

# 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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All Other	2,415,230	2,551,531
Capital Expenditures	1,999	1,089
Fund Total	<u>2,635,626</u>	<u>2,776,394</u>
Federal Block Grant Fund		
Positions - Legislative Count	(17.0)	(17.0)
Personal Services	556,254	564,436
All Other	1,913,746	1,905,564
Fund Total	<u>2,470,000</u>	<u>2,470,000</u>
<b>DEPARTMENT OF HUMAN SERVICES</b>		
Positions - Legislative Count	(27.0)	(27.0)
Personal Services	885,285	903,126
All Other	7,491,329	7,615,166
Capital Expenditures	1,999	1,089
Umbrella Total	<u>8,378,613</u>	<u>8,519,381</u>

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

BUREAU OF MENTAL HEALTH  
Mental Health Services - Community

Other Special Revenue		
Positions - Legislative Count	(1.0)	(1.0)
Personal Services	46,511	49,767
All Other	793,569	790,313
Fund Total	<u>840,080</u>	<u>840,080</u>
Other Participating Funds		
Federal Block Grant Fund		
Positions - Legislative Count	(5.0)	(5.0)
Personal Services	177,474	179,602
All Other	878,516	877,620
Fund Total	<u>1,055,990</u>	<u>1,057,222</u>

SUMMARY - MENTAL HEALTH SERVICES COMMUNITY

Positions - Legislative Count	(6.0)	(6.0)
Personal Services	223,985	229,369
All Other	1,672,085	1,667,933
Program Total	<u>1,896,070</u>	<u>1,897,302</u>

CURRENT SERVICES

Other Special Revenue		
Positions - Legislative Count	(21.0)	(21.0)
Positions - Other Count	(4.5)	(4.5)
Personal Services	865,920	892,247
All Other	4,948,466	4,920,375
Capital Expenditures	20,000	20,000
Part Total	<u>5,834,386</u>	<u>5,832,622</u>
Other Participating Funds		
**General Fund		
Positions - Legislative Count	(10.0)	(10.0)
Personal Services	304,135	310,482
All Other	2,671,499	2,808,516
Capital Expenditures	1,999	1,089
Fund Total	<u>2,977,633</u>	<u>3,120,087</u>
Federal Block Grant Fund		
Positions - Legislative Count	(22.0)	(22.0)
Personal Services	733,728	744,038
All Other	2,792,262	2,783,184
Fund Total	<u>3,525,990</u>	<u>3,527,222</u>

CURRENT SERVICES

Positions - Legislative Count	(53.0)	(53.0)
Positions - Other Count	(4.5)	(4.5)
Personal Services	1,903,783	1,946,767
All Other	10,412,227	10,512,075
Capital Expenditures	21,999	21,089
Part Total	<u>12,338,009</u>	<u>12,479,931</u>

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect July 1, 1989.

Effective July 1, 1989.

CHAPTER 49

H.P. 1202 - L.D. 1672

An Act Concerning Public Water Supplies in the Mid-coast Area

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

**Whereas,** it is of interest to the Camden and Rockland Water Company to start planning for the future water needs of the region as soon as possible; and

**Whereas,** the present moratorium on the water company's use of Hobbs' and Fish's Ponds would run out before the end of the 90-day period after adjournment of the Legislature; 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 1880, c. 212, §1,** as amended by P&SL 1985, c. 40, §1, is repealed and the following enacted in its place:

**Sec. 1. Source of supply.** The Camden and Rockland Water Company is authorized for the purposes named in its act of incorporation and amendments to take, detain, use, store and appropriate water from Hobbs' Pond, Fish's Pond, Grassy Pond and Megunticook Lake in the Town of Hope; Mirror Lake and Rocky Pond in the Town of Rockport; Spring Brook, Megunticook Lake and Megunticook River in the Town of Camden; Megunticook Lake in the Town of Lincolnville; Oyster River in the County of Knox; and all of the tributaries of the ponds, lakes, brooks and rivers, including Spruce Mountain Brook, and all of the streams and ponds leading into, or tributary to any stream connecting, Fish's Pond and Hobbs' Pond. The authority herein and hereby granted shall also include and give the right to the company to withdraw the water from the ponds,

lakes, brooks, rivers and tributaries and from reservoirs or basins that may be constructed for the purposes aforesaid by pipes and aqueducts laid directly from them or by artificial waterways to supply Mirror Lake and also to connect the same with any of the mains of the company. Nothing in this Act may in any way increase or extend the rights of the company in or to the waters of Hobbs' Pond, Fish's Pond, Grassy Pond or Rocky Pond or their tributaries. Nothing in this Act may in any way limit or restrict recreational use of Megunticook Lake and Megunticook River in the Town of Camden, Town of Lincolnville and Town of Hope or curtail any recreational use existing on those bodies of water in those towns as of the date of enactment of this Act, except an area within 200 feet of an intake pipe as necessary for the safety of the public. Any authority granted in this Act shall be exercised in accordance with all applicable state and local regulatory requirements.

**Sec. 2. P&SL 1880, c. 212, §2, first sentence,** as repealed and replaced by P&SL 1985, c. 40, §2, is amended to read:

The company may erect and maintain dams upon any or all of the lakes, ponds, brooks, Oyster River and tributaries of the water identified in section 1, for the purpose of creating and maintaining storage basins or reservoirs of water and may flow the land of any riparian proprietor therefor, and may erect and maintain reservoirs and lay down and maintain pipes and aqueducts necessary for the proper accumulating, conducting, discharging, distributing and disposing of the water, except that the right to erect and maintain dams does not extend to and does not authorize the erection and maintenance of dams on Megunticook Lake and Megunticook River or tributaries in the Town of Camden and the right to flow the land of any riparian proprietor does not extend to or encompass Megunticook Lake and the Megunticook River or tributaries.

**Sec. 3. Moratorium established.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, no water may be taken or withdrawn by the Camden and Rockland Water Company from Hobbs' Pond, Fish's Pond or Quiggle Brook in Hope, Maine, until the company has complied with all applicable state and federal laws and until the following have occurred.

1. A ground water extraction and treatment system, approved by the Department of Environmental Protection, has been installed and is fully operational at the Union Chemical hazardous substance site and is sufficient for the Board of Environmental Protection to determine its effectiveness in remediating the contaminated ground water and retarding the movement of the plume, and to determine that the drawdown of Fish's Pond or Hobbs' Pond will not have an effect on the ground water such that contaminated ground water associated with the Union Chemical site is drawn to Fish's Pond or Hobbs' Pond or to private wells in the area. These determinations shall be made after a public hearing which shall be held on the board's own motion or on the request of either the Town of Hope, Hobbs' - Fish's Pond Association or the Camden and Rockland Water Company.

2. The Department of Environmental Protection shall hold a public hearing prior to action on any application by the Camden and Rockland Water Company to install a permanent water intake pipe in Hobbs' Pond or Fish's Pond under the Natural Resources Protection Act, the Maine Revised Statutes, Title 38, section 480-A et seq.

**Sec. 4. Exemption.** Notwithstanding section 1 of this Act, the Town of Hope Fire Department may take or withdraw water from Hobbs' Pond, Fish's Pond or Quiggle Brook for the purpose of fighting fires.

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

Effective June 20, 1989.

## CHAPTER 50

H.P. 114 - L.D. 151

### An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:**

**Appropriations and allocations.** In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1990 and June 30, 1991, the following sums as designated in the following tabulations are appropriated or allocated out of any money not otherwise appropriated or allocated.