

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

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

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1991

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 P&SL 1907, c. 433, §18, 2nd ¶, as repealed and replaced by P&SL 1987, c. 97, §1, is amended to read: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 P&SL 1907, c. 433, §18, 3rd ¶, last sentence, as repealed and replaced by P&SL 1987, c. 97, §2, is repealed and the following enacted in its place: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.

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.

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~~

~~and distribute electricity~~; and, also, so far as applicable to ~~said these~~ purposes, with the rights and powers conferred upon ~~said~~ Lubec by section 1 of chapter 489 of the private and special laws of 1901, ~~as amended by section 1 of chapter 47 of the private and special laws of 1919, and by section 1 of chapter 91 of the private and special laws of the special session of 1933.~~

Sec. 2. Title of utility properties of Lubec to vest in district. ~~At the time this act takes effect, the~~ The title of Lubec to the entire plant, lands, property and franchises, rights and privileges, including all rents, water rights, dams, reservoirs, pipes, machinery, fixtures, hydrants, tools, apparatus and appliances used in connection with its water business, ~~and also the property, franchises, property rights, privileges and assets, including land, poles, wiring, fixtures, machinery, apparatus and appliances used or capable of being used in connection with maintaining its electrical business,~~ together with all unexpended funds credited to ~~said the~~ water and electric department and all bills receivable for water and electric services, ~~shall become~~ remain the property of and vest in ~~said the~~ district in. In consideration of the ~~said the~~ district assuming all of the prior obligations of Lubec in connection with ~~said the~~ water and electric business ~~and of said, the~~ district paying shall pay the Town of Lubec for a term of 99 years the sum of \$10,000 annually in quarterly payments of \$2,500 each, each year until and including the year 2051.

Sec. 3. Powers of district. ~~Said~~ The district is hereby authorized, in addition to all the powers and rights conferred under section 1 hereof, to take, collect, store, flow, use, detain, distribute and convey to the ~~town~~ Town of Lubec or any part thereof water from any lake, pond, stream, or river or from any surface or underground brook, spring or vein of water in ~~said town~~ the Town of Lubec and in ~~the town of~~ Trescott Township and from the Orange ~~river~~ River in Whiting, and is also authorized to locate, construct and maintain aqueducts, pipes, conduits, standpipes, hydrants, pumping stations and other necessary structures and equipment therefor; and ~~erect poles and lines and~~ do all things necessary to furnish water, ~~light and power~~ for public purposes and for public health, comfort and convenience of the inhabitants of ~~said the~~ district, ~~and to supply electric light and power to the inhabitants of the town of Lubec and to the town of Trescott and that part of Whiting known as Whiting Village.~~

Sec. 4. Right of eminent domain conferred. The ~~said~~ district, for the purposes of its incorporation, is hereby authorized to take and hold, as for public uses, by purchase, eminent domain, or otherwise, any land or interest therein, or water rights necessary for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and watershed, for laying and maintaining aqueducts and other structures, for taking, distributing and disposing of water and for rights of way and roadways to its sources of supply, power stations, reservoirs, mains, aqueducts, structures and lands,

also all things necessary for supplying water as ~~aforsaid, and for supplying electric lighting and power.~~ Provided, however, nothing herein contained ~~shall~~ may be construed as authorizing ~~said the~~ district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or required for future use by the owner thereof in performance of a public duty, unless expressly authorized herein or by subsequent act of the ~~legislature~~ Legisla- ture.

Sec. 5. Authorized to lay mains, pipes, conduits, etc., through and upon public ways and across private lands. The ~~said~~ district is hereby authorized to lay in and through and to erect upon the streets, roads, ways and highways of the ~~town~~ Town of Lubec and other towns served by it and across private lands therein, and to maintain, repair and replace all such pipes, mains, conduits, aqueducts, ~~poles and wires,~~ and fixtures as may be necessary and convenient for its corporate purposes, and whenever ~~said the~~ district shall lay any pipes, aqueducts; or conduits ~~or erect pole lines~~ in any street, roadway or highway, it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall at its own expense, without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition.

Sec. 2. P&SL 1951, c. 92, §6, first sentence is amended to read:

~~After the original acquisition for which provision is made in section 2 of this act, the~~ said The district in exercising, from time to time, any right of eminent domain conferred upon it by law or through or under the franchise of Lubec acquired by the district shall file written application with the ~~public utilities commission~~ Public Utilities Commission requesting its approval of the proposed taking.

