

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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
1993

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

any offensive or injurious matter or material on or in the conduits, catch basins or receptacles of or served by the authority contrary to the authority's regulations is liable to pay twice the amount of damages to the authority, to be recovered in any proper action.

Any person who knowingly injures any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by the authority is guilty of a Class E crime.

The authority may seek, in a civil action, injunctive relief and civil penalties pursuant to the Maine Revised Statutes, Title 38, section 1252, subsection 8 against an industrial user of the authority that violates any pretreatment standard or requirement administered by the authority.

Notwithstanding other civil or criminal penalties provided by and imposed under federal or state law, except penalties sought by the authority pursuant to Title 38, section 1252, subsection 8, the Lewiston-Auburn Water Pollution Control Board may assess administrative penalties of not more than \$1,000 per day for each violation by an industrial user of any pretreatment standard or requirement administered by the authority. In assessing any penalties under this paragraph, the board must conduct its proceedings in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV. A person aggrieved by any action by the board under this paragraph is entitled to judicial review in the Superior Court in the manner provided in Title 5, chapter 375, subchapter VII. The authority may by rule provide for assessment and collection of the administrative penalties as well as procedures for notification to industrial users of the penalties and enforcement of the administrative penalties provided that these rules are in accordance with the Maine Administrative Procedure Act as specified in this paragraph. The authority may not seek civil monetary penalties under Title 38, section 1252, subsection 8 if the board has assessed administrative penalties under this section. Nothing in this paragraph prohibits the authority from seeking injunctive relief pursuant to Title 38, section 1252, subsection 8 in addition to administrative penalties imposed pursuant to this paragraph.

See title page for effective date.

CHAPTER 29

H.P. 511 - L.D. 669

An Act to Reapportion Maine School Administrative District No. 72

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from

local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, Maine School Administrative District No. 72 has submitted a request to the Commissioner of Education pursuant to the Maine Revised Statutes, Title 20-A, section 1255 to determine if the school district's Board of School Directors is apportioned in accordance with the principles of one person, one vote; and

Whereas, the Commissioner of Education has determined that the district's current representation is not apportioned according to the principles of one person, one vote; and

Whereas, a local reapportionment committee has met and approved a reapportionment plan that involves a system of weighted voting with one less director from the Town of Lovell and one more director from the Town of Fryeburg; and

Whereas, Title 20-A, section 1253, subsection 2, paragraph A, subparagraph (1) and Title 20-A, section 1255 contain mutually inconsistent provisions concerning the terms of office of the current school directors; 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. Reapportionment of directors. The Board of School Directors of Maine School Administrative District No. 72 is reapportioned according to the Method B (Weighted Voting) reapportionment plan, which is set forth below:

Municipality	1990 Census	% of Total Pop.	Total Votes	Number of Directors	Per Director	% Voting Power
Brownfield	1034	16.0	160	2	80	8.0%
Denmark	855	13.2	132	2	66	6.6%
Fryeburg	2968	45.8	456	6	76	7.6%
Lovell	888	13.7	138	2	69	6.7%
Stoneham	224	3.5	35	1	35	3.5%

Stow	283	4.4	44	1	44	4.4%
Sweden	222	3.4	34	1	34	3.4%
Totals	6474	100.0	999	15		

Within 7 days of the approval of this Act, the 3 directors representing the Town of Lovell shall, under the supervision of the board of school directors, choose by lot which one of the Town of Lovell's directors' terms terminates. Following approval of this Act, the municipal officers of the Town of Fryeburg shall fill the vacancy created by the increase in the number of directors from Fryeburg from 5 to 6 by appointment and the new director shall serve until a successor is elected and qualified at the next annual municipal election. Notwithstanding any provision of law to the contrary, the terms of office of the remaining 14 members of the Board of School Directors of Maine School Administrative District No. 72 is not affected in any way by the reapportionment plan enacted by this Act. Any future reapportionment of the Board of School Directors of Maine School Administrative District No. 72 is governed by the provisions of the Maine Revised Statutes, Title 20-A.

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

Effective June 2, 1993.

CHAPTER 30

S.P. 430 - L.D. 1340

An Act to Amend the Selection Process for the Administration of the Mexico Water District

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

Sec. 1. P&SL 1929, c. 102, §8, as amended by P&SL 1983, c. 32, §2, is further amended to read:

Sec. 8. Managed by board of trustees; bond; organization; tenure of office; compensation; report. All the affairs of the water district ~~shall be~~ are managed by a board of trustees composed of 3 members, chosen by the municipal officers of Mexico. Before entering upon the duties of their office the trustees shall file a bond for the faithful performance of their trust, with the treasurer of the Town of Mexico, in such sum as may be required, from time to time, by the selectmen of Mexico, the premium for the bond to be paid by the Mexico Water District. As soon as convenient after the members of the board have been chosen and qualified, the

trustees shall hold a meeting and organize by the election of a ~~chairman chair~~. The trustees shall ~~annually~~ choose an administrator who shall manage the day-to-day affairs of the district. The trustees shall annually choose a treasurer and clerk for the district. The trustees may contract with the Town of Mexico to provide operational services to the district. At the first meeting, they shall determine by lot the term of office of each trustee so that one shall serve for one year, one for 2 years and one for 3 years, and whenever the term of office of a trustee expires the body ~~which that~~ appointed the trustee shall appoint a successor to serve the full term of 3 years, and in case any other vacancy arises it ~~shall~~ must be filled in like manner for the unexpired term. They may also adopt such bylaws as are necessary for their own convenience and the proper management of the affairs of the district. The term of office of the trustees first chosen ~~shall be considered to~~ must date from the first Monday of April, 1929. The trustees may procure an office and incur such expenses as may be necessary. Each member ~~shall receive~~ receives in full compensation for ~~his the member's~~ services an allowance of \$300 per year, plus \$15 for each meeting attended up to a total of 20 meetings per year. The district shall have an annual post audit of its accounts which, with its annual report, ~~shall~~ must be published as part of the annual report for the Town of Mexico, at the discretion of the board of selectmen.

See title page for effective date.

CHAPTER 31

H.P. 1010 - L.D. 1356

An Act to Amend the Charter of the Plymouth Water District

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

Sec. 1. P&SL 1991, c. 37, §2 is amended by adding at the end a new paragraph to read:

The district is obligated to supply water for only the 47 residences in the district that would otherwise have access to only contaminated water or water that is in imminent danger of becoming contaminated as identified in the document entitled "AGREEMENT BETWEEN THE STATE OF MAINE AND THE PLYMOUTH WATER DISTRICT REGARDING THE PLYMOUTH WATER SYSTEM," dated April 2, 1993.

Sec. 2. P&SL 1991, c. 37, §9, sub-§3 is amended to read:

3. Bylaws. The trustees may adopt and establish such bylaws as are necessary for the proper management of the affairs of the district. The trustees may establish