

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

Sec. 3. Powers. ~~Said~~ The town of Boothbay Harbor ~~shall have~~ has the power, and is hereby authorized to survey for, lay, erect and maintain suitable dams, reservoirs, aqueducts, pipes, hydrants, buildings, treatment or purification plants, pumping equipment and fixtures for flowage, power, and for pumping its water supply or for conveying wastewater produced in the operation of a treatment or filtration facility through its mains and to enter upon any land or public way for laying, erecting and maintaining such the pipes and structures, and to make surveys for the same and to pass over, excavate and flow any lands. ~~Said~~ The town is hereby authorized to take and hold for ~~such~~ public uses by purchase, eminent domain or otherwise, any land that may be necessary for supplying water, treating or purifying water, conveying wastewater and laying and maintaining its ~~said~~ pipe lines, and constructing other structures, for preserving the purity of its watershed, for ensuring the purity of its water supply, for rights of way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and land, and hold all real estate and personal property necessary or convenient therefor.

~~Said~~ The town is hereby authorized to issue its general obligation securities for the purposes hereof in such amounts and upon such terms as it may for municipal purposes under the provisions of Maine Revised Statutes, Title 30 30-A, section 5152 5772. All actions previously taken by the Town of Boothbay Harbor relative to the issuance of bonds or notes and by its municipal officers together with the board of water commissioners for the above purposes are hereby confirmed, validated and made effective.

Sec. 3. P&SL 1895, c. 56, §7, as amended by P&SL 1967, c. 62, is further amended to read:

Sec. 7. Board of water commissioners; duties; compensation; town manager, powers and duties. ~~Said~~ The town is hereby authorized to elect by ballot a board of water commissioners consisting of 3 persons, the first 3 chosen to serve one for one year, one for 2 years and one for 3 years and ~~thereafterwards~~ after the initial election one commissioner ~~shall be~~ is elected annually in the month of ~~March~~ May to serve a term of 3 years. The water commissioner who receives the largest number of votes cast at the first election shall hold office for 3 years. The water commissioner who receives the next largest number of votes cast at the first election shall hold office for 2 years, and the water commissioner who receives the next largest number of votes cast at the first election shall hold office for one year, and shall serve until their successors are elected and qualified. If a commissioner resigns from office or the office is otherwise vacated, the board of selectmen of the Town of Boothbay Harbor may appoint a new commissioner to serve until the next annual election in May, when a commissioner is elected to serve for the remaining term of the departed commissioner, unless the term has come to an end, in which case the commissioner is elected in the

normal course for a 3-year term. ~~Said~~ The commissioners are authorized to fix the water rates and determine the conditions and the manner of the water supply; and ~~shall~~ have the general control and management of the water system owned by the town. ~~They shall~~ The commissioners are entitled to receive such compensation for their services as may be fixed by the town. ~~Whenever said~~ When the town shall vote votes to employ a town manager, but not in union with one or more other towns, ~~said the town manager shall be~~ is the administrative head of the water system and responsible to the water commissioners. ~~His~~ The town manager's powers and duties in connection ~~therewith shall be~~ with the water system are the same as in the management of the municipal affairs of the town so far as applicable. Purchases and disbursements ~~shall be~~ are made by the town manager on vouchers signed by a majority of the commissioners.

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

Effective June 7, 1993.

CHAPTER 39

S.P. 464 - L.D. 1456

An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1994

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

Sec. 1. Allocation of funds of the Maine Turnpike Authority. Gross revenues of the Maine Turnpike Authority for the fiscal year ending December 31, 1994 must be segregated, apportioned and disbursed as designated in the following schedule.

1993-94

MAINE TURNPIKE AUTHORITY

Debt Service Fund

All Other	\$2,036,308
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Reserve Maintenance Fund

All Other	8,800,000
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Administration

Personal Services	384,101
All Other	1,561,945

TOTAL	1,946,046
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Accounts and Control

Personal Services	368,518
All Other	205,345
TOTAL	573,863

Highway Maintenance

Personal Services	2,398,252
All Other	1,729,132
TOTAL	4,127,384

Garages

Personal Services	580,768
All Other	914,682
TOTAL	1,495,450

Fare Collection

Personal Services	7,166,514
All Other	2,997,794
TOTAL	10,164,308

Patrol and Communications

Personal Services	162,292
All Other	2,687,793
TOTAL	2,285,085

Building Maintenance

Personal Services	394,485
All Other	377,291
TOTAL	771,776

MAINE TURNPIKE AUTHORITY

TOTAL	\$32,765,220
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Sec. 2. Transfer of allocations. Any balance of an allocation or subdivision of an allocation made by the Legislature for the Maine Turnpike Authority that at any time is not required for the purpose named in the allocation or subdivision may be transferred prior to the closing of the books to any other allocation or subdivision of any allocation made by the Legislature for the use of the Maine Turnpike Authority for the same fiscal year. The transfer is subject to review by the Joint Standing Committee on Transportation. Financial statements describing the transfer must be submitted by the Maine Turnpike Authority to the Office of Fiscal and Program Review 30 days before the transfer is implemented. In case of extraordinary emergency transfers, the 30-day prior submission required may be waived by vote of the

committee. These financial statements must include information specifying the accounts that are affected, amount to be transferred, a description of the transfer and a detailed explanation of the reason the transfer is needed.

Sec. 3. Encumbered balance at year end. At the end of each fiscal year, encumbered balances may be carried to the next fiscal year.

See title page for effective date.

CHAPTER 40

H.P. 268 - L.D. 346

An Act to Enable Parents of Children with Mental Illness to Care for Their Children at Home

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

Sec. 1. Waiver eligibility. By October 1, 1993, if federal approval is granted, the Department of Human Services shall amend the State Medicaid Plan to allow persons with intermittent acute psychological care needs to qualify for the waiver authorized by 42 United States Code, Section 1396a(e)(3) if they meet the other conditions of eligibility. The Department of Human Services shall consult with the Department of Mental Health and Mental Retardation in developing the rules.

See title page for effective date.

CHAPTER 41

H.P. 479 - L.D. 616

An Act Regarding the Future of the State's Mental Retardation Services System

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

Sec. 1. Development of new facilities. The Department of Mental Health and Mental Retardation shall examine the feasibility of developing 3 state-operated, community-based mental retardation facilities, each having the capacity to serve up to 20 people. If the department finds the development of those facilities feasible, it shall present a development plan to the Joint Standing Committee on Human Resources by January 1, 1994. The plan must recommend a location for each of the facilities. In developing its recommendations regarding location of facilities, the department shall consider the option of locating one or more facilities on the grounds of Pineland Center. If the department does not