

# 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**

The district through its board of trustees may, for the proper operation of its sewage treatment facilities, adopt rules and regulations that are binding on the Town of Berwick and its inhabitants, as to the amount and character of any sewage, drainage or other wastes placed, discharged or left in the conduits, catch basins, receptacles or sewers served by the district. These rules and regulations must include, without limitation, pretreatment standards and requirements for industrial users that are developed in accordance with and are no less stringent than those required by state and federal law and regulations.

The district may, in accordance with its rules and regulations, issue permits or other control mechanisms to industrial users of its sewage treatment facilities for the purpose of controlling the amount and character of the wastes discharged into its sewage treatment facilities and for the purpose of imposing upon industrial users other standards and requirements as provided by the district's rules and regulations and state and federal laws, rules and regulations.

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

Effective April 1, 1994.

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## CHAPTER 82

H.P. 1266 - L.D. 1693

### An Act to Revise the Eastport Port Authority Charter

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

**Sec. 1. P&SL 1977, c. 14, §1** is amended to read:

**Sec. 1. Eastport Port Authority created.** There is hereby created the Eastport Port Authority, which ~~shall have~~ has the authority to acquire, construct, operate, maintain, repair and replace piers, ~~terminal terminals, industrial parks, transportation and warehouse facilities, roads, railways and other facilities~~ terminal terminals, industrial parks, transportation and warehouse facilities, roads, railways and other facilities on the land and in the waters within the limits of the City of Eastport, and enter into contracts for administration, operations, management and consulting services within and beyond the boundaries of the City of Eastport.

There shall be a board of 7 directors who shall exercise the powers and duties of the authority.

The city manager of Eastport, the president of the Eastport city council and a ~~member of the East-~~

~~port chamber of commerce, as chosen by the chamber of commerce,~~ representative appointed by the Department of Transportation shall be directors as long as they hold their respective offices, and their successors shall be directors while they hold the respective offices. The other 4 directors ~~shall~~ must be residents of Eastport and ~~shall~~ must be elected by a majority of the legal voters voting at an election, for a term of 4 years, in the same manner and at the same time as Eastport city councilors, ~~provided except~~ that at the first election under this section, one director shall be ~~is~~ elected for one year, one for 2 years, one for 3 years and one for 4 years. Directors ~~shall~~ begin their terms of office ~~immediately following their election, January 1st and shall~~ serve until their successors have been ~~are~~ duly elected and qualified.

Vacancies of elected directors that may occur by death, resignation or otherwise ~~shall be~~ are filled by appointment of the city council, until a successor is elected at the next election of directors.

All directors shall be sworn to the faithful performance of their duties by the city clerk.

The members of the board of directors ~~shall~~ serve without compensation; but ~~shall~~ have the right to appoint assistants, agents, engineers, attorneys and other employees as they may ~~deem~~ consider necessary to carry out the purposes of this Act and shall determine their duties and compensation.

At each annual meeting, the directors shall elect from their membership a ~~chairman~~ chair, who ~~shall serve~~ serves until the next annual meeting or until ~~his~~ the chair's successor is chosen and is qualified. The time for the annual meeting may be established in the bylaws ~~promulgated~~ adopted by the directors.

The directors ~~shall be~~ are the administrative officers of the authority and may employ assistants as they may ~~deem~~ consider necessary to carry out this Act. They shall make plans ~~as seem best to them~~ to obtain title to the wharf or wharves, or locations for the wharf or wharves, and they ~~shall~~ have the authority to acquire, construct, operate, maintain ~~and~~ repair and replace piers, ~~terminal terminals, industrial parks and transportation~~ terminal terminals, industrial parks and transportation and warehouse facilities, roads, railways and other facilities on the land and in the waters within the limits of the City of Eastport, as will in their judgment improve and increase the harbor, docking and warehousing facilities in the City of Eastport and enter into contracts for administration, operations, management and consulting services within and beyond the boundaries of the City of Eastport. With the consent of the Eastport city council, or a vote of a majority ~~thereof~~ of the Eastport city council, the authority may take or acquire within the limits of the City of Eastport, real property by purchase or otherwise, by gift or grant, or by the

exercise of the right of eminent domain, which right is expressly delegated to the Eastport Port Authority, and hold the real property and rights and easements ~~therein to the real property~~ as the directors may from time to time consider necessary for the purpose of constructing and maintaining the Eastport Port Authority piers, docks and warehouses, highways and other port facilities, and ~~shall further~~ have the right to construct suitable buildings, filling stations, restaurants or ~~other structures~~ engage in other business opportunities that are not in direct competition with established businesses, and have the authority to ~~least lease~~ the same, upon the terms as the directors or a majority ~~thereof~~ of the directors may determine to be in the best interests of the authority, the proceeds from leases to accrue to the credit of the Eastport Port Authority. These wharves, buildings and property ~~shall be~~ are exempt from taxation by the City of Eastport, ~~provided that except that~~ this exemption ~~shall~~ does not exempt any lessee or person in possession, other than the port authority, from taxes or assessments payable under the Maine Revised Statutes, Title 36, section 551. The Port Authority has the right to acquire property without the approval of the city council, except that the property so acquired may not be exempted from taxation. The authority shall render annually, at the end of the fiscal year, ~~an annual report to the city council, showing all transactions and balances financial reports, together with and recommendations and plans for the improvement and operation of the public landing and warehousing facilities.~~ The board of directors shall have has the power to establish bylaws and all rules and regulations governing the operation and maintenance of ~~the public landing and facilities under the control of the~~ Eastport Port Authority; charge such fees as may, in their judgment, be necessary for parking, docking and storage privileges; contract for the construction of the wharf or wharves, warehouse or warehouses, and borrow money for these purposes; arrange for its financing; and provide for its protection by insurance against damage by fire, water or wind and for any other casualty which the directors wish to insure against, and for liability against injury to persons and property. The directors may accept federal, state and private grants and contributions for the purposes of this Act and may enter into partnerships, joint ventures or other business relationships, either directly or through an affiliate corporation owned by the authority.

See title page for effective date.

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## CHAPTER 83

### H.P. 1269 - L.D. 1696

#### An Act to Create the Mount Desert 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 residents of the Town of Mount Desert are in immediate need of forming a quasi-municipal entity to supply potable water; 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. Territorial limits; corporate name; purposes.** That part of the Town of Mount Desert in the County of Hancock that lies south of 44° 20' 33" north latitude and between the meridians of 68° 13' 5" west longitude and 68° 18' 33" west longitude and north of the seaward line of the Town of Mount Desert and its inhabitants constitute a quasi-municipal corporation under the name of "Mount Desert Water District," referred to in this Act as the "district," for the purpose of supplying the town and the inhabitants and others of the district with potable water for domestic, sanitary, commercial, industrial, agricultural and municipal purposes.

**Sec. 2. Powers of district.** The district, for the purposes of its incorporation, may take, collect, store, flow, use, divert, distribute and convey to the district, or any part of the district, water from any source approved by the Department of Human Services, natural or artificial, within the area of the Town of Mount Desert and from any other source from which the Northeast Harbor Water Company or the Seal Harbor Water Company may take water on the effective date of this Act. It may also locate, construct and maintain aqueducts, pipes, conduits, dams, wells,