

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine; provided, however, that the total indebtedness of ~~said~~ the district at any one time outstanding shall not exceed the sum of ~~\$250,000~~ \$1,000,000 and that any single expenditure which exceeds \$100,000 must be approved by district vote.

Sec. 3. Referendum; effective date. Section 2 of this Act shall be submitted to the legal voters of the Waldoboro Sewer District at an election to be called and held for that purpose by December 31, 1989. The election shall be called by the municipal officers and shall be held at the regular voting places. The election shall be called, advertised and conducted according to the law relating to municipal elections; except that the board of registration shall not be required to prepare nor the town clerk to post a new list of voters, and for this purpose the board of registration shall be in session on the 3 working days next preceding the elections, the first and 2nd days to be devoted to registration of voters and the last day to enable the board to verify the corrections of the lists and to complete and close their records of the session. The town clerk shall reduce the subject matter of section 2 of this Act to the following question:

"Shall the debt limit of the Waldoboro Sewer District be increased to \$1,000,000 and a district vote required for any single expenditure in excess of \$100,000?"

Section 2 of this Act shall take effect for all purposes immediately upon its acceptance by a majority of the legal voters voting at the election, but only if the total number of votes cast for and against its acceptance exceeds 10% of the registered voters of the district, but failure of approval shall not prevent subsequent elections.

The results of the elections shall be declared by the municipal officers of the town and due certificates of the elections shall be filed by the town clerk with the Secretary of State.

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

Effective March 3, 1989, unless otherwise indicated.

CHAPTER 3

S.P. 135 - L.D. 220

An Act to Increase the Total Authorized Indebtedness of the Kennebunk Sewer District from \$3,000,000 to \$8,000,000

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

Whereas, this legislation requires referendum approval before it can take effect; and

Whereas, this referendum is connected with the Kennebunk town meeting to be held on March 20, 1989; and

Whereas, unless this Act is enacted before that date, the referendum will require a special election which would be a considerable financial burden on the Town of Kennebunk; and

Whereas, this Act must take effect as soon as possible; 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 1955, c. 69, §16, 3rd sentence, as amended by P&SL 1977, c. 91, is further amended to read:

Said district, by resolution of its board of trustees, is for said purposes or any of them also authorized to issue, from time to time, notes, bonds or other evidence of indebtedness of the district, maturing serially or otherwise, in an amount or amounts, at such rates of interest, and on such terms and conditions as the board of trustees shall determine; provided, however, that the total indebtedness of said district, at any one time outstanding, shall not exceed the sum of ~~\$3,000,000, with the condition that the increase in the debt limit shall be used solely for the design, construction and administration of the interceptor sewers, force mains, pump stations and modifications to the district's wastewater treatment facilities in accordance with the requirements of the Maine Department of Environmental Protection and the United States Environmental Protection Agency~~ \$8,000,000, with the condition that the increase in the debt limit shall be used solely for modifications to the district's waste water treatment facilities in accordance with the requirements of the Department of Environmental Protection and the United States Environmental Protection Agency, the design, construction and administration of the interceptor sewers, force mains, pump stations and general operating expenses; and provided further, that indebtedness of the district shall not be deemed to be outstanding if funds adequate for the payment thereof together with any interest due thereon and premium payable on account thereof, shall have been deposited with the paying agent named in the notes or bonds evidencing such indebtedness in trust for the purpose of making such payment. ~~Any change in the limitation on the expenditure of funds as provided in this section shall first be submitted to the residents of the district for their approval by referendum vote before any change is made in the expenditure of funds.~~

Sec. 2. 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 verifying the vote of the legal voters of the Town of Kennebunk, resident in the district, at the next regular town meeting to be held on March 20, 1989 or at a special town

meeting to be called and held for the purpose within 3 months of the approval of this Act. This special meeting shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen of the town 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 board of voter registration shall be in session on the secular day next preceding the special election. The town clerk of the town shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

"Shall 'An Act to Increase the Total Authorized Indebtedness of the Kennebunk Sewer District from \$3,000,000 to \$8,000,000,' passed by the 114th Legislature, be accepted?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No," their opinion of the same. This Act shall take effect immediately upon its acceptance by a majority of the legal voters voting at the election.

The result of the vote shall be declared by the municipal officers of the Town of Kennebunk and due certificate thereof shall be filed by the town clerk with the Secretary of State.

Effective March 23, 1989, unless otherwise indicated.

CHAPTER 4

S.P. 102 - L.D. 121

An Act to Establish a Portion of the Boundary Between the Town of Lincoln and the Town of Enfield in the County of Penobscot from the Penobscot River to the Westerly Shore of Cold Stream Pond

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

Boundary line between Town of Lincoln and Town of Enfield. The boundary line between the Town of Lincoln and the Town of Enfield in the County of Penobscot shall be as follows: the beginning point being north 57°, 45 minutes, 0 seconds west, a distance of 325 feet, more or less, from a granite monument with an aluminum disk marked in part "Town of Lincoln - Town of Enfield Municipal Boundary," set on the easterly bank of the Penobscot River, thence south 57°, 45 minutes, 0 seconds east, a distance of 325 feet, more or less, to the granite monument mentioned above, thence continuing on the same course, south 57°, 45 minutes, 0 seconds east, passing through other intermediate monuments identified on the plan mentioned below, a distance of 21,382.2 feet to a granite monument with an aluminum disk marked in part "Town of Lincoln - Town of Enfield Municipal Boundary," set on the westerly shore of Cold Stream Pond.

All bearings are oriented to true north as determined by a survey of the above described boundary line depicted on a plan entitled "Survey Plan showing location of a portion of the Municipal Boundary between Town of Lincoln and Town of Enfield, Penobscot County, Maine," dated October 14, 1988, prepared by Plisga and Day, Land Surveyors, to be recorded in the Penobscot County Registry of Deeds.

See title page for effective date.

CHAPTER 5

S.P. 109 - L.D. 164

An Act to Validate and Approve the Town of China's Town Meeting and School Construction Referendum and Related Proceedings

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

Whereas, there is an urgent need to construct a new kindergarten through grade 3 elementary school in the Town of China in order to provide adequate educational programs to the pupils of the Town of China; and

Whereas, the Town of China voted at referendum on October 29, 1988 by a vote of 262 to 146 to authorize a majority of the municipal officers and treasurer of the Town of China to issue bonds or notes in the name of the Town of China for school construction purposes in an amount not to exceed \$3,313,000 to construct and equip a new kindergarten through grade 3 elementary school in the Town of China; and

Whereas, certain problems occurred in conducting the town meeting and school construction referendum, including without limitation, the failure to complete the balloting for election of the moderator in time to open the polls at the time stated in the warrant with the result that the polls did not remain open for 4 hours as required by the former Maine Revised Statutes, Title 30, section 2061; and

Whereas, there is also a question concerning the right to the issuance of an absentee ballot between the time the meeting began and the time the polls were opened; and

Whereas, these problems and questions may prevent the Town of China from issuing bonds or notes for the project unless the Legislature validates and approves proceedings of the town meeting and school construction referendum; 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,