

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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  
1990

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**PRIVATE AND SPECIAL LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST SPECIAL SESSION**

**of the**

**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**August 21, 1989 to August 22, 1989**

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**Whereas**, section 11 of the Madawaska Water District charter requires a district vote and a vote of the trustees of the district to issue bonds or notes to refund outstanding bonds; and

**Whereas**, the provisions regarding a quorum and district vote to refund bonds make it uncertain whether the district can secure the necessary approval required under its present charter for the refunding of its outstanding bonds by November 1, 1989; 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**Sec. 1.** P&SL 1953, c. 17, §7, 3rd ¶ is repealed as follows:

~~Ten per cent of the voters qualified to vote in said district shall constitute a quorum.~~

**Sec. 2.** P&SL 1953, c. 17, §11, first ¶, as amended by P&SL 1961, c. 97, §3, is further amended to read:

For accomplishing the purposes of this act and for such other expenses as may be necessary for the carrying out of said purposes, said district, through its trustees, ~~with district vote subject to the provisions of the Maine Revised Statutes, Title 35-A, section 6304,~~ is authorized to issue its notes and bonds in one series or in separate series from time to time and to make subsequent renewals of the same in whole or in part to an amount not exceeding the sum of \$500,000, outstanding at any one time. Said notes and bonds shall be legal obligation of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of the ~~Revised Statutes of Maine, 1954, chapter 90-A, section 23,~~ Maine Revised Statutes, Title 30-A, section 5701, as amended, and all provisions of said section shall be applicable thereto, said notes and bonds shall be a legal investment for savings banks in the State of Maine, and shall be exempt from all present taxes. The said district may refund and reissue, subject to the provisions of the Maine Revised Statutes, Title 35-A, section 6304, from time to time, any ~~one or in separate series,~~ of its notes and bonds and other evidence of indebtedness. Each bond or note shall have inscribed on its face the words "Madawaska Water District Bond," or "Madawaska Water District Note," as the case may be, and shall bear interest at such rates as the trustees shall determine. If said bonds be issued from time to time, each authorized issue shall constitute a separate loan. Each loan shall be payable in annual amounts of principal, beginning not more than one year from its date and made to run for such period as said trustees shall determine.

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

Effective August 23, 1989.

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## CHAPTER 95

H.P. 1307 - L.D. 1811

### An Act to Clarify the Procedures for Placement of Existing Utility Lines Underground

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

**Whereas**, there is ambiguity in the current law as to whether, and in what manner, existing utility lines may be placed underground; 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:**

**I.B. 1975** is amended to read:

**Sec. 1. Bigelow Preserve.** The Department of Conservation, including the several bureaus and agencies therein, and the Department of Inland Fisheries and ~~Game Wildlife~~ are hereby authorized and directed to acquire approximately 40,000 acres of land on and around Bigelow Mountain in Franklin and Somerset Counties for a public preserve to be known as the Bigelow Preserve. The Preserve shall include generally all land in Wyman and North One Half township north of Stratton Brook and Stratton Brook Pond, and all land in Dead River township south and east of Flagstaff Lake. All public lots within or contiguous to this area shall be included within the Bigelow Preserve.

**Sec. 2. Administration and Acquisition.** The Preserve shall be administered by the Departments of Conservation and Inland Fisheries and ~~Game Wildlife~~. These Departments shall seek and use funds for the acquisition of the land necessary for the Bigelow Preserve from state bond issues and appropriations, federal funds, and other sources now or hereafter available to them. Acquisition shall be coordinated by the Department of Conservation. Sufficient property rights and interests shall be acquired to accomplish the purposes of this Act.

**Sec. 3. Purpose.** The purpose of this Act is to set aside land to be retained in its natural state for the use and enjoyment of the public. The Preserve shall be managed for outdoor recreation such as hiking, fishing, and hunting, and for timber harvesting. Timber harvesting within

the Preserve shall be carried out in a manner approved by the Bureau of Forestry and consistent with the area's scenic beauty and natural features. All motor vehicles, not including vehicles engaged in timber harvesting, shall be restricted to roads designated for their use, except that snowmobiles shall also be allowed on designated trails. Designated roads shall be limited to those easily accessible to automobiles as of the effective date of this Act. No buildings, ski lifts, power transmission facilities, or other structures shall be built in the Preserve except for open trail shelters, essential service facilities, temporary structures used in timber harvesting, small signs, and other small structures that are in keeping with the undeveloped character of the Preserve.

**Sec. 4. Utility lines.** Notwithstanding sections 1 to 3, the Commissioner of Conservation may authorize the relocation and burial of existing utility lines within the Bigelow Preserve.

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

Effective August 23, 1989.

## CHAPTER 96

H.P. 1309 - L.D. 1813

### An Act to Allow the Sale of the Electric Portion of the Lubec Electric and Water District

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

**Whereas,** a referendum needs to be held on the provisions of this Act in November 1989; 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 1951, c. 92, §19 is enacted to read:**

**19. Sale of electrical business.** The district may sell or otherwise transfer any of its real or personal property, tangible or intangible, including without limitation, franchises, property rights, privileges and assets, land, poles, wiring, fixtures, machinery, apparatus and appliances used or capable of being used in connection with its electrical business, to a regulated electric utility incorporated and doing business in the State.

**Sec. 2. Agreement between the Lubec Water and Electric District, the purchaser of the electric business and the Town of Lubec.** If the Lubec Water and Electric District negotiates a sale or transfer of its electric business, authorized in section 1 of this Act, the provisions shall include an agreement between the Lubec Water and Electric District, the purchaser and the Town of Lubec concerning a renegotiation of the payment of an annual sum to the town under sections 2 and 14 of the district's charter. The agreement may include a continuation of the annual payment at the same or a different rate by either the district or the purchaser or a division of the proceeds of the sale between the district and the town or any of these combinations.

**Sec. 3. Sale or transfer.** If the district sells or transfers the electric business to another company, the district shall submit legislation to the Legislature proposing a revision of its charter within one year of the sale or transfer. The revised charter shall establish the district as a water district.

**Sec. 4. Referendum.** The provisions of the sale or transfer and agreements shall be approved by the voters of the Town of Lubec in a referendum conducted in accordance with the law on municipal elections.

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

Effective August 23, 1989.