

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**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 SECOND REGULAR SESSION OF THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**  
**1993**

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**CHAPTER 57**

**H.P. 1340 - L.D. 1807**

**An Act to Provide Supplemental  
Appropriations in Fiscal Year  
1993-94 for the Maine Residents  
Property Tax Program**

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

**Whereas**, the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas**, a significant funding shortfall exists in the Maine Residents Property Tax Program; and

**Whereas**, it is important to satisfy all remaining qualified fiscal year 1993-94 applicants as soon as possible; 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. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

**1993-94**

**ADMINISTRATIVE AND  
FINANCIAL SERVICES,  
DEPARTMENT OF**

**Maine Residents Property Tax  
Program**

All Other	\$2,900,000
Provides funds to meet the anticipated shortfall in the	

Maine Residents Property Tax Program due to a higher than anticipated number of qualified applicants.

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

Effective February 4, 1994.

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**CHAPTER 58**

**H.P. 1198 - L.D. 1606**

**An Act to Amend the Charter of the  
Portland Water District**

**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**, the Portland Water District is a public quasi-municipal corporation organized and existing under the laws of the State; and

**Whereas**, questions have arisen regarding the timing of elections of trustees of the district, the method of determining the district's share of election costs and the eligibility criteria for trustees; and

**Whereas**, if the charter of the Portland Water District is not changed prior to May 1994, these questions will remain unanswered at the time of the district's elections in May or June; 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 preserva-

tion 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, §18, 2nd ¶**, as amended by P&SL 1991, c. 12, §2, is repealed and the following enacted in its place:

Trustees are elected for a term of 5 years at elections to be specially called as described in this paragraph. When there is a trustee to be elected to represent a single municipality, the election must be held on the 2nd Tuesday in June unless the municipality is holding its municipal election in May, in which case the election must be held on the same day as the municipal election. When there is a trustee to be elected to represent more than one municipality, the election must be held on the 2nd Tuesday in June, unless there is a mutually coincident municipal election within those municipalities in May, in which case the election must be held on the same day as the municipal election, or unless there is not a mutually coincident municipal election within those municipalities and at least one but not all of the municipalities is holding its municipal election on the 2nd Tuesday in June, in which case the election must be held on the 4th Tuesday in May. Costs for a trustee election held concurrently with a federal, state or municipal election must be divided between the municipality and the district. When there is a division of costs, the district is responsible for the costs proportional to the total number of offices and referenda being voted upon at the election. Costs for an election held solely for the election of the district's trustee are paid by the district. When an election for a trustee results in a tie vote, the other trustees shall select the person who becomes a trustee.

**Sec. 2. P&SL 1907, c. 433, §18, last ¶**, as enacted by P&SL 1975, c. 84, is amended by inserting before the last sentence a new sentence to read:

For the purposes of this paragraph, a person holding a municipal office is a municipal officer as defined in the Maine Revised Statutes, Title 30-A, section 2001, subsection 10 or a full-time municipal employee who has authority to exercise policymaking or financial responsibility on behalf of the municipality.

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

Effective February 24, 1994.

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## CHAPTER 59

H.P. 1220 - L.D. 1639

### An Act to Amend the Boothbay Harbor Sewer District Charter

**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**, the Boothbay Harbor Sewer District is a quasi-municipal corporation organized and existing under the laws of the State; and

**Whereas**, certain residences and businesses in the Adams Pond watershed region of the Town of Boothbay have private, on-site, sewer disposal systems which have failed or are inadequate; and

**Whereas**, the Boothbay Harbor Sewer District has received funding to extend its sewer system to serve certain properties located in the Adams Pond watershed region of the Town of Boothbay; and

**Whereas**, the Town of Boothbay and the Boothbay Harbor Sewer District believe it is in their best interests to extend the territory of the Boothbay Harbor Sewer District to serve a portion of the Town of Boothbay; 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 1961, c. 161, §1** is amended to read:

**Sec. 1. Territorial limits; incorporation.** The territory, and the inhabitants therein, of the Town of Boothbay Harbor in the County of Lincoln and the territory, and the inhabitants therein, of that part of the Town of Boothbay, in the County of Lincoln, which is bounded and described as follows: Beginning at a point in the middle of the intersection of