

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
1993

penditures 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.

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

Sec. 1. P&SL 1913, c. 121, §7, as amended by P&SL 1943, c. 43, §1, is repealed and the following enacted in its place:

Sec. 7. Board of trustees; election, records, terms, etc. All the affairs of the district are managed by a board of trustees of 3 members to be elected by a plurality vote of the legal voters in the Town of Madison. Trustees serve for a term of 3 years.

Nominations and elections must be conducted in accordance with the laws relating to municipal elections and elections must be held on the same day as municipal elections are held in the Town of Madison.

Whenever the term of office of a trustee expires, the trustee's successor must be elected by a plurality vote by the legal voters of the district for a term of 3 years. If a vacancy arises, it must be filled for the remainder of the year by appointment by the remaining trustees and at the next regular meeting of the district the vacancy must be filled for the unexpired term by a special election to be called by the trustees of the district.

One week after each annual election, the trustees shall meet for the purpose of electing a chair to serve for the ensuing year or until a successor is elected and qualified. At the same meeting, the trustees shall elect a treasurer who need not be a member of the board of trustees. The trustees may hire and fix the compensation of officers and agents, who serve at the pleasure of the trustees. The treasurer shall furnish bond in the sum and with sureties as approved by the trustees. The district shall pay the cost of the bond.

The trustees are sworn to the faithful performances of their duties, which include the duties of any member who serves as clerk or clerk pro tem. The trustees shall make and publish an annual report, including a report of the treasurer.

The trustees may adopt and establish bylaws necessary for the proper management of the affairs of the district and perform other acts within the powers delegated to them by law.

All records of the meetings and other business of the district must be kept by the town clerk of the Town of Madison.

The trustees are entitled to compensation recommended by the trustees and approved by a majority of the municipal officers of the Town of Madison, including compensation for duties performed as officers. Compensation for duties as trustees must be on the basis of a specific amount specified in the bylaws for each meeting actually attended and reimbursement for travel and expenses, with a total not to exceed an amount specified in the bylaws.

Sec. 2. Transition; trustees. The trustees who are in office at the time of the effective date of this Act shall continue to serve until their terms expire.

See title page for effective date.

CHAPTER 70

H.P. 964 - L.D. 1295

An Act to Amend the Laws Pertaining to the Protestant Episcopal Church

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

Sec. 1. P&SL 1849, c. 229, §I, as amended by P&SL 1967, c. 31, §I, is further amended to read:

Sec. I. Amount of real and personal estate that may be held. The trustees of the diocesan funds in the diocese of Maine shall have power to take and hold real and personal estate contributed for parochial endowments or other church purposes, ~~to the amount of \$8,000,000,~~ and to manage and dispose of the same in accordance with the terms of the several gifts, grants or endowments, ~~and in.~~ In accordance with the statutory authority conferred upon the trustees, ~~and said~~ the trustees shall keep an account with each endowment or gift comprising ~~said~~ the fund; and shall report their ~~doings~~ actions in managing the ~~same~~ fund and the condition ~~thereof,~~ of the fund to the convention of the diocese annually.

Sec. 2. P&SL 1869, c. 180, §2, as repealed and replaced by P&SL 1977, c. 11, §1, is amended to read:

Sec. 2. Meetings must be held at such time as the parish designates. ~~Said~~ The agreement shall ~~must~~ also contain, ~~first,~~ the name or title by which the parish shall be ~~is~~ known, which shall ~~must~~ be as follows, ~~namely:~~ The rector, wardens and ~~vestrymen~~ vestry of church in; but no parish shall ~~may~~ be organized in any town or city, bearing the same name with any other Protestant Episcopal church already organized ~~therein;~~ ~~second,~~ in that town or city; the town or city and county in which it is

located; ~~third~~, the number of ~~vestrymen~~ members of the vestry, not exceeding ~~eleven~~, 11; and the time of the annual meeting, which ~~shall~~ must be at ~~such~~ the time as ~~such~~ the parish ~~shall designate~~ designated by the parish.

