

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
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PUBLISHED BY THE REVISOR OF STATUTES
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TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1990

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

SECOND REGULAR SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

mental and economic costs and benefits of alternative energy resource plans;

2. Investigate and describe various regulatory methods to incorporate environmental and economic impacts in the consideration of alternative energy resource plans, including a review of the methods used in other states. The analysis must address the following with respect to each method:

- A. The statutory and regulatory structure into which the method was introduced;
- B. The administrative procedures used, including a description of the process, the participants and the nature of their participation, the burden of the process on the regulatory authority and the participants, the time and resources consumed in the process and the effectiveness of the process;
- C. The effects of implementation of each method on electric rates; and
- D. The resulting environmental and economic benefits to ratepayers and the State; and

3. Develop and describe the specific elements of a proposed method to incorporate environmental and economic impacts in the State's energy planning process and a plan for implementation of the method, including:

- A. The administrative procedures and process;
- B. An assessment of the burdens and costs on participants in the process;
- C. The effects on ratepayers; and
- D. The environmental and economic benefits to ratepayers and the State.

Sec. 3. Consultation and cooperation with other agencies. In conducting this analysis, the Public Utilities Commission shall consult with the State Planning Office, the Department of Environmental Protection, the Public Advocate, electric utilities, customers of electric utilities, environmental organizations and developers of alternative energy resources.

Sec. 4. Report. The Public Utilities Commission shall report its findings to the Joint Standing Committee on Utilities by April 1, 1991. A copy of that report must be submitted to the Office of the Executive Director of the Legislative Council. If the commission concludes that it should have the authority to add environmental and economic impacts to the elements the commission currently considers in its regulation of electric energy planning, the commission shall submit a plan that describes the manner in which the commission proposes to implement the policy. The report must also be accompanied by legislation to implement the plan.

Sec. 5. Assistance. The Public Utilities Commission may contract for services to complete this analysis.

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

Effective April 6, 1990.

CHAPTER 111

H.P. 1665 - L.D. 2305

An Act Allowing the Yarmouth Water District to Acquire the Assets and Liabilities of the North Yarmouth 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 North Yarmouth Water District presently provides water service to the North Yarmouth area residents; and

Whereas, because of its size the North Yarmouth Water District is unable to afford the services of a full-time manager or to hire full-time maintenance personnel; and

Whereas, this problem would be solved by combining the functions and assets of the North Yarmouth Water District with the Yarmouth Water District; 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 1923, c. 72, §1, as amended by P&SL 1957, c. 205, §1, is further amended to read:

Sec. 1. Territorial limits, corporate name and purposes. The territory and the people constituting the ~~Town~~ Towns of Yarmouth and North Yarmouth in the County of Cumberland and State of Maine are hereby constituted a body politic and corporate under the name of the Yarmouth Water District, subject to adoption by the people of ~~said~~ the territory as hereinafter provided. The purpose of ~~said~~ the district is ~~the~~ supplying of the inhabitants ~~thereof~~ with pure water for domestic, agricultural, commercial, industrial, sanitary and municipal purposes.

Sec. 2. P&SL 1923, c. 72, §7 is amended to read:

Sec. 7. Board of trustees provided for. All the affairs of ~~said~~ the Yarmouth Water District shall be man-

aged by the board of trustees composed of ~~three~~ 5 members ~~to be, 4 of whom~~ are elected by the lawful voters of ~~said the~~ the district who ~~shall be such as~~ are qualified to vote at any regular meeting of the ~~town~~ Town of Yarmouth and one of whom is elected by the lawful voters of the district who are qualified to vote at any regular meeting of the Town of North Yarmouth. The number of trustees must be adjusted after each federal census is completed and apportioned between Yarmouth and North Yarmouth trustees to correspond to the percent of metered services in each town, except that each town shall have at least one trustee.

Sec. 3. P&SL 1923, c. 72, §8, 4th, 5th and 6th sentences are repealed and the following enacted in their place:

There must be 5 trustees from the Town of Yarmouth and from the Town of North Yarmouth, apportioned as provided in section 7. The trustees shall serve for terms of 3 years.

Sec. 4. P&SL 1957, c. 131, as amended, is repealed.

Sec. 5. Yarmouth Water District required to acquire property of North Yarmouth Water District. The Yarmouth Water District acquires, under the terms contained in this Act, all, but not less than all, of the plant, properties, assets, franchises, rights and privileges owned by the North Yarmouth Water District including, without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, sanitary, commercial, industrial and municipal purposes. The consideration paid for them is the assumption by the Yarmouth Water District of all of the outstanding debts, obligations and liabilities of the North Yarmouth Water District including, without limitation, the assumption by the Yarmouth Water District of any outstanding notes or bonds of the North Yarmouth Water District that are due on or after the date of transfer.

Sec. 6. North Yarmouth Water District required to sell property to the Yarmouth Water District. The North Yarmouth Water District, a quasi-municipal corporation organized and existing under Private and Special Law 1957, chapter 131, under the terms contained in this Act, sells, transfers and conveys to the Yarmouth Water District by appropriate instruments of conveyance all, but not less than all, of its plant, properties, assets, franchises, rights and privileges including, without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes, in consideration of the assumption by the Yarmouth Water District of all of the outstanding debts, obligations and liabilities of the North

Yarmouth Water District including, without limitation, the assumption of any outstanding notes or bonds of the North Yarmouth Water District that are due on or after the date of transfer.

