

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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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 FIFTEENTH LEGISLATURE**

**1991**

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**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.

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## 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.

**Sec. 2. P&SL 1907, c. 433, §18, 2nd ¶,** as repealed and replaced by P&SL 1987, c. 97, §1, is amended to read:

Trustees ~~shall be~~ are elected for the term of 5 years at elections to be specially called and held in each municipality on the 4th Tuesday of May of each year or as ~~hereinafter~~ described in this paragraph. When there is a trustee to be elected by the voters of the Cities of Portland, Westbrook or South Portland, or both all of these cities, and when ~~either city any of these cities~~ is holding its own election of municipal officers in May, the election of the trustee to represent each city ~~shall~~ must be held concurrently with the municipal election, and the city and the district ~~shall~~ equally share the cost of that municipal election. When there is a trustee to be elected to represent 2 or more municipalities and there is a mutually coincident municipal election within those municipalities in the month of May, the election of the trustee ~~shall~~ must be held on that same day. When there is not a mutually coincident election in May within those municipalities, then the election of the trustee to represent that area ~~shall~~ must be held concurrently with the statewide primary in June. In the years in which there is no statewide primary, the trustee election in those municipalities ~~shall~~ must be held on the 2nd Tuesday in June. Costs for elections held concurrently with the state primary or municipal elections ~~shall be~~ are divided between the municipality or state and the district. When there is a division of costs, the district ~~shall be~~ is responsible for all costs attributable to the district's share of the election. Costs for an election held solely for the election of the district's trustee ~~shall be~~ are paid by the district. In the event that any such election for a trustee results in a tie vote, the other trustees shall select the person who shall become a trustee.

**Sec. 3. P&SL 1907, c. 433, §18, 3rd ¶, last sentence,** as repealed and replaced by P&SL 1987, c. 97, §2, is repealed and the following enacted in its place:

Nomination papers must be submitted to each municipal clerk of the municipalities in that area coterminously with the municipal filing date.

**Sec. 4. P&SL 1907, c. 433, §18, 5th ¶,** as enacted by P&SL 1977, c. 48, §9, is amended by adding at the end a new sentence to read:

In the alternative, the municipality may prepare ballots or, if voting machines are used, ballot labels in accordance with the law governing municipal elections.

**Sec. 5. P&SL 1913, c. 157, §2, first sentence,** as amended by P&SL 1975, c. 132, §1, is further amended to read:

~~No~~ A person ~~shall~~ may not bathe in the waters of Sebago Lake within 2 miles of the intakes of the Portland Water District, nor ~~shall~~ may any person wash linen

or other articles of personal apparel in the waters of ~~said~~ the lake.

See title page for effective date.

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## CHAPTER 13

H.P. 828 - L.D. 1194

### An Act to Increase the Debt Limit of the Kingfield Water District from \$350,000 to \$2,000,000

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

**P&SL 1951, c. 103, §12, first sentence,** as amended by P&SL 1979, c. 73, is further amended to read:

For accomplishing the purposes of this act, ~~said~~ the water district, through its trustees, without the necessity of a vote of the inhabitants of ~~said~~ the district, is authorized to borrow money, not exceeding ~~\$350,000~~ \$2,000,000, for long terms and temporarily, and to issue therefor the interest-bearing negotiable bonds and notes of the district for the purpose of refunding the indebtedness so created; of paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses incurred in the creation of the district; in acquiring the ~~aforsaid~~ properties and franchises of the Kingfield Water Company, by purchase or otherwise; of securing sources of supply; taking water and land; paying damages; laying pipes; constructing, maintaining and operating a water system and making extensions, additions and improvements to the same.

See title page for effective date.

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## CHAPTER 14

H.P. 858 - L.D. 1224

### An Act to Amend the Charter of the Lubec Water and Electric District

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

**Sec. 1. P&SL 1951, c. 92, §§1 to 5** are amended to read:

**Sec. 1. Territorial limits, corporate name, powers and purposes.** The inhabitants and territory within the ~~town~~ Town of Lubec, in the ~~county~~ County of Washington (hereinafter referred to as Lubec), shall be and hereby are constituted a body politic and corporate under the name of Lubec Water and Electric District (hereinafter referred to as district), with the purpose, right and power to take and use water for domestic, commercial, sanitary and municipal purposes including extinguishment of fire, ~~and to make, buy, generate, sell~~