

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

**THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

and the

**FOURTH SPECIAL SESSION**

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

**FIRST REGULAR SESSION**

December 3, 1986 to June 30, 1987

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

**THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

and the

**FOURTH SPECIAL SESSION**

November 28, 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  
1989

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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 THIRTEENTH LEGISLATURE

1987

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the-influence offenders and how to implement such a system in this State. The committee shall also examine existing projects in other states and other countries, including the facilities in Maryland, Massachusetts and Arizona, and shall specifically report on the projected effectiveness and feasibility of starting a similar pilot project in Maine. The study shall include, but not be limited to, the following:

- A. The feasibility of having the facility operational no later than October 1, 1990;
- B. The feasibility of establishing the facility at an existing state-owned location, preferably in an existing building or facility;
- C. Costs involved in establishing the facility; and
- D. The feasibility of using the facility as part of the overall sentencing mechanism available to courts. Attention should be paid to the possible need for change to the current laws if this option is recommended. This part of the study shall include, but not be limited to, the feasibility of the following aspects of the system:

(1) Whether the time which a convicted offender is sentenced to serve in the facility shall be the sole sentence for operating under the influence or whether the facility shall be used in conjunction with other correctional facilities to allow for transfer when the offender fails or refuses to cooperate in the treatment and rehabilitation program at the facility;

(2) Whether an offender may serve the sentence at the facility before the offender has completed all terms of imprisonment sentenced for any convictions for murder or Class A, B or C crimes; and

(3) The conditions of probation after completion of the sentence in the facility has been served, including: the length of probation, participation in an aftercare program and the possibility of reimbursement to the State for the cost of the offender's sentence at the facility.

**Sec. 2. Statewide programs.** The Alcohol and Drug Abuse Planning Committee shall examine the Kennebec County Community Alternative Sentencing Program, which provides an alternative to incarceration for first offenders, and study the feasibility of implementing similar programs statewide. The study shall include, but need not be limited to, options for funding mechanisms for such programs, and training needs.

**Sec. 3. Report.** The committee shall report its findings and recommendations, together with suggested implementing legislation, to the Joint Select Committee on Corrections by October 15, 1988.

Effective August 4, 1988.

## CHAPTER 108

H.P.1908 — L.D. 2606

### AN ACT to Increase the Debt and Reserve Fund Limits and to Change the Annual Meeting Date of Frye Island Municipal Services Corporation.

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

Whereas, it is desirable to obtain an increase in Frye Island Corporation's allowed indebtedness in order that a new dock may be constructed prior to the summer of 1989; and

Whereas, it is desirable that this change to the corporation's charter be voted on by the members at the annual meeting; and

Whereas, it is desirable to move the annual meeting from the July 4th weekend to Columbus Day weekend because of current conflicts on that weekend and because the proposed budget for the next year is not ready until after the July 4th weekend; and

Whereas, this Act will not take effect in time to allow this change in meeting date unless passed as an emergency; 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 1975, c. 138, §4, first ¶, first sentence is amended to read:

The annual meeting of the corporation shall be held on the first Saturday of July immediately prior to the observed Columbus Day holiday in each year.

**Sec. 2.** P&SL 1975, c. 138, §5, last ¶, last sentence is amended to read:

Notwithstanding any other provision of this Act or any other provision of law, the total outstanding indebtedness of the corporation shall at no time exceed the sum of \$100,000 an amount equal to 7.50% of the corporation's last full state valuation, except as otherwise permitted by the Maine Revised Statutes, Title 30, section 5061.

**Sec. 3.** P&SL 1975, c. 138, §6, as amended by P&SL 1983, c. 10, is further amended to read:

**Sec. 6. Reserve fund.** The corporation may establish a reserve fund, not to exceed \$250,000 an amount equal to 7.50% of the corporation's last full state valuation, for the purposes specified in section 5, which reserve fund shall be established, administered and subject to the provisions of the general law for the reserve fund of a municipality.

**Sec. 4. Referendum.** The proposed charter revision contained in sections 2 and 3 of this Act shall be placed before those persons who are qualified to vote on matters concerning the corporation at its next annual meeting. If rejected at that time, they may not be voted on again under the provisions of this Act. Notices concerning this meeting shall contain an appropriate warrant for the purpose of considering the referendum. Voting by absentee ballot shall be allowed and shall follow the form prescribed for municipal elections.

The ballot questions shall be: "Shall the charter of Frye Island Municipal Services Corporation be revised to increase the allowable indebtedness of the corporation from the current \$100,000 to 7 1/2% of the last full state valuation?" and "Shall the charter of Frye Island Municipal Services Corporation be revised to increase the reserve fund limit from its present level of \$250,000 to 7 1/2% of the last full state valuation?" At the time of presentation of these questions to the voters, the voters shall be informed what the resulting debt limit and reserve limit would be in dollars in the year in which the referendum is conducted. At the conclusion of the voting, all ballots, including absentee ballots, shall be counted, reported and declared in open meeting and, if a majority of all legal voters voting at the meeting or by absentee ballot vote in favor of accepting either amendment, it shall take effect immediately, providing that the total number of those voting is at least equal to 30% of the persons qualified to vote on matters concerning the corporation. If less than 30% of the voters are represented in the voting, the matter may be brought before the voters one additional time in 1988 or 1989 at a special meeting of the corporation called according to the provisions of the charter and following the provisions of this section.

Certification of the approval of these amendments to the charter shall be filed by the clerk with the Secretary of State within 10 days of acceptance.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved, but sections 2 and 3 shall take effect only for the purposes of permitting their submission to the voters of the corporation. Sections 2 and 3 of the Act shall take effect for all purposes when approved by the voters in a manner consistent with the requirements of this Act.

Effective April 7, 1988, unless otherwise indicated.

## CHAPTER 109

S.P. 987 — L.D. 2615

### AN ACT to Authorize the Creation of the Freeport Water District.

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

Whereas, the Town of Freeport wishes to establish a water district and to purchase the assets of the Maine Water Company, Freeport Division; and

Whereas, the Town of Freeport must act immediately to purchase the Maine Water Company, Freeport Division; 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. Territorial limits; corporate name; purposes.** The inhabitants and territory of the Town of Freeport in the County of Cumberland, excluding the inhabitants and territory of the South Freeport Water District, shall constitute a body politic and corporate under the name of "Freeport Water District" for the purpose of supplying the town and the inhabitants and others of the district with pure water for domestic, sanitary, commercial, industrial, agricultural and municipal purposes.

**Sec. 2. Powers of Freeport Water District.** The Freeport Water District, for the purposes of its incorporation, may take, collect, store, flow, use, divert, distribute and convey to the district, or any part of the district, water from any source approved by the Department of Human Services, natural or artificial, within the area of the district or within the area of the Town of Freeport and from any other source from which the Maine Water Company, Freeport Division, may take water. It may also locate, construct and maintain aqueducts, pipes, conduits, dams, wells, reservoirs, standpipes, hydrants, pumping stations and other necessary structures and equipment therefor, and do anything necessary to furnish water for public purposes and for the public health, comfort and convenience of the inhabitants and others of the district, or to contract to do any and all of the foregoing things.

All incidental powers, rights and privileges necessary to the accomplishment of the main objectives set forth in this Act are granted to the district created by this Act.

The district may not take, withdraw or divert water from any source for the above enumerated purposes, un-