

# 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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**Sec. 13. 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 Dresden, 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.

The management and allocation by the Dresden Mills 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, except as otherwise expressly provided in this Act, 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, 1994. 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 Dresden Mills 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 Dresden 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. 17. 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.

## CHAPTER 88

H.P. 1606 - L.D. 2268

### An Act Regarding the Time and Temperature Sign Located in Portland

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

**Sec. 1. Time and temperature sign.** Notwithstanding the Maine Revised Statutes, Title 23, chapter 21, the sign on top of 477 Congress Street in the City of Portland is not subject to Title 23, chapter 21 and may be maintained, repaired and operated with the same dimensions and in the same manner in which it was maintained, repaired and operated on and before January 1, 1992. If used for advertising or other informational purposes, that use is limited to the use of 2 words or groupings of characters not exceeding 4 letters or characters each, which must be displayed for 4 seconds each.

See title page for effective date.

## CHAPTER 89

H.P. 1668 - L.D. 2344

### An Act to Amend the Charter of the Portland 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 Portland Water District is a public municipal corporation organized and existing under the laws of the State; and

**Whereas,** the Portland Water District is authorized to provide water to the inhabitants of the Town of Scarborough and serves portions of the Town of Scarborough; and

**Whereas,** the Town of Scarborough is not represented on the Board of Trustees of the Portland Water District; and

**Whereas,** the Town of Scarborough desires to be represented on the Board of Trustees of the Portland Water District; and

**Whereas,** expanding the Board of Trustees of the Portland Water District will result in the inhabitants of the district being more proportionally represented on the board; 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 1907, c. 433, §1,** as repealed and replaced by P&SL 1975, c. 84, is amended to read:

**Sec. 1. Territory.** The territory and people of the Cities of Portland, South Portland and Westbrook and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Scarborough and Windham ~~shall~~ constitute the public municipal corporation named the Portland Water District.

**Sec. 2. P&SL 1907, c. 433, §18, first ¶,** as repealed and replaced by P&SL 1975, c. 84, is amended to read:

**Sec. 18. Board of trustees.** The affairs of the district ~~shall be~~ are managed by a board of trustees composed of 9 11 members, 4 of whom ~~shall be~~ are elected by a plurality of voters of the City of Portland, 2 by a plurality of the voters of the City of South Portland, one by a plurality of the voters of the City of Westbrook, ~~one~~ 2 by a plurality of the voters of the Towns of Gorham, Scarborough and Cape Elizabeth and ~~one~~ 2 by a plurality of the voters of the Towns of Cumberland, Falmouth and Windham.

**Sec. 3. P&SL 1907, c. 433, §18, 3rd ¶,** as amended by P&SL 1991, c. 12, §3, is further amended to read:

All nominations of candidates to be elected from the cities of Portland, South Portland and Westbrook ~~shall~~ must be made by nomination papers signed in the aggregate for each candidate by not less than 100 nor more than 150 qualified voters of such city. All nominations of candidates to be elected from the area consisting of either Cape Elizabeth, Scarborough and Gorham or Cumberland, Falmouth and Windham ~~shall~~ must be made by nomination papers signed in the aggregate for each candidate by not less than ~~75~~ 35 nor more than ~~125~~ 50 of the voters of each of the towns within ~~such~~ that area. Each voter signing a nomination paper shall make ~~his~~ the voter's signature in person and add to it ~~his~~ the voter's place of residence, and each voter may subscribe to as many nominations as there are trustees to be elected in ~~his~~ the voter's area and no more. Nomination papers must be submitted to each municipal clerk of the municipalities in that area coterminously with the municipal filing date.

**Sec. 4. Election of new members; terms of existing members.** The 2 new members of the Board of Trustees of the Portland Water District authorized by this Act must be elected for their initial 5-year term at elections to be specially called and held in each affected municipality on the date of the statewide primary in June 1992 in accordance with the procedures contained in Private and Special Law 1975, chapter 84, section 18, as amended. The existing member of the board representing Cape Elizabeth and Gorham serves the remainder of the 5-year term as the representative of Cape Elizabeth, Gorham and Scarborough. All other existing members of the board, including the existing member representing Cumberland, Falmouth and Windham, serve out the remainder of their 5-year terms.

**Sec. 5. 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 March 24, 1992.

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## CHAPTER 90

H.P. 1581 - L.D. 2231

**An Act to Exempt Certain Municipalities from Interest Imposed by the State**