Sec. 7. Approval of Public Utilities Commission. The sale and transfer by the North Yarmouth Water District to the Yarmouth Water District of its plants, properties, assets, franchises, rights and privileges and the assumption by the Yarmouth Water District of all the outstanding debts, obligations and liabilities of the North Yarmouth Water District, under sections 5 and 6; and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the Yarmouth Water District within the limits of the Town of North Yarmouth are subject to the approval of the Public Utilities Commission as required by the Maine Revised Statutes, Title 35-A, Part 1.

Sec. 8. Contracts of North Yarmouth Water District assumed by Yarmouth Water District. All contracts between the North Yarmouth Water District and any person, firm or corporation relating to supplying water that are in effect on the date of the transfer by the North Yarmouth Water District to the Yarmouth Water District are assumed and carried out by the Yarmouth Water District.

Sec. 9. Dissolution and termination of North Yarmouth Water District; pledge of revenues. If and when all debts, obligations and other liabilities of the North Yarmouth Water District have been paid in full and discharged or the holders or owners of all such debts, obligations and other liabilities which have not been paid in full and discharged have assented to the assumption thereof by the Yarmouth Water District and to the novation and substitution of the Yarmouth Water District as obligor in respect thereto in place of the North Yarmouth Water District, and when the transfer of property pursuant to section 6 is completed, the clerk of the North Yarmouth Water District shall file a certificate to that effect with the Secretary of State and the corporate existence of the North Yarmouth Water District terminates. Until the corporate existence of the North Yarmouth Water District is terminated under this section, the gross revenues derived by the Yarmouth Water District from the sale of water within the area comprising the former limits of the district must be applied first to the payment of expenses and 2nd to payments of debts, obligations and other liabilities of the North Yarmouth Water District assumed by the Yarmouth Water District under this Act.

Sec. 10. Acts void, unless property of North Yarmouth Water District is acquired. If the plant, properties, assets, franchises, rights and privileges owned by the North Yarmouth Water District have not been acquired by the Yarmouth Water District pursuant to this Act prior to December 31, 1990, this Act becomes void on that date.

Sec. 11. Transition. Trustees serving in the Yarmouth Water District on the effective date of this Act shall continue to serve for the remainder of the terms for which they were elected.

Sec. 12. Referendum. This Act shall be submitted to the legal voters of the Town of North Yarmouth, voting at a regular or special election called and held before or within 6 months after passage of this Act. This election shall be called, advertised and conducted according to the law relating to municipal elections, except that the selectmen of each town are not required to prepare nor the town clerk of each town to post a new list of voters, and for the purpose of registration of voters the registrar in each town be in session the 3 secular days next preceding the elections, the first 2 days to be devoted to registration of voters and the last day to enable the registrars to verify the corrections of the lists and to complete and close their records of the sessions. The town clerk of North Yarmouth shall reduce the subject matter of this Act to the following question:

“Shall the North Yarmouth Water District be dissolved and the Yarmouth Water District acquire the assets and liabilities of the North Yarmouth Water District?”

This Act shall also be submitted to the Trustees of the Yarmouth Water District for a ratification vote at any trustees meeting.

This Act shall not take effect unless accepted by the Trustees of the Yarmouth Water District and by a majority of the legal voters of North Yarmouth voting at the election.

The results of the election shall be declared by the municipal officers of the Town of North Yarmouth and due certificate thereof shall be filed by the town clerk with the Secretary of State.

Sec. 13. Retroactivity; effective date. Sections 1 to 3 and sections 5 to 12 of this Act take effect March 7, 1990, and are retroactive to that date. Section 4 of this Act takes effect when the Secretary of State receives valid notice of dissolution and termination pursuant to section 9.

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

Effective April 6, 1990.

CHAPTER 112

S.P. 746 - L.D. 1950

An Act to Authorize the Annexation of Land Adjacent to the Town of East Millinocket

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 East Millinocket requires the annexation of adjacent lands for the proper operation of municipal government, including road maintenance, public safety, and utilities management; 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. One lot or parcel of land; annexed to the Town of East Millinocket. The following lot or parcel of land bounded and described as follows and situated adjacent to the Town of East Millinocket in Penobscot County is annexed to the Town of East Millinocket:

Beginning at a point on the north town line of TA R7 WELS at the center or thread of Dolby Pond (Flowage); thence easterly by and along the north town line a distance of one thousand nine hundred (1,900) feet, more or less, to the northwest corner of the Town of East Millinocket; thence southerly by and along the west town line of East Millinocket a distance of two and one-quarter (2-1/4) miles, more or less, to a point in the center or thread of the West Branch of the Penobscot River; thence northwesterly by said center or thread a distance of three-quarter (3/4) miles, more or less, to the center or thread of Dolby Pond (Flowage); thence northerly by and along the center or thread of Dolby Pond (Flowage) a distance of one and three-quarter (1-3/4) miles, more or less, to the point of beginning. Said parcel contains 521 acres, more or less.

Sec. 2. One lot or parcel of land; annexed to the Town of East Millinocket. The following lot or parcel of land bounded and described as follows and situated adjacent to the Town of East Millinocket in Penobscot County is annexed to the Town of East Millinocket:

Beginning at a point on the west town line of East Millinocket at the center of the thread of the West Branch of the Penobscot River and immediately before that west town line turns southeasterly along the center or thread of the West Branch of the Penobscot River; thence southerly by the west town line of East Millinocket a distance of twenty eight thousand five hundred ninety eight (28,598) feet, more or less, to the south township line of TA R7 WELS; thence easterly by and along the south township line of TA R7 WELS a distance of thirteen thousand eight hundred sixty (13,860) feet, more or less, to the west town line of Medway;