation or otherwise shall be filled by appointment of the selectmen until a successor is elected at the next election of directors.

All directors shall be sworn to the faithful performance of their duties by the town clerk.

The members of the board of directors shall serve without compensation; but shall have the right to appoint assistants, agents, engineers, attorneys and other employees as they may deem necessary to carry out the purposes of this Act and shall determine their duties and compensation.

At each annual meeting, the directors shall elect from their membership a chairman, who shall serve until the next annual meeting or until his successor is chosen and is qualified. The time for the annual

meeting may be established in the bylaws promulgated by the directors.

The directors shall be the administrative officers of the authority and may employ assistants as they may deem necessary to carry out this Act. They shall make plans to obtain title to the wharf or wharves, or locations for the wharf or wharves, and they may acquire, construct, operate, maintain and repair piers, terminal and warehouse facilities on the land and in the waters within the limits of the Town of Lubec, as will in their judgment improve and increase the harbor, docking and warehousing facilities in Lubec. With the consent of a majority of the selectmen, the authority may take or acquire within the limits of the Town of Lubec real property, by purchase or otherwise, by gift or grant or by the exercise of the right of eminent domain pursuant to section 2, which right is expressly delegated to the Lubec Port Authority, and hold the real property and rights and easements therein as the directors may from time to time consider necessary for the purpose of constructing and maintaining the Lubec Port Authority piers, docks and warehouses, highways and other port facilities and shall further have the right to construct suitable buildings, filling stations, restaurants or other structures and have the authority to lease the same, upon the terms as the directors or a majority thereof may determine to be in the best interests of the authority, the proceeds from leases to accrue to the credit of the Lubec Port Authority. These wharves, buildings and property shall be exempt from taxation by the Town of Lubec, provided that this exemption shall not exempt any lessee or person in possession, other than the port authority, from taxes or assessments payable under the Maine Revised Statutes, Title 36, section 551. The authority shall submit annually, at the end of the fiscal year, a report to the municipal officers, showing all transactions and balances, together with any recommendations for the improvement and operation of the public landing and warehousing facilities. The board of directors may establish bylaws and all rules and regulations governing the operation and maintenance of the public landing and Lubec Port Authority; charge such fees as may, in their judgment, be necessary for parking, docking and storage privileges; contract for the construction of the wharf or wharves, warehouse or warehouses and borrow money for these purposes; arrange for its financing; and provide for its protection by insurance against damage by fire, water or wind and for any other casualty which the directors wish to insure against and for liability against injury to persons and property.

The directors may accept federal, state and private grants and contributions for the purposes of this Act.

Sec. 2. Right of eminent domain conferred; procedure. In order to take any property by right of eminent domain, the directors shall, within 90 days after voting for such action, file and cause to be recorded in the registry of deeds for the county in which the property to be taken is located a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same is to be taken, signed by a majority of the directors.

Notice of such proceedings shall be given to the owners of the property, if known, and the notice shall be published once a week for 3 weeks in a newspaper published regularly in the county where the land or easement is situated. The recording shall operate as a taking of the real estate and the rights and easements therein described.

A taking shall not be valid unless it is recorded in accordance with the provisions of this section.

In the event the owner of the land or easements does not consent to the taking of that property, the owner or other person beneficially interested in that property shall begin proceedings to protect their interests in the lands or easements in the Superior Court in the county where the lands are situated within 60 days after the recording of the plan. If the taking of the lands or easements are permanently enjoined by the Superior Court on proceedings instituted therefor, only damages which have been sustained shall be recoverable by the person whose lands were taken or attempted to be taken.

Sec. 3. Authorized to receive governmental aid; to borrow money; to issue bonds and notes. For accomplishing the purposes of this Act, the Lubec Port Authority, through its directors, without vote of the inhabitants, may receive municipal, state and federal aid grants. The port authority may reimburse the Town of Lubec for any expense incurred for the benefit of the port authority.

The port authority, through its directors, without the vote of its voters, may borrow money temporarily and issue therefor its negotiable notes, for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under this Act, including orga-

nizational and other necessary expenses and liabilities, whether incurred by the port authority or the Town of Lubec.

The port authority, through its directors, may issue bonds, notes or other evidences of indebtedness of the port authority, in such amounts, bearing such interest and having such terms as the directors shall determine, provided that issuance of bonds and notes shall be in accordance with this section.