Sec. 3. P&SL 1869, c. 180, §4, as amended by P&SL 1967, c. 90, §1, is further amended to read:

Sec. 4. First meeting; how called. Any ~~two~~ 2 or more persons who have signed ~~such~~ the agreement may call the first meeting of ~~such~~ the parish, at such time and place as they may see fit, by publishing a notice for ~~five~~ 5 days previously to the time fixed for ~~such~~ that meeting, in some newspaper published in the town or city in which ~~such~~ that church is located, and if no newspaper is published ~~therein~~ in that town or city, then ~~such~~ the notice may be given by posting the ~~same~~ notice in ~~two~~ 2 public places in ~~such~~ that city or town, and at such a meeting the affidavit of ~~such~~ publishing or posting ~~shall~~ must be recorded in the minutes; at such a meeting, in addition to the signers of ~~such~~ that agreement, any person of full age ~~shall be~~ is entitled to vote, who shall sign a declaration, in writing, to be kept in the book of minutes, whereby ~~he~~ shall signify ~~his~~ that person signifies the intention of ~~attaching himself~~ to be attached to said ~~the~~ the church and accepting the terms of ~~said~~ the agreement. At such a meeting ~~two~~ 2 wardens and the required number of ~~vestrymen~~ members of the vestry may be elected, or at any adjournment ~~thereof~~ of such a meeting.

Sec. 4. P&SL 1869, c. 180, §5, as amended by P&SL 1973, c. 32, is further amended to read:

Sec. 5. Qualifications of voters; eligibility to office. At all subsequent meetings, the right of voting ~~shall be~~ is confined to the persons who became actually entitled to vote at the first meeting, and to such other persons who are at least 15 years of age as have, during the previous ~~six~~ 6 months, been stated worshippers in ~~said~~ the church and stated contributors to its support, and have signed the written declaration referred to in section ~~four~~ 4. Any such person, male or female, ~~shall be~~ is entitled to be elected a member of vestries, or a delegate to diocesan or general conventions. Any such person, male or female, ~~shall be~~ is entitled to be elected warden, ~~provided if~~ provided that ~~he~~ person is at least 20 years of age.

Sec. 5. P&SL 1869, c. 180, §6 is amended to read:

Sec. 6. Rector. The elected wardens and ~~vestrymen~~ members of the vestry, ~~two-thirds~~ 2/3 of ~~them~~ the wardens and members of the vestry concurring in the choice, may choose some fit person, duly qualified, to act as minister or rector of ~~said~~ the church agreeably to the constitution of the

Protestant Episcopal Church in the United States of America; their choice ~~shall~~ must be submitted to the parish for approval, and if approved by a majority of those present, at any duly called parish meeting, the person so elected ~~shall be~~ is the rector or minister of the parish. ~~The minister or rector so chosen shall preside at all meetings of the wardens and vestrymen and have a casting vote, unless the business or question to be decided has relation to the personal interest of said minister or rector; provided, that in the absence of such rector or minister, one of the wardens shall preside.~~ Whenever a vacancy ~~shall occur~~ occurs in the office of minister or rector by death, removal or otherwise, the wardens and ~~vestrymen~~ members of the vestry may elect a successor in the mode ~~hereinbefore~~ provided.

Sec. 6. P&SL 1869, c. 180, §7, as repealed and replaced by P&SL 1977, c. 11, §2, is repealed and the following enacted in its place:

Sec. 7. Meetings to be held at such time as parish designates; terms of office. The annual meeting must take place at such time as the parish designates. The election of the requisite number of wardens and members of the vestry must be held at the annual meeting. The wardens and members of the vestry elected at the annual meeting serve until the next annual meeting and until their successors are chosen.

A parish may, by special vote, provide that the members of the vestry chosen at a specified time must be divided into classes holding office for one, 2 and 3 years respectively and that thereafter the term of a member of the vestry, except to fill vacancies, is for 3 years. A parish may also, by special vote, provide that a member of the vestry may not be reelected at the end of a full 3-year term of office until an interval of at least one year occurs.

Sec. 7. P&SL 1869, c. 180, §§8, 9, 10 and 12 are amended to read:

Sec. 8. Rights and liabilities. The rector, wardens, and ~~vestrymen~~ appointed as aforesaid, shall be vestry constitute a body corporate and politic, with all the rights and liabilities pertaining thereto, except as ~~herein provided; provided, nevertheless, if otherwise provided in this Act.~~ If at any time the parish be ~~is~~ without a minister or rector, the same rights and privileges ~~shall be~~ are vested in the wardens and ~~vestrymen~~ vestry.

