

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 1990 to July 10, 1991

FIRST SPECIAL SESSION
July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 6. Dissolution and termination of Brownville Water District; pledge of revenues. If and when all debts, obligations and other liabilities of the Brownville Water District have been paid in full and discharged or the holders or owners of all debts, obligations and other liabilities that have not been paid in full and discharged have assented to the assumption thereof by the Brownville Water District and to the novation and substitution of the Town of Brownville as obligor in respect thereto in place of the Brownville Water District, the clerk of the Brownville Water District shall file a certificate to that effect with the Secretary of State and the corporate existence of the Brownville Water District ceases and terminates. Until the corporate existence of the Brownville Water District ceases and terminates pursuant to this section, the gross revenues derived by the Town of Brownville from the sale of water and the collection, discharge and disposition of sewage within the area comprising the former limits of the district must be applied first to the payment of expenses fairly allocable to the operation of the water and sewage disposal systems and 2nd to payments of debts, obligations and other liabilities of the Brownville Water District assumed by the Town of Brownville pursuant to this Act.

Sec. 7. Referendum; effective date; certificate to Secretary of State. This Act must be submitted to the legal voters of the Town of Brownville at either a regular town meeting or a special town meeting to be held prior to December 31, 1991.

The clerk of the Town of Brownville shall prepare the required ballots, on which the clerk shall reduce the subject matter of this Act to the following question:

"Shall the Town of Brownville be authorized to acquire the assets and liabilities of the Brownville Water District and shall the Brownville Water District be dissolved?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This Act takes effect for all purposes immediately upon its acceptance by a majority of the legal voters at the town meeting and further provided that the total number of votes cast for and against the acceptance of this Act equals or exceeds 10% of the total vote for all candidates for Governor cast in the Town of Brownville at the last gubernatorial election.

The result of the vote must be declared by the municipal officers of the Town of Brownville and due certificate of the vote must be filed by the town clerk with the Secretary of State.

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

Effective pending referendum.

CHAPTER 10

S.P. 321 - L.D. 877

An Act to Amend the Augusta Sanitary District Charter to Comply with Federal Sewerage Pretreatment Requirements

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

Whereas, the Augusta Sanitary District must be in compliance with applicable federal regulations to avoid violation of its federal pretreatment permit; and

Whereas, the federal pretreatment program requirements included in this legislation are now in effect; 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 1955, c. 139, §13, as repealed and replaced by P&SL 1983, c. 17, is amended to read:

Sec. 13. Sanitary provisions and penalty for violation. ~~Any~~ A person who violates the provisions of this charter or ~~the regulations~~ a rule, regulation, order or permit of the district promulgated in accordance with the authority granted ~~hereunder is liable to pay twice the amount of the damage to the district, to be recovered in any proper action.~~ under this charter; a person who places, discharges or leaves any offensive or injurious matter or material on or in the sewer conduits, sewer catch basins or sewer receptacles of the district contrary to its sewer use regulations; or a person who knowingly injures any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by the district for sewer purposes, is liable to pay twice the amount of the damage to the district, to be recovered in any proper action; may be enjoined by a court order from committing any such act and that person is guilty of a Class E crime.

An industrial user who produces industrial waste and who violates any local, state or federal law, order, rule, permit or regulation pertaining to the pretreatment of industrial waste may be enjoined from continuing in any such violation and may be assessed, in addition to any other penalties provided by law, a penalty of \$2,000 a day for each violation. The district is authorized to seek the injunctive relief and to recover this penalty in a civil action in District Court or Superior Court.

Sec. 2. P&SL 1955, c. 139, §21, 2nd ¶, first sentence, as enacted by P&SL 1969, c. 49, is amended to read:

~~Said~~ The district is authorized and empowered to use any and all of its charter rights, powers and privileges for this purpose, and including without intending to be all inclusive, the right to acquire and hold real estate and personal estate necessary and convenient ~~therefor~~; to take and hold by purchase, lease or the exercise of the right of eminent domain or otherwise any land or real estate or easement ~~therein~~, within in or outside the area of the district, necessary for forming basins, reservoirs and outlets, for erection of buildings for pumping works and sewage treatment, for laying pipes and maintaining the same, for laying and maintaining conduits and appurtenances for carrying and collecting, discharging and disposing of sewage matter and for other objects necessary, convenient and proper ~~therefor~~; to establish through and by its commissioners regulations for the use of the sewers and fix and collect the prices to be paid for entering the same and the service charges for the use ~~thereof~~ of the sewers; to enter into contract with persons, corporations or municipalities, within in or outside the area of the district, including Winthrop Water District, the inhabitants of the Town of Manchester, the City of Hallowell and any quasi-municipal corporation or district formed or to be formed, to care for or treat sewage or drainage from laterals or otherwise through the district's system; to lay down, in and through the streets and highways, within in or outside the area of the district, and to take up, replace and repair all ~~such~~ conduits, pipes and fixtures ~~as may be~~ necessary or desirable for ~~said that~~ purpose; to carry and lay conduits and pipes under any water course, lake, way, public or private, or railroad and to cross any water pipe, gas pipe, electric conduit, drain or sewer pursuant to this ~~chapter~~ section; to make and file assessments and liens for the cost ~~thereof~~ of laying the conduits and pipes; to issue notes and bonds through its commissioners without district vote 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 provide for the financing ~~thereof~~ of laying the conduits and pipes; to establish and collect rates and enforce the collection ~~thereof~~ of the rates by lien and otherwise; to enforce by injunction and assess per diem penalties as provided in section 13 for violation by any industrial user who produces industrial waste of the federal, state or local laws, rules, regulations, ordinances or orders regarding pretreatment of industrial waste; to apply for and receive state and federal loans, grants and other forms of aid; and in general to use any and all of its charter rights, powers and privileges along ~~said the sewer~~ line as though the same were solely within in the area of the district.

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

Effective May 9, 1991.

CHAPTER 11

H.P. 382 - L.D. 556

An Act Concerning Reimbursement for Certain Medical Services as Special Education Services

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

State special education services; study. The Department of Education shall conduct a staff study regarding the costs, benefits and possible alternative ways of amending existing state special education services rules to provide coverage for necessary medical services when identified as educationally appropriate. The department shall hold one or more public forums to hear testimony or to present findings and recommendations to interested parties. The department shall evaluate the results of the staff study and public input and present a report of its findings and recommendations to the Joint Standing Committee on Education no later than January 15, 1992. In developing findings and recommendations, the department shall take into account the historical distinction in state and federal law between educational and medical services, the current state and federal restrictions governing reimbursement for medical services, the evolution of state rules that permit reimbursement for some medically related services and the possibility that certain services traditionally defined as medical because of the source of the treatment may be educationally necessary to enable some students to benefit from an appropriate education.

See title page for effective date.

CHAPTER 12

S.P. 254 - L.D. 712

An Act to Amend the Charter of the Portland Water District

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

Sec. 1. P&SL 1907, c. 433, §16, as repealed and replaced by P&SL 1975, c. 84, is amended by adding at the end a new paragraph to read:

Any user of the wastewater system who violates any provision of the laws administered by the district pertaining to pretreatment standards and requirements, including without limitation a violation of the terms or conditions of any rule or regulation of the district pertaining to pretreatment standards and requirements, is subject to a civil penalty payable to the district of not less than \$1,000 nor more than \$2,000 for each day of that violation. The district may recover the civil penalty by civil action in the District Court or Superior Court.