

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.

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

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

called, advertised and conducted according to the Maine Revised Statutes, Title 30, sections 2061 and 2065. The plantation clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question:

"Shall Plantation 14 be deorganized?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same. The Act shall be approved by a majority of the legal voters voting at the special election, provided that the total number of votes cast for and against the acceptance of this Act at the election equaled or exceeded 50% of the total number of votes cast in the plantation for Governor at the last gubernatorial election.

The result of the vote shall be declared by the board of assessors of Plantation 14 and due certificate shall be filed by the plantation clerk with the Secretary of State within 10 days from the date of that vote.

Emergency clause. In view of the emergency cited in the preamble, section 3 of this Act shall take effect when approved. Sections 1 and 2 of this Act shall take effect on April 30, 1986, if approved by a majority of the legal voters at the special election.

Effective pending referendum.

CHAPTER 102

H.P. 1602 - L.D. 2256

AN ACT to Amend the Charter of the Brunswick Sewer District.

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

Whereas, the Private and Special Law of 1981, chapter 103; amended and revised the Private and Special Law of 1947, chapter 77, incorporating the Brunswick Sewer District; and

Whereas, the Private and Special Law of 1981, chapter 103, section 31, subsection 4, as revised and amended provides as follows:

"Bonds, notes and other evidences of indebtedness shall be issued in accordance with the procedures and requirements of the Maine Revised Statutes, Title 38, section 1201, unless otherwise specified in this charter;" and

Whereas, in the Maine Revised Statutes, Title 38, section 1201, is part of the Maine Revised Statutes, Title 38, chapter 11, which regulates the formation of sanitary districts under the general laws of the State, and the Maine Revised Statutes, Title 38, section 1201, sets forth the powers of sanitary districts with respect to the issue of bonds and notes and the procedures to be followed in authorizing the same bonds and notes; and

Whereas, the Maine Revised Statutes, Title 38, chapter 12, applies to the sewer district created by private and special laws of the State and contains no provision comparable to the Maine Revised Statutes, Title 38, section 1201, since the charters of sewer districts created by private and special laws customarily include provisions with respect to the power to issue bonds and notes and the procedures to be followed in authorizing the same bonds and notes; and

Whereas, the Private and Special Law of 1981, chapter 103, section 31, as revised and amended, does contain provisions with respect to the power to issue bonds and notes of the district and the procedures to be followed in authorizing the same bonds and notes, which provisions in some instances are inconsistent with the provisions contained in the Maine Revised Statutes, Title 38, section 1201; 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. P&SL 1981, c. 103, §31, sub-§4 is amended to read:

4. General requirements for issuance of bonds and notes. Bonds, notes and other evidences of indebtedness shall be issued in accordance with the procedures and requirements of the Maine Revised

Statutes, Title 38, section 1201, subsections 1 to 9, unless otherwise specified in this charter. Authorization of bonds under the Maine Revised Statutes, Title 38, section 1201, subsection 1, shall not be subject to the Maine Revised Statutes, Title 38, section 1201, subsection 10, but shall instead be subject to subsection 5 of this section.

Sec. 2. P&SL 1981, c. 103, §31, sub-§5 is repealed and the following enacted in its place:

5. Public hearings and approval. In the event that the trustees vote to authorize bonds or notes, for any of the corporate purposes of a sanitary district, excluding notes payable within one year, notes in anticipation of bonds authorized pursuant to this section, notes in anticipation of the revenues to be collected or received in any year or notes in anticipation of the receipt of approved federal or state grants, the authorized amount of which, singly or in the aggregate included in any one financing, is \$150,000 or more, the trustees shall call a special district meeting for the purpose of collecting testimony from the public concerning the purpose and the amount of debt so authorized. Notice of the special district meeting stating the approximate amount of the debt and the purpose for which it is being issued shall be published not less than 7 full days prior to the date of the meeting in a newspaper having general circulation in the district and shall be mailed to each ratepayer in the district not later than the date of the publication. No debt may be incurred under the vote of the trustees until the expiration of 7 full days following the date of the special district meeting.

Except for debt to fund that part of any project which has been approved for grant financing by the State Government or Federal Government to meet the requirements of the United States Clean Water Act, Public Law 92-500, and the United States Code, Title 33, Section 1251, et seq., including any related facilities not eligible for that financing, but essential to the operation of the approved project as an integral system, for debts in excess of the amount specified in this section, the following petition and referendum procedure shall apply. If, on or before the 7th day following the date of the special district meeting, a petition signed by at least 5%, but not less than 50, of the registered voters of the district is filed with the clerk of the district requesting reference of the vote of the trustees to referendum, the clerk of the district shall call and

hold a special election of the voters of the district for the purpose of submitting to referendum vote a question of approving the vote of the trustees. The vote of the trustees shall be suspended until it has received approval by vote of a majority of the voters of the district voting on the question at the special election.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 11, 1986.

CHAPTER 103

S.P. 787 - L.D. 1980

AN ACT to Make Supplemental Allocations from the Ground Water Oil Clean-up Fund to Support Activities and Staff of the Board of Underground Oil Storage Tank Installers.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, the Board of Underground Oil Storage Tank Installers is required by the Maine Revised Statutes, Title 32, chapter 105, to certify individuals as underground tank installers by May 1, 1986, to ensure that all underground tanks are properly and safely installed within the State; and

Whereas, the Board of Underground Oil Storage Tank Installers is in immediate need of funding for expenses and for support staff in order to carry out its legislative mandate; and

Whereas, revenue from application fees will not be forthcoming in a timely fashion or in adequate levels to support the board's expenses and support staff; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of