Sec. 9. Bylaws. The rector, wardens and ~~vestrymen~~ members of the vestry, or a majority of them, may make rules, ~~by laws~~ bylaws and ordinances, and do everything needful and requisite for the good government and support of the parish, ~~provided that said.~~ The rules, by laws bylaws and ordi-

nances ~~shall may~~ not be repugnant to the constitution and laws of this ~~state~~ State or of the United States; ~~all vacancies. A vacancy in such the~~ vestry may be filled by the ~~vestrymen members of the vestry~~ at any meeting, and the ~~persons person~~ elected to fill such ~~vacancies shall hold for the same period as their predecessors would have done~~ a vacancy serves for the remainder of the unexpired term.

Sec. 10. Temporal affairs; by whom managed. All temporal affairs of ~~such the~~ parishes ~~shall be~~ are managed by the rector, wardens and ~~vestrymen thereof~~ vestry of those parishes, and they ~~shall~~ have authority to alter, erect, repair, enlarge, and in case they ~~deem~~ determine it necessary, to take down or remove and rebuild any church or other building belonging to ~~such the~~ corporation.

Sec. 12. Reorganization; how effected. Any parish of the Protestant Episcopal Church, ~~herebefore~~ organized under any other general law may reorganize, so as to become subject to the provisions of this ~~aet~~ Act, whenever ~~such the~~ parish ~~shall~~ at any duly called parish meeting ~~authorize~~ authorizes the wardens and ~~vestrymen members of the vestry~~ to execute and acknowledge an agreement as provided in this ~~aet~~ Act, which agreement ~~shall must~~ in addition to the requisites mentioned in ~~the first~~ section 1, set forth that it is executed for the purpose of reorganizing ~~such the~~ parish according to the provisions of this ~~aet~~ Act. Such ~~an~~ agreement ~~shall be~~ is deemed sufficient when so executed and acknowledged by a majority of ~~such the~~ wardens and ~~vestrymen, members of the vestry~~ and recorded in ~~said the~~ registry of deeds.

Sec. 8. P&SL 1869, c. 180, §13, as amended by P&SL 1977, c. 11, §3, is further amended to read:

Sec. 13. Amended to conform with change in date of annual meeting. Upon ~~such the~~ execution, acknowledgment and recording of ~~such an~~ agreement, ~~such the~~ parish ~~shall~~, without further action, ~~be is~~ deemed to all intents and purposes reorganized, and all rights of property and of contract ~~shall~~ remain unimpaired, and the corporate identity of ~~such the~~ parish ~~shall continue~~ continues unchanged. The wardens and ~~vestrymen members of the vestry~~ in office ~~shall continue therein~~ in those offices until the annual election next following ~~such the~~ reorganization, and until a new board ~~shall be~~ is chosen, and no other meeting or notice ~~shall be~~ is necessary to complete ~~such the~~ reorganization; ~~provided, that when~~ When a new board ~~shall be~~ is chosen, it ~~shall must~~ consist of the number of ~~vestrymen members of the vestry~~ required by ~~such the~~ articles of reorganization.

See title page for effective date.

CHAPTER 71

H.P. 1382 - L.D. 1881

An Act to Allow the Heartwood School of Art to Grant an Associate of Arts Degree

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

Sec. 1. Degrees. The Heartwood School of Art, located in Kennebunkport, may confer the degree of Associate of Arts as is usually conferred by like institutions of higher learning.

See title page for effective date.

CHAPTER 72

H.P. 1267 - L.D. 1694

An Act to Establish a Commission to Study the Permitting Requirements Needed to Foster Sustainable Development of the State's Cranberry Industry

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

Sec. 1. Commission established. The Commission to Study Permitting of Cranberry Growing Operations, referred to in this Act as the "commission," is established to study environmental permitting requirements under state law applicable to cranberry growing operations.

Sec. 2. Membership. The commission is composed of 19 members, as follows:

1. The Commissioner of Environmental Protection or the commissioner's designee;
2. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;
3. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee;
4. Three Legislators representing geographic diversity, appointed jointly by the President of the Senate and the Speaker of the House of Representatives, one each from the Joint Standing Committee on Agriculture, the Joint Standing Committee on Energy and Natural Resources and the Joint Standing Committee on Inland Fisheries and Wildlife;