In the event that the directors vote to authorize bonds or notes, the estimated cost of which, singly or in the aggregate included in any one financing, is \$150,000 or more adjusted, relative to 1986 as the base year according to the annual Consumer Price Index, as defined in the Maine Revised Statutes, Title 5, section 1001, subsection 6-A, the directors shall provide notice to the general public of the proposed bond or note issue and the purposes for which the debt is being issued. The notice shall be published at least once in a newspaper having general circulation in the district. The directors shall give notice to each rate-payer by mail.

No debt may be incurred under the vote of the directors until the expiration of 7 full days following the date on which the notice was first published and mailed. Prior to the expiration of the period, the directors shall call a special meeting for the purpose of permitting the collection of testimony from the public concerning the amount of debt so authorized.

Except for indebtedness the fund projects specifically mandated by the State Government and Federal Government, for debts in excess of the amount specified in this section, if requested by petition of not less than 50 of the voters or 5% of the voters of the municipality, whichever is greater, filed with the town clerk of Lubec on or before the date of the meeting, the meeting shall express approval or disapproval of the amount of debt authorized by the directors. If a majority of voters present and voting expresses disapproval of the amount of debt authorized by the directors, the debt shall not be incurred and the vote of the directors authorizing it shall be void and of no effect.

The bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the directors may determine. Bonds, notes or evidences of indebtedness may be issued with or without provisions for calling the same prior to



maturity and, if callable, may be made callable at par or at such premium as the directors may determine. All bonds, notes or other evidences of indebtedness shall have inscribed upon their faces the words "Lubec Port Authority," shall be signed by the treasurer, if any, and countersigned by the chairman of the port authority and, if coupon bonds are issued, the interest coupons attached thereto shall bear the facsimile signature of the treasurer or chairman.

All bonds, notes and evidences of indebtedness issued by the port authority shall be legal obligations of the port authority, which is declared to be a quasi-municipal corporation within the meaning of the Maine Revised Statutes, Title 30, section 5053, and all provisions of that section shall be applicable thereto.

The port authority may refund and reissue, in one or in separate series, its bonds, notes and other evidences of indebtedness and each authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by the port authority shall be legal investments for savings banks in this State and shall be free from taxation.

The total debt of the port authority outstanding at any one time shall not exceed \$1,000,000.

Sec. 4. Invalidity of any part not to affect validity of remainder of Act. If any clause, sentence, paragraph or part of this Act is for any reason adjudged by any court of competent jurisdiction to be invalid, that judgment shall be confined in its operation to the clause, sentence, paragraph or part directly involved in the controversy in which the judgment is rendered.

Sec. 5. Public lands. Notwithstanding any other provision of this Act, the powers and authority granted to the Lubec Port Authority shall not be construed as constituting a conveyance to the Lubec Port Authority of any right, title or interest in real or personal property of the State or of any agency or instrumentality of the State and shall not impair, modify or otherwise affect the powers and duties of the Bureau of Public Lands respecting the custody, management, control, disposition and receipt of money upon such disposition, of the State's submerged, intertidal and other public lands pursuant to the Maine Revised Statutes, Title 12, section 551 and the rules and policies adopted by such bureau in accordance with such laws.

Sec. 6. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of Lubec, voting at a regular or special election called and held for the purpose within 10 months after the approval of this Act. The election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the registrar of voters shall not be required to prepare for posting, nor the town clerk to post, a new list of voters, and for the purpose of registration of voters the registrar shall be in session the 3 secular days next preceding the election, the first 2 days thereof to be devoted to registration of voters and the last day to enable the registrar to verify the correction of the lists and to complete and close up his records of the sessions. The town clerk shall reduce the subject matter of this Act to the following question:

"Shall the Lubec Port Authority be created?"

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

Upon its acceptance by a majority of the legal voters voting at the election, this Act shall take effect for all the purposes hereof; provided that the total number of votes cast for and against the acceptance of this Act at the meeting equaled or exceeded 20% of the total number of votes cast for Governor in the town at the last gubernatorial election. Another election may be held, if the total number of votes cast in the first election does not equal or exceed 20%.

This Act shall take effect for all purposes hereof immediately upon its acceptance by a majority of the legal voters voting at the election. The result of the election shall be declared by the municipal officers of the Town of Lubec and due certificate filed by the town clerk with the Secretary of State.

Effective pending referendum.

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## CHAPTER 99

H.P. 1300 - L.D. 1816

AN ACT to Amend the Waterville Sewerage  
District Charter.