

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PRIVATE AND SPECIAL LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST REGULAR SESSION**

**of the**

**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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that may exist between the city and the district. The transfer of assets and liabilities from the City of Caribou may occur only if approved by the city council. The transfer of assets and liabilities of The Aroostook Medical Center to the transferee corporation, the merger of The Aroostook Medical Center with the transferee corporation or the combination of The Aroostook Medical Center and the transferee corporation under common ownership or control may occur only if approved by the board of directors and members of The Aroostook Medical Center. A transfer or acquisition of assets or other consolidation, merger, affiliation or combination of facilities, services, staff or operations undertaken pursuant to this section does not violate the Maine Revised Statutes, Title 10, chapter 201.

If, on or before December 31, 1998, the board of directors of the transferee corporation votes to dissolve or cease to operate the hospital facilities in the City of Caribou that were transferred to the transferee corporation by the Caribou Hospital District and the City of Caribou, then the Caribou City Council has the option, exercisable within 6 months, to have those hospital facilities reconveyed to the city, subject to the liabilities associated with the facilities, including the assumption or repayment of not more than \$3,338,000 in principal amount of long-term debt associated with the facilities, whether or not that debt has been refinanced from time to time, to the extent that the debt has not actually been repaid by the transferee corporation.

**Sec. 4. Legislative intent.** In light of the rural nature of Aroostook County, the state of its economy, the difficulty of attracting and retaining physicians and other specialized health care professionals to the area, the close proximity of Cary Medical Center and The Aroostook Medical Center, the high cost of advanced medical technology, equipment and facilities, the risks to the availability and accessibility of quality health care in Aroostook County and the numerous opportunities that exist for operational improvements, efficiencies, cooperation and increased utilization of resources and equipment between the 2 institutions, the Legislature finds that the public benefits to be derived from the combination of Cary Medical Center and The Aroostook Medical Center authorized in this Act substantially outweigh any disadvantages that might result from any decrease in or elimination of competition, to the extent it may exist, between the 2 institutions and intends that this Act be construed to provide the full benefit of state action immunity under federal antitrust laws for the combination of Cary Medical Center and The Aroostook Medical Center under common control or ownership and any actions taken to effect that combination.

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

Effective June 7, 1993.

## CHAPTER 37

### H.P. 1072 - L.D. 1438

#### An Act to Reapportion Maine School Administrative District Number 30

**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 Number 30 has submitted a request to the Commissioner of Education pursuant to the Maine Revised Statutes, Title 20-A, section 1255 for a determination of whether the district's board of directors is apportioned in accordance with the principle 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 principle 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 2 or more directors from the Town of Lee; and

**Whereas,** that plan has been approved by the Commissioner of Education; and

**Whereas,** the Maine Revised Statutes, 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 that can not both be complied with; 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 board of directors, Maine School Administrative District Number 30.** The board of directors of Maine School Administrative District Number 30 is reapportioned according

to the Method B, or weighted voting, reapportionment plan as follows.

Municipality	1990 Census	% of Pop	Total Votes	No. of Directors	Votes Per Director	% Voting Power
Lee	832	45.9	459	6	76.50	7.66%
Springfield	406	22.4	224	3	74.67	7.47%
Webster	95	5.2	52	2	26.00	2.60%
Winn	479	26.4	264	4	66.00	6.60%
<b>TOTALS</b>	<u>1812</u>	<u>99.9</u>	<u>999</u>	<u>15</u>		

The municipal officers of the Town of Lee shall fill the vacancies created by the increase in the number of directors from Lee from 4 to 6 by appointment and the new directors shall serve until their successors are elected and qualified at the next annual municipal election. Subsequently, directors elected to fill these 2 positions are elected for 3-year terms. Notwithstanding any provision of law to the contrary, the terms of office of the remaining members of the board of directors of Maine School Administrative District Number 30 are not affected by the reapportionment plan approved by the Commissioner of Education and enacted in this Act. Any future reapportionment of the board of directors of Maine School Administrative District Number 30 is governed by 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 7, 1993.

**CHAPTER 38**

**H.P. 1097 - L.D. 1484**

**An Act to Amend the Charter of the Boothbay Harbor Water System**

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

**Whereas,** the Boothbay Harbor Water System, which is wholly owned by the Town of Boothbay Harbor, must take immediate action to bring the system into compliance with the federal Safe Drinking Water Act; and

**Whereas,** in order for the system to comply with the federal Safe Drinking Water Act, the system must construct a water treatment or purification plant adja-

cent to the system's water source at Adams Pond in Boothbay Center; and

**Whereas,** construction and operation of any water treatment or purification plant necessitates the acquisition of property and the use of infrastructure to convey wastewater from any such plant to the town's wastewater treatment facility in Boothbay Harbor; and

**Whereas,** the current charter of the system does not grant the system the authority to acquire property and to construct and use infrastructure for water purification or for the conveyance of wastewater; and

**Whereas,** the interests of the system and the inhabitants of the Town of Boothbay Harbor would best be served if the charter of the system is immediately amended to grant the system the requisite authority to enable construction and operation of a water treatment or purification 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 1895, c. 56, §2,** as amended by P&SL 1937, c. 52, §1, is further amended to read:

**Sec. 2. Authority to convey and sell and purify water; authority to convey wastewater.** Said The town is further authorized and empowered, in case it obtains control of said the corporation either directly by purchase, or indirectly through ownership of stock, to take water from Adams pond in the town of Boothbay or from any other ponds or supply within said in the towns of Boothbay and, Boothbay Harbor and Southport, sufficient for all domestic, sanitary, municipal and commercial purposes, to perform such operations and procedures as may be necessary to ensure the purity of any water so taken, including constructing and operating water treatment and purification facilities, and to take and convey the same, through the towns of Boothbay and, Boothbay Harbor, Southport and to Squirrel Island, Mouse Island and other adjacent islands. Said The town is also authorized and empowered, to sell water to the town towns of Boothbay and Southport, to the Village Corporation of Squirrel Island and to any company, individual, firm or corporation in the towns of Boothbay and, Boothbay Harbor; and Squirrel Island Southport. The town is also authorized to convey through the towns of Boothbay, Boothbay Harbor and Southport such wastewater as may be produced in the operation of any water treatment or purification facility.

**Sec. 2. P&SL 1895, c. 56, §3,** as amended by PL 1973, c. 625, §282, is further amended to read: