

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PRIVATE AND SPECIAL LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST REGULAR SESSION**

**of the**

**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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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.

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## 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.

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## 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;

II. To provide for the payment of the interest on the indebtedness created by such system;

III. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by said sewer district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. Money set aside for the sinking fund shall be devoted to the retirement of the obligations of said sewer district, or invested in such securities as savings banks in this State are allowed to hold;

IV. If any surplus remains at the end of the year, it may be turned into the sinking fund: ; and

V. Impact fees shall be established to provide all or part of the revenues necessary for improving, enlarging or expanding the district's system, including interest accruing on indebtedness incurred for such purposes.

Sec. 2. P&SL 1985, c. 57, §13 is amended to read:

**Sec. 13. Rates and other charges.** All persons, firms and corporations, whether public, private or municipal, shall pay to the treasurer of the district the rates, tolls, rents, entrance charges, impact fees and other lawful charges established by the trustees for the sewer service used or available to them, which rates shall include rates for the district's readiness to serve charged against the owners of real estate, abutting on or accessible to sewers of that district, but not actually connected to those sewers, whether or not the real estate is improved. The words "other lawful charges" or "other charges" shall include, but not be limited to, interest on delinquent accounts at a rate not to exceed the highest lawful rate set by the Treasurer of State for municipal taxes.

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 may preclude the district from establishing a higher rate, toll, rent ~~or~~, entrance charge or impact fee than the regular rates, tolls, rents ~~and~~, entrance 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 these 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:

1. To pay the current expenses for operating and maintaining the sewerage and treatment system;
2. To provide for the payment of the interest and principal on the indebtedness created by the district;

3. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of the indebtedness. Money set aside for the sinking fund shall be devoted to the retirement of the obligations of the sewer district or invested in such securities as savings banks in this State are allowed to hold; ~~and~~

4. If any surplus remains at the end of the year, it may be turned into the sinking fund: ; and

5. Impact fees shall be established to provide all or part of the revenues necessary for improving, enlarging or expanding the district's system, including interest accruing or indebtedness incurred for such purposes.

Prior to the adoption of a new rate schedule, the trustees shall hold a public hearing regarding the proposed rate schedule. The trustees shall publish the proposed rates and notice of the hearing not less than once in a newspaper having a general circulation in the district not less than 7 days prior to the hearing. The district shall mail to each ratepayer a notice of the public hearing and the proposed new rate at least 14 days prior to the hearing.

See title page for effective date.

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## CHAPTER 35

S.P. 179 - L.D. 336

### An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information

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

**Whereas**, the Commission to Implement the Computerization of Criminal History Record Information requires additional time to oversee the development and implementation of an effective computerized system; 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 1987, c. 152, §1, last sentence** is amended to read:

The commission shall present its final report and recommendations, together with any recommended legislation, to the