

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

Whereas, many of the businesses affected by this legislation are seasonal businesses; and

Whereas, these businesses are currently opening for the tourist season; and

Whereas, municipalities should have the authority to deny licenses under this legislation before the businesses open; 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:

P&SL 1961, c. 176, §3-A is enacted to read:

Sec. 3-A. Personal property tax delinquency. Any municipality with an ordinance enacted under the authority of this chapter may refuse to issue or renew a license when the applicant is delinquent in paying any personal property tax assessed by the municipality. No municipality may refuse to issue a license because of an applicant's delinquency during the pendency of any request for an abatement from or an appeal of the tax assessment which is claimed to be delinquent.

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

Effective June 1, 1989.

CHAPTER 31

H.P. 1101 - L.D. 1534

An Act to Amend the Law Incorporating the Milo Water District

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

P&SL 1941, c. 62, §8, first sentence is amended to read:

The annual meeting of the district shall be held within the district on the 1st Monday of ~~February~~ March, at such hour and place as may be designated by resolution of the board of trustees as provided in the by-laws.

See title page for effective date.

CHAPTER 32

H.P. 983 - L.D. 1361

An Act to Amend the Charter of Hebron Academy

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

Whereas, it is essential for the success of Hebron Academy's major capital fund drive that it create new classes of trustees; and

Whereas, under the academy's charter and bylaws, trustees can only be elected at the trustees' June meeting; and

Whereas, nonemergency legislation will not take effect until September, if the Legislature adjourns in June; 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. 78, §1, last sentence is repealed.

Sec. 2. P&SL 1981, c. 78, §§3, 4 and 5 are repealed and the following enacted in their place:

Sec. 3. Trustees; number. All the affairs of the academy shall be managed by the Board of Trustees, to consist of no more than 25 nor fewer than 19 members. The words "trustee" and "trustees," as used in this charter, unless specifically designated otherwise, shall mean an active trustee or active trustees.

Sec. 4. Election. The election of trustees shall be conducted according to the following provisions.

A. At its annual meeting in June of each year, the Board of Trustees shall elect trustees for a term of 4 years each.

B. No person may be considered for election as a trustee within 12 months after having served 2 full 4-year consecutive terms, except that the Board of Trustees shall have the right to extend the term of a trustee who is finishing a 2nd full 4-year consecutive term for additional consecutive one-year terms, provided the nominating committee, prior to each additional consecutive one-year term, makes such a recommendation to the trustees by affirmative vote of at least 75% of its members and the Board of Trustees, by vote of at least 75% of the trustees constituting a quorum in attendance at a meeting, so

vote. The criteria for such an extension or extensions shall apply only to trustees who, because of special circumstances, are in the process of rendering beneficial services for and on behalf of the academy which would be impaired if the term of the trustee or trustees was not extended.

Sec. 5. Trustees Emeritus; Honorary Trustees; and Distinguished Trustees Emeritus. A trustee, who has served continuously as a trustee for no fewer than 2 consecutive 4-year terms, at the expiration of the 2nd 4-year term shall be automatically designated a Trustee Emeritus. A former trustee who has served for no fewer than 4 consecutive years may, at the option of the Board of Trustees, be designated a Trustee Emeritus. A trustee who dies while in office may, at the option of the Board of Trustees, be posthumously designated a Trustee Emeritus. All living Trustees Emeritus shall then be exempt from any count to determine the number of trustees or of a quorum for any meeting of the board, but shall have all the rights of a trustee except the right to vote.

At the discretion of the Board of Trustees, those persons who are not and who have not been trustees, but who have served the academy with special distinction, may be designated as Honorary Trustees. An Honorary Trustee shall have the right to attend trustees' meetings upon the invitation of the Chair of the Board of Trustees. An Honorary Trustee shall have the same rights as a Trustee Emeritus.

At the discretion of the Board of Trustees, former living trustees who have served the academy with special and extraordinary distinction may be designated as Distinguished Trustees Emeritus, whose status shall be exempt from any count to determine the number of trustees or of a quorum for any meeting of the board, but who shall have all the rights of trustees except the right to vote.

Trustees Emeritus and Distinguished Trustees Emeritus who subsequently return to the Board of Trustees shall lose status as either Trustee Emeritus or Distinguished Trustee Emeritus during their terms as trustees, but shall automatically resume such designation upon the termination of the terms as trustees.

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

Effective June 2, 1989.

CHAPTER 33

H.P. 772 - L.D. 1084

An Act to Consolidate the Township of Misery-Sapling Gore into Adjoining Townships

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

Misery-Sapling Gore Township dissolved. The township of Misery-Sapling Gore, T1, 2 and 3 R7 BKP WKR, in Somerset County, lying wholly in the unorganized territories, shall be absorbed into and consolidated with the townships of Parlin Pond, T3 R7 BKP WKR; Misery, T2 R7 BKP WKR; and Sapling, T1 R7 BKP WKR, also lying wholly within the unorganized territories of the State. Misery-Sapling Gore shall be absorbed into the 3 towns mentioned above by extending the eastern boundary of Parlin Pond, Misery and Sapling townships in a northerly direction along the same course that they presently follow until the lines intersect the present northerly boundary of Misery-Sapling Gore.

See title page for effective date.

CHAPTER 34

S.P. 361 - L.D. 978

An Act to Amend the Charters of the Sewer District of the Town of Kennebunk and the York Sewer District

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

Sec. 1. P&SL 1955, c. 69, §17 is amended to read:

Sec. 17. Rates and tolls; application of revenues. All persons and corporations, whether public, private or municipal, shall pay to the treasurer of said district the entrance charges, rates, tolls, rents, impact fees and other lawful charges established by the trustees for the sewer or drainage service used, or to which such beneficial service is available with respect to their lots or parcels of land; and in determining real estate interests, "real estate" as defined in section 3 of chapter 92 of the revised statutes of 1954 the Maine Revised Statutes, Title 36, section 551 may be applied by the trustees.

Rates, tolls, rents ~~and~~, entrance charges and impact fees shall be uniform within the territory supplied by the district whenever the installation and maintenance of sewers or their appurtenances and the cost of service is substantially uniform; but nothing in this act shall preclude the district from establishing a higher rate, toll, rent ~~or~~, entrance charge or impact fee than the regular rates, tolls, rents ~~and~~, charges or impact fees in sections where, for any reason, the cost of construction and maintenance, or the cost of service, exceeds the average, but such higher rates, tolls, rents ~~and~~, charges and impact fees shall be uniform throughout the sections where they apply.

The sewer rates, tolls, rents ~~and~~, entrance charges and impact fees shall be so established as to provide revenue for the following purposes:

I. To pay the current expenses for operating and maintaining the sewerage system;