

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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A. The district has no authority to set a water level regime for a body of water impounded by a dam which is exempt, under section 840, subsection 1, from the authority of the Board of Environmental Protection to set water level regimes.

B. The district's authority to set a water level regime for any water body within its boundaries and over any dams within its boundaries is subordinate to the authority of the Department of Environmental Protection under chapter 5, subchapter I, article 1, subarticle 1-B and article 3-A.

#### §2008. Budget meeting

The trustees of a watershed district shall annually before June 1st call a district budget meeting to approve the operating budget, reserve fund for a capital outlay purpose or capital outlay appropriations in the following manner.

1. Call and notice. Each district budget meeting shall be called by a warrant signed by a majority of the trustees. The warrant shall specify the time and place of the meeting and shall set forth the proposed budget and any other items of business. The warrant shall be directed to any resident of the district, by name, ordering that resident to notify all voters within the district to assemble at the time and place appointed. An attested copy of the warrant shall be posted by the person to whom it is directed in some conspicuous place in each of the municipalities within the district at least 7 days before the meeting. The person who gives notice of the meeting shall make a return on the warrant, stating the manner of notice in each municipality and the time when it was given.

2. Voting list. The trustees shall appoint a resident of the district to serve as registration clerk and to make and keep a voting list of all residents in the district eligible to vote. The registration clerk shall compile the district voting list from the voting lists of all municipalities lying within the district. At least 14 days before any budget meeting, the registration clerk shall bring that voting list up to date by comparing the list with those voting lists found in the municipalities within the district and by making such additions and deletions as necessary. No additions or deletions may be made within the 14-day period prior to the meeting.

3. Quorum; meeting rules. Each person whose name appears on the district voting list may attend and vote at a district budget meeting. Twenty-five registered voters constitute a quorum. When a quorum of voters is present, the chairman of the trustees shall open the meeting by calling for the election of a moderator, receiving and counting votes for moderator and swearing in the moderator. As soon as a moderator has been elected and sworn, the moderator shall preside at the meeting. The secretary of the district shall record accurately all votes of the meeting.

4. Budget approval. The trustees shall thoroughly explain the proposed budget and the voters of the district shall be given an opportunity to be heard. A budget must be approved by the voters of the district at the district budget meeting. At the district budget meeting, only those items dealing with the expenses necessary to operate the district, appropriations for a reserve fund and capital outlay shall be subject to change by the voters. If a budget for the operation of the district is not approved prior to July 1st in any year, the budget as submitted by the trustees for operational expenses, reserve fund and capital outlay purposes shall be automatically considered the budget approved for operational expenses in the ensuing fiscal year.

#### §2009. Exemption

The property, both real and personal, rights and franchises of any watershed district formed under this chapter and held within the boundaries of the district is forever exempt from taxation.

#### §2010. Assessments

Assessments shall be made as follows.

1. Method. Following adoption of the district budget, the trustees shall issue their warrants, in substantially the same form as the warrant of the Treasurer of State, for taxes to each participating municipality requiring it to pay its proportionate part of the district budget. Each municipality's proportionate part of the budget shall be based upon its percentage of shoreline frontage on the great ponds within the district's territory.

2. Fiscal year; payments. The fiscal year of the district shall be July 1st to June 30th. In the fiscal year in which the assessment is levied, the treasurer of each municipality shall pay the amount of the assessment in 3 equal installments to the treasurer of the district. Installments shall be paid by August 1st, December 1st and March 31st.

3. Water utility benefiting. Any water utility benefiting from the services of this district has the right to contribute funds to the district as a utility operating expense.

#### §2011. Liability

Any watershed district formed under this chapter is a governmental entity for the purposes of Title 14, chapter 741.

Effective August 4, 1988.

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## CHAPTER 712

S.P. 860 — L.D. 2248

AN ACT Relating to the Penobscot Indian Reservation.

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

Sec. 1. 30 MRSA §6203, sub-§8, as enacted by PL 1979, c. 732, §§1 and 31, is amended to read:

8. Penobscot Indian Reservation. "Penobscot Indian Reservation" means the islands in the Penobscot River reserved to the Penobscot Nation by agreement with the States of Massachusetts and Maine consisting solely of Indian Island, also known as Old Town Island, and all islands in said that river northward thereof that existed on June 29, 1818, excepting any island transferred to a person or entity other than a member of the Penobscot Nation subsequent to June 29, 1818, and prior to the effective date of this Act. If any land within Nicatow Island is hereafter acquired by the Penobscot Nation, or the secretary on its behalf, that land shall be included within the Penobscot Indian Reservation.

The "Penobscot Indian Reservation" includes the following parcels of land which have been or may be acquired by the Penobscot Nation from Bangor Pacific Hydro Associates as compensation for flowage of reservation lands by the West Enfield dam: A parcel located on the Mattagamon Gate Road and on the East Branch of the Penobscot River in T.6 R.8 WELS, which is a portion of the "Mattagamon Lake Dam Lot" and has an area of approximately 24.3 acres, and Smith Island in the Penobscot River, which has an area of approximately one acre.

Sec. 2. **Effective date.** This Act shall not be effective unless, within 60 days after the adjournment of the Legislature, the Secretary of State receives written certification by the Governor and Council of the Penobscot Nation that the Nation has agreed to the provisions of this Act pursuant to the United States Code, Title 25, Section 1725(e)(1), copies of which shall be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives; provided that in no event may this Act become effective until 90 days after adjournment of the Legislature.

Certification of this Act was received by the Secretary of State, from the Penobscot Indian Nation, on June 21, 1988, which was within the 60 day period following adjournment.

Effective August 4, 1988.

## CHAPTER 713

H.P. 1463 — L.D. 1974

### AN ACT to Strengthen Enforcement of Marine Resources and Boating Safety Laws.

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

Sec. 1. 12 MRSA §6133 is enacted to read:  
§6133. Inspection of documents and watercraft

1. Inspection powers. Marine patrol officers may stop and board any watercraft at any time to inspect its

documents, licenses and permits of the occupants of the watercraft and to conduct a safety inspection.

2. Rules. The commissioner shall adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, which:

A. Specify safety requirements for watercraft subject to inspection. Requirements may be incorporated by reference to other state or federal watercraft safety laws, rules or regulations; and

B. Define the procedure for a safety inspection.

3. Failure to submit to inspection. Failure of an owner, operator or occupant of watercraft to submit to the inspection authorized by this section is a Class E crime and shall be grounds for the suspension, pursuant to chapter 617, of licenses issued under this Part to the person failing to submit.

Sec. 2. 12 MRSA §6306, sub-§1, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

1. Consent to inspection. Any person who signs an application for a license or receives a license under this Part has a duty to submit to inspection and search for violations related to the licensed activities by a marine patrol officer under the following conditions.

A. Watercraft or vehicles and the equipment located on watercraft or vehicles which are used primarily in a trade or business requiring a license under this Part may be searched or inspected at any time.

B. Any other location where activities subject to this Part are conducted may be inspected or searched during the hours when those activities occur.

C. A location specified in paragraph B may be inspected at any time if a marine patrol officer has a reasonable suspicion of a violation of this Part.

D. No residential dwelling may be searched without a search warrant unless otherwise allowed by law.

2. Seizure of evidence. Any person who signs an application for a license or receives a license under this Part has a duty to permit seizure of evidence of a violation of marine resources laws found during an inspection or search.

Effective August 4, 1988.

## CHAPTER 714

S.P. 844 — L.D. 2190

### AN ACT to Allow Disclosure of Confidential Information Relevant to Personnel and Licensure Actions.