Sec. 3. P&SL 1951, c. 92, §§9 and 10 are amended to read:

Sec. 9. Board of trustees. All of the affairs of ~~said the~~ district ~~shall~~ must be managed by a board of trustees composed of 3 members who ~~shall~~ must be bona fide residents of the ~~town~~ Town of Lubec; provided, however, that none of the members of the Lubec board of selectmen or holders of other town office ~~shall be~~ are eligible for such office as trustee, and whenever ~~said a~~ trustee becomes a member of ~~said the~~ board of selectmen or is elected or appointed to and accepts other town office, ~~he shall the trustee~~ automatically ~~cease~~ ceases to be ~~such a~~ trustee. The ~~last~~ present board of trustees shall ~~be the commissioners now in office, who shall hold office as such trustees for the terms for which they were elected, and as their terms expire~~ 4 one trustee ~~shall~~ must be elected by ballot at the regular annual town meeting of Lubec ~~in the month of March~~ to serve for a term of 3 years. ~~As soon as this act takes effect, said~~ The trustees (~~being the former water commissioners of~~ Lubec) shall hold ~~a meeting~~ meetings in the ~~town~~ Town

of Lubec and may organize by the election of a president and a clerk, adopt a corporate seal and choose a treasurer, and when necessary all other needful officers and agents, including a general manager, who with the treasurer, shall serve at their pleasure and whose compensation ~~shall be~~ is fixed by such trustees. The ~~said~~ trustees ~~shall~~ receive such compensation for their services as may be fixed by ~~said~~ Lubec at a town meeting at which a trustee is elected; ~~provided, however, until so fixed they shall receive such compensation as is now paid the water commissioners of Lubec.~~ Whenever a vacancy occurs in the office of president, clerk, general manager or treasurer, it ~~shall~~ must be filled promptly by ~~said~~ the board of trustees. If a vacancy occurs in ~~said~~ the board of trustees, ~~said~~ the vacancy may be temporarily filled by the remaining trustees until the next ~~March~~ regular meeting of the ~~town~~ Town of Lubec, at which ~~said~~ meeting a trustee ~~shall~~ must be elected for the regular term and one to fill out the term occasioned by ~~said~~ the vacancy. Whenever any trustee ceases to be a resident of the ~~town~~ Town of Lubec, ~~he~~ the trustee vacates the office of trustee. ~~Said~~ The trustees may also ordain and establish such ~~by laws~~ bylaws as are necessary for their own convenience and the proper management of the affairs of the district, and may procure an office and incur such expenses as may be necessary. The treasurer and general manager shall furnish bond in such form and with such sureties as the trustees may approve.

Sec. 10. Valid contracts of present companies to be assumed by district. All valid contracts now existing between ~~Lubec~~ the district and any persons or corporations for supplying water, ~~light and power,~~ in the ~~town~~ Town of Lubec or elsewhere ~~shall~~ must be assumed and carried out by ~~said~~ the district.

Sec. 4. P&SL 1951, c. 92, §14, sub-§I is amended to read:

I. To pay the current expenses for operating and maintaining the water, ~~light and power~~ system.

Sec. 5. P&SL 1951, c. 92, §14, sub-§V is enacted to read:

V. Notwithstanding any other provisions in this section, the district is authorized to hold all money received from the sale of that portion of the district's property formerly used to provide electric service and to continue to use these funds or any part of these funds as the trustees determine advisable, for the extension or improvement of water service or as a means of delaying increases in rates for water service. The fund must be separately accounted for and its application must be overseen by the Public Utilities Commission. The district may, with consent of the Public Utilities Commission, set aside some portion as a reserve with which to make the annual payment to the Town of Lubec required by Section 2 of this Charter.

Sec. 6. P&SL 1951, c. 92, §16 is repealed and the following enacted in its place:

Sec. 16. Local referendum for Town of Lubec; meeting, how called; form of ballot; certificate to Secretary of State. This Act takes effect for all purposes when approved by a majority of the legal voters of the Town of Lubec present and voting for or against the acceptance of the revision to the charter at the next annual town meeting after this Act becomes a law, but if and only if the total number of votes cast for and against the acceptance of this Act in that election equals or exceeds 20% of the total vote for all candidates for Governor cast in Lubec at the previous gubernatorial election. The election must be called, advertised and conducted according to law relating to municipal elections, provided, however, that the board of registration in the Town of Lubec is not required to prepare for posting nor the town clerk to post a new list of voters and, for the purpose of registration of voters, the board shall be in session the 3 secular days preceding such election, the first 2 days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of the lists and to complete and close up their records of those sessions. The town clerk shall reduce the subject of this Act to the following question:

"Shall the Lubec Water and Electric District Charter be amended to delete references to electric service?"

The voters shall indicate by a cross or a check mark placed against the words "Yes" or "No" their opinion of the same. A check list must be used at the election. The result shall be declared by the municipal officers and due certificate thereof filed with the Secretary of State by the clerk of the town.

Effective pending referendum.

CHAPTER 15

H.P. 976 - L.D. 1419

An Act to Amend the Charter of the Gray 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 charter of the Gray Water District currently provides that trustee elections occur on the same day as the annual town meeting; and

Whereas, trustees of the Gray Water District serve 5-year terms that are staggered so that one trustee is elected each year on the day of the annual town meeting; and