

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

evidences of indebtedness, and each authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by the utility shall be legal investments for savings banks in the State and shall be free from taxation.

Sec. 12. Rates; application of revenue; sinking fund. Individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer or other designated officer of the utility the rates established by the board of trustees for the water used by them. The rates shall be established in accordance with the Maine Revised Statutes, Title 35-A, chapter 3 or 61, to provide for the purposes set forth in that chapter.

Sec. 13. Existing statutes not affected; rights conferred subject to provisions of law. Nothing contained in this Act is intended to repeal, or may be construed as repealing, the whole or any part of any existing law, and all the rights and duties mentioned in this Act shall be exercised and performed in accordance with all the applicable provisions of the Maine Revised Statutes, Title 35-A, and all acts amendatory and additional to Title 35-A, to the extent that these laws affect the operations of the utility.

Sec. 14. Severability clause. If any section or part of a section of this Act shall be held invalid by a court of competent jurisdiction, the holding shall not affect the remainder of this Act, with the intention that the remaining portion of this Act shall stand, notwithstanding, the unconstitutionality or invalidity of any section, sentence, clause or phrase.

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

Effective June 23, 1989.

CHAPTER 56

H.P. 1266 - L.D. 1761

An Act Transferring Concurrent Legislative Jurisdiction over Brunswick Naval Air Station

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

Sec. 1. Brunswick Naval Air Station; approval of transfer of legislative jurisdiction. The United States Department of the Navy having filed with the Governor by letter dated May 10, 1989, its notice of intention to both acquire concurrent legislative jurisdiction from the State of Maine over all areas of Brunswick Naval Air Station in which the United States presently holds a proprietary interest and to relinquish to the State of Maine that measure of its exclusive legislative jurisdiction over areas of Brunswick Naval Air Station in which the United States presently holds exclusive legislative jurisdiction necessary to establish concurrent legislative jurisdiction between the State of Maine and the United States, pursuant to the Maine Revised Stat-

utes, Title 1, section 8, the State of Maine hereby approves the transfers of legislative jurisdiction as proposed in the notice of intention.

Sec. 2. Brunswick Naval Air Station; description of land. The existing land so affected is the Brunswick Naval Air Station, inclusive of all land within the present boundaries of that station in the Towns of Brunswick and Topsham in Cumberland County.

Sec. 3. Brunswick Naval Air Station; concurrent legislative jurisdiction. This Act confers concurrent legislative jurisdiction between the State of Maine and the United States over all lands currently comprising Brunswick Naval Air Station as of the date of recordation of both this Act and the notice of intention.

See title page for effective date.

CHAPTER 57

S.P. 628 - L.D. 1722

An Act Modifying the Territory of the Lucerne-in-Maine Village Corporation

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

Whereas, it is the purpose of this legislation to transfer property that is located within the territorial limits of Lucerne-in-Maine Village Corporation to the Town of Dedham; and

Whereas, the Lucerne-in-Maine Village Corporation has already agreed to remove the school lot from Lucerne-in-Maine Village Corporation at its annual meeting on July 30, 1988; and

Whereas, the Town of Dedham would like to have the property transferred as soon as possible before the school year starts in September; 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:

Lucerne-in-Maine Village Corporation; territory amended. Private and Special Laws of 1927, chapter 43, as amended by Private and Special Laws of 1951, chapter 94, is further amended by removing and excluding the following described parcel of land from the territorial limits of Lucerne-in-Maine Village Corporation:

A certain lot or parcel of land situated on the westerly side of U.S. Highway No. 1A in that part of Dedham, Maine, known as the Lucerne-in-Maine Village Corporation, bounded and described as follows, viz: beginning at a stake on the westerly sideline of said highway 1,000 feet, more or less, southerly along said highway from the Holden-Dedham town line; thence continuing southerly and along said westerly sideline of said highway 725 feet to a stake; thence westerly at right angles to said highway, 450 feet to a stake; thence northerly, at right angles to the last above described line, 725 feet to a stake; thence easterly 450 feet to the point of beginning.

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

Effective June 23, 1989.

CHAPTER 58

H.P. 985 - L.D. 1363

An Act Authorizing and Directing the Department of Inland Fisheries and Wildlife and the Bangor Water District to Develop a Plan for the Protection of Sunapee Charr Habitat at Floods Pond

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

Sec. 1. Legislative findings. The Sunapee charr, *Salvelinus alpinus oquassa*, is a unique species of fish found in large numbers only in Floods Pond in the Town of Otis, in Hancock County. The protection of Sunapee charr habitat at Floods Pond is essential to the future survival of this unique species. Floods Pond serves as the major water supply for the Bangor area. The drain on Floods Pond by the Bangor Water District to satisfy the water needs of the Bangor area causes annual fluctuations in the water level. Extreme drawdowns in the water level at Floods Pond pose a serious threat to the habitat necessary for Sunapee charr reproduction. Water demands in the Bangor area are likely to increase over the next several years as a result of increased development.

Sec. 2. Sunapee charr habitat protection; plan required. The Department of Inland Fisheries and Wildlife and the Bangor Water District are authorized and directed to jointly develop a long-range plan to assure protection of Sunapee charr habitat at Floods Pond.

Sec. 3. Report submitted. The department and the Bangor Water District shall submit a report to the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife no later than March 1, 1990, in which they explain the details of their long-range plan to protect Sunapee charr habitat at Floods Pond, including deadlines for each phase of the plan.

See title page for effective date.

CHAPTER 59

H.P. 1271 - L.D. 1767

An Act Authorizing Piscataquis County to Expend and Borrow up to an Additional \$350,000 for Renovation and Expansion of Jail Facilities

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

Whereas, the county jail facility located in Dover-Foxcroft is in need of immediate renovation and expansion in order to ensure the safety and well-being of the inhabitants of Piscataquis County; and

Whereas, the Legislature authorized the county commissioners of Piscataquis County to borrow and expend funds not to exceed \$2,400,000 for renovation and expansion of the county jail facility and the voters of Piscataquis County approved and authorized this borrowing and expenditure; and

Whereas, additional funds are required to complete the project and ensure that there will be an adequate and proper jail facility in Piscataquis County; 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 1985, c. 105, §4-A is enacted to read:

Sec. 4-A. Additional expenditure and borrowing authorized. In addition to the sum authorized by section 1 to be raised and expended, the county commissioners of Piscataquis County are authorized to raise and expend a sum not to exceed \$350,000 for renovation and expansion of the county jail facility located in Dover-Foxcroft.

To provide the additional sum, the treasurer of Piscataquis County, with the approval of the county commissioners, may borrow funds not to exceed \$350,000 and may issue bonds and temporary notes therefor, which bonds and temporary notes shall be subject to sections 3 and 4 of this Act to the same extent as if they were authorized by sections 3 and 4 of this Act.

Any grants of money or other assistance received by Piscataquis County for the purposes authorized by section 1 of this Act prior to the issuance of the bonds or temporary notes authorized by this section shall be applied to the cost of the project in lieu of the issuance of such bonds and temporary notes and the authorized amount of such bonds and temporary notes shall be reduced by the amount of the grants or other assistance.