

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.

J.S. McCarthy Company
Augusta, Maine
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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 P&SL 1907, c. 433, §18, 2nd ¶, as amended by P&SL 1991, c. 12, §2, is repealed and the following enacted in its place: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.

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

Dover Road and State Route 27; thence easterly a distance of 2,000 feet, more or less, to a point; thence southwesterly a distance of 10,000 feet, more or less, to the Boothbay Harbor town line; thence westerly along the town line a distance of 6,000 feet, more or less, to a point; thence northerly a distance of 9,000 feet, more or less, to a point; thence easterly a distance of 5,200 feet, more or less, to the point of beginning, shall constitute a public sewerage district and a body politic and corporate under the name of "Boothbay Harbor Sewer District." The purpose of said this district, subject to the provisions of section 10 hereof, shall be is to take over, control, operate and manage the sewers now owned by the Town of Boothbay Harbor with all appurtenances thereto; to extend, increase, enlarge and improve said these sewers; to extend the present system or systems so as to furnish sewerage facilities to parts of the district not now served with such those facilities; to provide for removal and treatment of sewage when, as and if such that treatment becomes necessary; and generally to construct, maintain, operate and provide a system of sewerage, sewage disposal and sewage treatment for public purposes and for the health, welfare, comfort and convenience of the inhabitants of the district.

Sec. 2. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters of the Boothbay Harbor Sewer District, resident in the district, at a regular or special election to be called and held for the purpose by June 1, 1994. The referendum must be called, advertised and conducted according to the law related to municipal elections; provided, however, that the municipal officers of the Town of Boothbay Harbor are not required to prepare for posting, nor the town clerk to post, a new list of voters and, for the purpose of registration of voters, the board of voter registration must be in session on the secular day next preceding the referendum. Notwithstanding the Maine Revised Statutes, Title 21-A, sections 752 and 753, at least 30 days prior to the referendum the town clerk shall furnish a reasonable number of dated absentee ballot applications and blank absentee ballots for use by members of the Armed Forces and citizens outside the United States who have met the qualifications of Title 21-A, section 751. The town clerk shall prepare the required ballots on which the subject matter of this Act must be reduced to substantially the following question:

"Do you favor revising the charter of the Boothbay Harbor Sewer District to expand the territory of the district to include a portion of the Adams Pond watershed region of the Town of Boothbay?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same. This Act takes effect immediately upon acceptance by a majority of the legal voters voting at the referendum, except that, if a vote is held in conformity with the provisions of this section prior to the approval of this Act, and a majority of the legal voters voting at the referendum vote in favor of this Act, this Act takes effect upon approval.

The result of the vote must be declared by the municipal officers of the Town of Boothbay Harbor and due certificate of the result must be filed by the town clerk with the Secretary of State.

Effective pending referendum.

CHAPTER 60

H.P. 1246 - L.D. 1673

An Act to Amend the Charter of Kents Hill School

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

Sec. 1. P&SL 1971, c. 159, §2, as amended by P&SL 1987, c. 87, is repealed and the following enacted in its place:

Sec. 2. -- term. The term of office of the members of the board of trustees is, commencing with trustees elected in October 1991, 3 years. A trustee elected after October 1991 may serve 3 consecutive 3-year terms, but is ineligible for reelection as a trustee until one year has elapsed from the date of expiration of the final 3-year term, except that the board of trustees may, by a 2/3 vote of those present, exempt from such ineligibility a trustee who is serving as president at the time the trustee's term would otherwise expire by virtue of the service of 3 consecutive 3-year terms. The board of trustees shall elect trustees by majority vote of those present at the meeting when the election is held, and vacancies in the board, from whatever cause arising, are filled for the unexpired term in the same manner.

Sec. 2. P&SL 1971, c. 159, §3, first sentence, is amended to read:

The ~~said~~ board of trustees may from time to time change the number of ~~their~~ its members except that ~~such the number shall may~~ at no time be fixed at less than ~~20~~ 16 nor more than ~~30~~ 25.

See title page for effective date.
