

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

described in Public Law 1985, chapter 818, section 3.

High Efficiency Lighting Rebate

All Other \$250,000

Allocates available balance to be used for the same purposes as originally described in Public Law 1985, chapter 818, section 3.

Institutional Conservation Program

All Other \$257,365

Allocates available balance from 2 programs in order to fund grants to public and nonprofit schools and hospitals. Grants are not to exceed 50% of project costs for each facility. To the extent possible, these funds shall be used to assist public and nonprofit schools to convert from electric heat to other more economical heating sources.

EXECUTIVE DEPARTMENT

TOTAL \$4,523,165

TOTAL ALLOCATIONS - PART B \$4,558,165

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

Effective June 16, 1989.

CHAPTER 43

S.P. 351 - L.D. 933

An Act to Require the Attorney General to Develop a Model Lease for Residential Tenancies

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

Sec. 1. Development and distribution of a model, landlord-tenant lease by the Attorney General. No later than February 1, 1990, the Department of Attorney General shall develop and publish a model landlord-tenant lease that describes in plain language the rights and duties of parties to an agreement to rent a residential dwelling unit. In developing this model lease, the Attorney General shall solicit and consider the comments of landlords' and tenants' organizations. The Attorney General, in consultation with representatives of landlords and tenants, shall periodically update the model lease to ensure its conformity with applicable law.

Sec. 2. Lease advisory only. This model lease is advisory only; no landlord or tenant is required to use the model lease.

Sec. 3. Distribution. The Attorney General shall distribute single copies to interested individuals or organizations without cost.

Sec. 4. Report. The Attorney General shall report to the joint standing committee of the Legislature having jurisdiction over legal affairs matters during the First Regular Session of the 115th Legislature regarding the content, distribution and use of the model lease developed under section 1.

See title page for effective date.

CHAPTER 44

H.P. 1209 - L.D. 1681

An Act to Increase the Borrowing Authority of the Ogunquit Sewer District

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

Sec. 1. P&SL 1963, c. 87, §17, 2nd sentence, as amended by P&SL 1973, c. 193, is further amended to read:

The total indebtedness of said district at any one time outstanding shall not exceed the sum of ~~\$1,000,000~~ \$4,000,000.

Sec. 2. Referendum; effective date. This Act shall take effect 90 days after the adjournment of the Legislature for submitting the question of whether to increase the total indebtedness of the district from \$1,000,000 to \$4,000,000 to the legal voters of the Ogunquit Sewer District, resident in the district, at the next regular town meeting or at a special town meeting to be called and held for the purpose by December 31, 1989. The election 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 Borrowing Authority of the Ogunquit Sewer District,' which increases the total authorized indebtedness of the Ogunquit Sewer District from \$1,000,000 to \$4,000,000 and which was 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 Ogunquit and due certificate thereof shall be filed by the town clerk with the Secretary of State.

Effective pending referendum.

CHAPTER 45

H.P. 1227 - L.D. 1706

An Act to Create the Quantabacook 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 Harrington wishes to establish a water district so the district may purchase the assets of the Quantabacook Water Company; and

Whereas, the Town of Harrington must act immediately to purchase the Quantabacook Water Company; 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 Harrington in the County of Washington shall constitute a body politic and corporate under the name of "Quantabacook 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 Quantabacook Water District. The Quantabacook 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 Harrington and from any other source from which the Quantabacook Water Company 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.

Other than the water sources purchased from the Quantabacook Water Company, the district may not take, withdraw or divert water from any source for the above enumerated purposes, unless it has filed a written petition and obtained the approval of the Public Utilities Commission. The petition shall include a plan for the taking, withdrawal or diversion. The petition and plan shall set forth adequate information upon which findings may be made regarding the nature, capacity, safe yield and the ability of the source to be recharged, the amount of water to be taken over time and other existing and projected uses and demands on the source. The commission may by rule or order prescribe other information to be contained in the petition and plan. The commission may not approve a petition unless it finds that the plan ensures that adequate water remains in the source to meet the reasonable needs of existing and projected demands on the source. The commission may impose reasonable terms, conditions or other requirements on the plan. The commission shall issue its order approving or disapproving the plan within 9 months after it determines the petition to be complete.

Sec. 3. Authorized to lay mains, pipes, conduits and other water conveyances through public ways and across private lands. The district may lay in and through the streets, roads, ways, highways and bridges in the Town of Harrington and across private lands in the Town of Harrington and maintain, repair and replace all such pipes, mains, conduits, aqueducts and fixtures and appurtenances as may be necessary and convenient for its corporate purposes and, whenever the district shall lay any pipes, mains, conduits, aqueducts and fixtures or appurtenances in any street, road, way or highway, it shall cause the same to be done with as little obstruction as practicable to the public travel and, at its own expense, without unnecessary delay, shall cause the earth and pavement removed by it to be replaced in proper condition.

Sec. 4. Authorized to erect dams and reservoirs; to cross navigable waters; to supply water to utilities. The water district, for the purposes of its incorporation, may erect and maintain all dams, reservoirs and structures necessary and convenient for its corporate purposes. The water district may lay, construct and maintain its pipes and fixtures in, over and under navigable waters and build and maintain structures therefor, subject to the laws of the United States. The water district may supply water to any public utility now supplying water in the County of Washington, subject to the consent of the Public Utilities Commission.

Sec. 5. Rights of eminent domain. The district, for the purposes of its incorporation, may take and hold, as for public uses, real estate and personal estate and any interest therein necessary or convenient for those purposes, by purchase, lease or otherwise and may exercise the right of eminent domain as provided in this Act, to acquire for those purposes any land or interest in land or water rights necessary for erecting and maintaining dams, plants and works, for