

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

nated officer of the district the rates established by the board of trustees for the water used by them. The rates must be established in accordance with the Maine Revised Statutes, Title 35-A, chapter 61, to provide for the purposes set forth therein.

The management and allocation by the Plymouth Water District of a contribution of funds by the State under the Maine Revised Statutes, Title 38, section 1364, subsection 5, and the income from those funds, are not subject to investigation or review by the Public Utilities Commission under Title 35-A, section 310, 1302 or 1303, except upon request by the Department of Environmental Protection.

Sec. 14. Existing laws not affected; rights conferred subject to provisions of law. Nothing contained in this Act is intended to repeal, or may be construed as repealing, the whole or any part of any existing law, and all the rights and duties mentioned in this Act must be exercised and performed in accordance with all the applicable provisions of and amendatory acts to the Maine Revised Statutes, Title 35-A to the extent that that Title and its amendments affect the operations of the district.

Sec. 15. Separability clause. If any section or part of a section of this Act is held invalid by a court of competent jurisdiction, the holding does not affect the remainder of this Act, it being the intention that the remaining portions of this Act stand, notwithstanding the unconstitutionality or invalidity of any section, sentence, clause or phrase.

Sec. 16. Acceptance subject to referendum. This Act must be submitted to the legal voters within the district at an election called for that purpose and held by December 31, 1992. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters and, for this purpose, the registrar of voters must be in session the 3 secular days preceding the election, of which the first 2 days must be devoted to registration of the voters and the last day to verification of the list and completion of the records of these sessions by the registrar. The subject matter of this Act is reduced to the following question:

“Shall the Plymouth Water District be created?”

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

The results must be declared by the municipal officers of the Town of Plymouth and the due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all purposes immediately upon its acceptance by a majority of the legal voters within the district voting at the special election. Failure of the approval by the necessary majority of voters at any such election does not prevent a subsequent election or elections from being held for that purpose.

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

Effective pending referendum.

CHAPTER 38

H.P. 1339 - L.D. 1931

An Act to Amend the Berwick Sewer District Charter

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

Sec. 1. P&SL 1963, c. 154, §24 is enacted to read:

Sec. 24. Dissolution. The district may be dissolved by affirmative vote of a majority of the legal voters voting at a municipal election on the question: “Shall the Berwick Sewer District, created as a quasi-municipal corporation by Private and Special Act, be dissolved?” Prior to dissolution, the district shall adequately provide for the transfer of the district’s assets, liabilities and responsibilities.

Sec. 2. Town of Berwick; duties upon dissolution. Upon dissolution of the Berwick Sewer District, as created by Private and Special Law 1963, chapter 154, the Town of Berwick shall assume the assets, liabilities and responsibilities of the district.

See title page for effective date.

CHAPTER 39

H.P. 1341 - L.D. 1933

An Act to Amend the Quorum Requirements for Special Town Meetings in Vassalboro

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

P&SL 1957, c. 9 is amended to read:

Special town meetings. No action of a special town meeting of the town of Vassalboro, Kennebec County, shall be is valid unless the ~~number of~~ 125 registered

voters are present at such the special town meeting shall equal at least 10% of the total number of votes cast for Governor in said town of Vassalboro at the next preceding gubernatorial election.

See title page for effective date.

CHAPTER 40

H.P. 1329 - L.D. 1920

An Act to Allow the Department of Environmental Protection to Process an Application by Ivan Davis to Rebuild a Dam on the St. George River

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

Whereas, on or about November 30, 1989, Ivan Davis submitted an application to rebuild a dam on the St. George River in Liberty to the Department of Environmental Protection; and

Whereas, Mr. Davis' application included no proposals for development or redevelopment of hydroelectric generating or hydromechanical facilities; and

Whereas, the Board of Environmental Protection proposed and the Legislature enacted a reclassification of the water quality of the waters affected by the application from Class C to Class AA under the Maine Revised Statutes, Title 38, sections 465 and 467 effective July 14, 1990; and

Whereas, Mr. Davis' application was not complete for processing on the effective date of the reclassification due to questions regarding Mr. Davis' right, title and interest in the property on which the proposed dam was to be rebuilt; and

Whereas, the change in classification precludes action on Mr. Davis' application; 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:

Processing of a prior application for dam rebuilding and maintenance authorized. Notwithstanding the Maine Revised Statutes, Title 38, section 465, subsection 1 and section 467, subsection 14, paragraph A, subparagraph (1), the Department of Environmental Protection shall process an application by

Ivan Davis if it is substantially identical to an application previously submitted by Mr. Davis on or about November 30, 1989 for a permit, pursuant to Title 38, section 480-C, to rebuild and maintain the dam on the St. George River in Liberty, which is the first dam below the outlet of Lake St. George and is adjacent to land owned by Ivan Davis. The department shall process the application as if the water quality classification of the waters in question were classified under Title 38, section 465, subsection 2. This Act is repealed on January 1, 1992 if, prior to this date, Mr. Davis has not submitted a complete application to the department that is substantially identical to an application previously submitted by Mr. Davis on or about November 30, 1989.

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

Effective June 24, 1991.

CHAPTER 41

H.P. 1363 - L.D. 1951

An Act to Provide Additional Funds for Debt Service Payments for the Fiscal Year Ending June 30, 1991

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

Whereas, the 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable prior to July 1, 1991; 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:

Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

TREASURER OF STATE

Debt Service - Treasury

All Other

\$417,523