

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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  
1992

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**PRIVATE AND SPECIAL LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**SECOND REGULAR SESSION**

**of the**

**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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passes to the district upon service of the order of condemnation and check or upon recordation in accordance with this Act, whichever occurs first. Acceptance and negotiation of the check do not bar an appeal under this Act.

Any person aggrieved by the determination of the damages awarded to owners of property or interests therein under this Act may, within 60 days after service of the condemnation order and check, appeal to the Superior Court of Franklin County. The court shall determine damages by a verdict of its jury or, if all parties agree, by the court without a jury or by a referee or referees, and shall render judgment for just compensation, with interest when such is due, and for costs in favor of the party entitled thereto. Appeal from the decision of the Superior Court may be had to the Law Court, as in other civil actions.

**Sec. 14. Rates.** The rates established pursuant to this section must be sufficient to provide revenue for the purposes of this Act and for all other purposes of the district, without the need for any financial assistance from the Town of Rangeley, other than the normal payment of water charges for services rendered and the loan or loans for initial funds as set forth in section 12. Individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer or other designated 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.

**Sec. 15. 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. 16. 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. 17. 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, 1993. 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 Rangeley 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 Rangeley and the due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect 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.

**Sec. 18. Local referendum impact.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, additional costs, if any, imposed on any municipality by the provisions of this Act providing for a local referendum are not funded by the State.

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

Effective pending referendum.

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## CHAPTER 73

H.P. 471 - L.D. 665

### An Act Concerning Prevailing Wages Established by the Department of Labor

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

**Sec. 1. Prevailing wage law study.** The Department of Labor, Bureau of Labor Standards shall conduct a study of alternative ways of revising the prevailing wage laws as established by the Maine Revised Statutes, Title 26, chapter 15 so that the value of fringe benefits provided by the employer may be considered in the calculation of the prevailing wage. As part of the study the bureau shall compare the procedures used under the state prevailing wage laws with those used under the federal Davis-Bacon Act, 40 United States Code, Section 276a. The bureau shall determine whether administrative savings can be realized by using the local data compiled by

the United States Department of Labor as the basis for determining the prevailing wage under state law, while not compromising the purposes of the state law. In addition, the bureau shall consider the scope and impact of the law, verification and enforcement activities, occupational classifications, possible alternate funding sources and other appropriate issues.

The Bureau of Labor Standards shall make a preliminary report to the joint standing committee of the Legislature having jurisdiction over labor matters by July 1, 1992 on the progress of the study. A final report must be submitted to the joint standing committee of the Legislature having jurisdiction over labor matters by January 31, 1993 on the findings and recommended actions.

See title page for effective date.

## CHAPTER 74

H.P. 1414 - L.D. 2026

### An Act to Amend the Charter of the Casco Bay Island Transit District

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

**Sec. 1. P&SL 1981, c. 22, §3-A** is enacted to read:

**Sec. 3-A. Vacancies; board of directors.** The board of directors may fill a vacancy on the board by appointing a member to serve until the next municipal election. Such an appointed member must be a resident or property owner of the same geographic area as the former member whose term the appointed member will serve. If the term of a vacating member extends beyond the date of the next municipal election, a new member must be elected at the next municipal election as provided in section 3 to fill the remainder of that term.

See title page for effective date.

## CHAPTER 75

H.P. 1480 - L.D. 2092

### An Act to Increase the Debt Limit of the South Berwick Sewer District

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

Whereas, disposal and treatment of sewage is essential to the health and well-being of the inhabitants of the Town of South Berwick; and

Whereas, changes in the debt limit of the South Berwick Sewer District are necessary in order to begin construction on a required secondary treatment plant; 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 1963, c. 226, §16, 3rd sentence,** as amended by P&SL 1987, c. 99, §1, is further amended to read:

The total outstanding indebtedness of ~~said~~ the district, at any one time, ~~shall~~ may not exceed the sum of \$3,000,000 \$6,000,000.

**Sec. 2. Emergency clause; referendum; effective date.** In view of the emergency cited in the preamble, this Act takes effect when approved, except that the increase of the total indebtedness from \$3,000,000 to \$6,000,000 takes effect only for the purpose of permitting its submission to the legal voters of the South Berwick Sewer District, resident in the district, at the next regular town or at a special town meeting to be called and held for the purpose by December 31, 1992. The election must be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the municipal officers of the town are 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 of voter registration must be in session on the secular day next preceding the special election. The town clerk of the town shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

“Shall the charter that created the South Berwick Sewer District be amended to increase the total authorized indebtedness of the district from \$3,000,000 to \$6,000,000?”

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 immediately upon its acceptance by a majority of the legal voters voting at the election.

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

**Sec. 3. Local referendum impact.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, additional costs, if any, imposed on any municipal-