

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

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FIRST REGULAR SESSION

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J.S. McCarthy Company
Augusta, Maine
1991

PRIVATE AND SPECIAL LAWS

OF THE

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1991

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

Whereas, the Town of Gray recently changed the date of its annual town meeting from a date in March to a date in May; and

Whereas, the 5-year term of office of one of the district's trustees is scheduled to expire in March of this year and will remain unfilled until a successor is elected at the town's annual meeting in May; and

Whereas, the term of the other trustees of the Gray Water District will in subsequent years expire prior to the date of trustee elections; 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 1929, c. 33, §18, as enacted by P&SL 1931, c. 105, §1, is repealed and the following enacted in its place:

Sec. 18. Change in date of election of trustees. Whenever the term of office of a trustee of the Gray Water District expires, that trustee shall serve until the successor is elected and qualified. The trustee's successor is elected for a term of 5 years, as provided by section 9 of the charter, at a special election of the voters of the district, to be called and held on the same day as the annual municipal election. If the date of the annual municipal election is changed and the change results in the expiration of a trustee's term of office prior to the new date of the annual municipal election, the expiring term is extended to the new date of the annual municipal election. The result of all elections for trustees must be declared by the moderator presiding at the meetings, and recorded by the town clerk in the town clerk's records, and a certificate of the election must be filed by the town clerk with the trustees of the district. It is the duty of the trustees to see that the certificate is entered in the records of the district. The recorded certificate is sufficient evidence in all cases of the legality of the elections.

Sec. 2. Retroactive application. The requirement that the term of a trustee of the Gray Water District continue until the election of that trustee's successor applies retroactively to all trustees of the Gray Water District serving on or after February 28, 1991.

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

Effective June 7, 1991.

CHAPTER 16

S.P. 729 - L.D. 1914

An Act Relating to Workers' Compensation Insurance Rate Setting

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

Whereas, there is currently pending before the Superintendent of Insurance a filing seeking increases in workers' compensation insurance rates and imposition of surcharges on which a decision is required to be issued under applicable laws by June 1st; and

Whereas, the Legislature is in the process of enacting substantial changes to the Workers' Compensation Act, Maine Revised Statutes, Title 39 that have a direct and immediate effect on the appropriate rates for coverage but which effects can not be taken into account under current applicable law in the pending rate case and can not be taken into account in approved rates before 1992; 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. Workers' Compensation Act changes; rate effect. For purposes of the proceeding pending before the Superintendent of Insurance on the effective date of this section to establish workers' compensation rates and to determine the need for any surcharge, the deadline for issuance of a decision on the rate filing under the Maine Revised Statutes, Title 24-A, section 2363, subsection 11 and the deadline for making the determinations required under Title 24-A, section 2367 are both extended to September 30, 1991, in order to allow the Superintendent of Insurance to conduct a proceeding for the limited purpose of determining the effect of amendments to Title 39, enacted by the First Regular Session of the 115th Legislature in the Workers' Compensation Act on workers' compensation insurance rates and to take those findings into account in establishing rates and surcharges, if any, in connection with the pending rate filing. The Superintendent of Insurance may not issue a decision in the pending proceeding until the Superintendent of Insurance has evaluated the effect of these changes on the workers' compensation rates and incorporated those findings in the superintendent's decision on the pending rate proceeding.

The Superintendent of Insurance shall order the filing of information necessary to determine the effect