

# 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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**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 P&SL 1907, c. 433, §1,** as repealed and replaced by P&SL 1975, c. 84, is amended to read: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**

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

**Sec. 1. Liability for interest.** Notwithstanding any other statutory provision, the Town of Ashland and the Town of Castle Hill are not liable for interest due the Unorganized Territory Education and Services Fund for taxes improperly collected prior to the effective date of this Act. The State Tax Assessor shall refund any interest paid by the Town of Castle Hill and shall abate all interest due from the Town of Ashland.

**Sec. 2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<b>1992-93</b>	
<b>FINANCE, DEPARTMENT OF</b>		
<b>Bureau of Taxation</b>		
Unorganized Territory Education and Services Fund - Finance		
All Other	\$1,038	
Provides funds to reimburse the Town of Castle Hill for certain interest expenses. The funds will be paid back to the General Fund from the Unorganized Territory Education and Services Fund.		
See title page for effective date.		

**CHAPTER 91**

**H.P. 1713 - L.D. 2398**

**An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1992-93**

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

**Whereas,** prompt determination and certification of the municipal cost components in the unorganized territory district is necessary to the establishment of a mill rate and the levy of the unorganized territory educational and services tax; 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. Municipal cost components for services rendered.** In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 1992-93 is as follows:

	<b>1992-93</b>
Audit - Fiscal Administrator	\$110,097
Education - Operations	8,066,304
Forest Fire Protection	150,000
Human Services - General Assistance	190,000
Property Tax Assessment - Operations	431,000
Maine Land Use Regulation Commission - Operations	130,000
<b>Total State Agencies</b>	<b>\$9,077,401</b>
County reimbursements for services:	
Aroostook	\$443,935
Franklin	287,934
Oxford	183,058
Penobscot	395,237
Piscataquis	494,115
Somerset	448,161
Washington	329,086
<b>Total County Services</b>	<b>\$2,581,526</b>
<b>TOTAL REQUIREMENTS</b>	<b>\$11,658,927</b>

**COMPUTATION OF ASSESSMENT**

Requirements	\$11,658,927
Less deductions:	
General -	
State Revenue Sharing	\$150,000
Miscellaneous Revenues	450,000
<b>TOTAL</b>	<b>\$600,000</b>
Educational -	
Lands Reserve Trust	\$175,000
Tuition - Travel	115,000
Miscellaneous	20,000
Special - Retirement	100,000
<b>TOTAL</b>	<b>\$410,000</b>