

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

may be made callable at par or at such premium as the trustees determine. All bonds, notes or other evidences of indebtedness must have inscribed upon their face the words "Franklin Utility District," and be signed by the treasurer and countersigned by the chair of the board of trustees of the district. If coupon bonds are issued, the interest coupons attached to the coupon bonds must bear the facsimile signature of the treasurer.

All bonds, notes and evidences of indebtedness issued by the district are legal obligations of the district, which is declared to be a quasi-municipal corporation within the meaning of the Maine Revised Statutes, Title 30-A, section 5701 and all provisions of that section are applicable. The district may refund and reissue from time to time in one or in separate series its bonds, notes and other evidences of indebtedness and each authorized issue constitutes a separate loan. All bonds, notes and evidences of indebtedness issued by the district are legal investments for savings banks in the State and are tax exempt.

**Sec. 12. Rates; application of revenue; sinking fund.** The rates established pursuant to this section must be sufficient to provide revenue for the purposes of this Act and for all other purposes of the district, without the need for any financial assistance from the Town of Franklin, other than the normal payment of water and sewer charges for services rendered. Individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer or other designated officer of the district the rates established by the board of trustees for the water and sewer service used by them. The water rates must be established in accordance with the Maine Revised Statutes, Title 35-A, chapter 61, to provide for the purposes set forth in that chapter. Sewer rates must be established in accordance with the Maine Revised Statutes, Title 38, section 1202.

**Sec. 13. Existing laws not affected; rights conferred subject to law.** This Act is not intended to repeal or may not be construed as repealing the whole or any part of any existing law, and all the rights and duties mentioned in this Act must be exercised and performed in accordance with all the applicable provisions of the Maine Revised Statutes, Title 35-A, to the extent that Title affects the water operations of the district.

**Sec. 14. Separability clause.** If any section or part of a section of this Act is held invalid by a court of competent jurisdiction, the holding does not affect the remainder of this Act, it being the intention that the remaining portions of this Act stand, notwithstanding the unconstitutionality or invalidity of any section, sentence, clause or phrase.

**Sec. 15. Emergency clause; referendum; effective date.** In view of the emergency cited in the preamble, this Act takes effect when approved but only for the purpose of permitting its submission to the legal voters of the district at an election called for that purpose and held not later than December 1, 1995. The election must be called, advertised and conducted according to the law related to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. The registrar of voters must be in session the 3 secular days preceding the election, of which the first 2 days must be devoted to registration of the voters and the last day to verification of the list and completion of the records of these sessions by the registrar. The subject matter of this Act is reduced to the following question.

"Do you favor the creation of the Franklin Utility District?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the Town of Franklin and due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all purposes upon its acceptance by a majority of the legal voters within the district voting at the special election. Failure of the approval by the necessary majority of voters at the election does not prevent a subsequent election or elections from being held for that purpose.

Effective pending referendum.

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## CHAPTER 18

### H.P. 65 - L.D. 101

#### **An Act to Direct the Department of Human Services to Contract with the Next Step for Domestic Violence Family Crisis Services**

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

**Sec. 1. Contract with the Next Step.** The Department of Human Services shall contract with the Next Step, a domestic violence project in Hancock County, to provide domestic violence family crisis services. Funding for this contract must be provided

within existing state funds for purchased social services.

See title page for effective date.

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## CHAPTER 19

S.P. 424 - L.D. 1147

### An Act to Increase Capitalization of the Seal Harbor Water Company

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

Whereas, in order for the Seal Harbor Water Company to furnish the services required, the following legislation is vitally necessary; and

Whereas, the services required should be available in 1995; 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 1893, c. 600, §1** is amended to read:

**Sec. 1. Corporators; corporate name; purpose.** L. M. Lynam, R. E. Campbell and R. L. Grindle, and such persons as they may associate with themselves in the enterprise, and their successors, are hereby incorporated into a corporation by the name of the Seal Harbor Water ~~Supply~~ Company, for the purpose of supplying the village of Seal Harbor and its vicinity, in the town of Mount Desert, in Hancock county, Maine, with pure water for domestic, sanitary and municipal purposes, and also for the extinguishment of fires.

**Sec. 2. P&SL 1893, c. 600, §6**, as amended by P&SL 1957, c. 66, §1, is further amended to read:

**Sec. 6. May issue bonds and mortgage property.** Said company may issue its bonds for the construction of its works, of any and all kinds, upon such rates and time as it may deem expedient, not exceeding the sum of ~~\$300,000~~ \$3,000,000, and secure the same by mortgage of the franchises and property of said company.

**Sec. 3. P&SL 1893, c. 600, §7**, as amended by P&SL 1957, c. 66, §2, is further amended to read:

**Sec. 7. May hold real and personal estate.** Said company, for all its purposes, may hold real and personal estate necessary and convenient therefor, not exceeding ~~\$300,000~~ \$3,000,000.

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

Effective May 25, 1995.

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## CHAPTER 20

H.P. 629 - L.D. 854

### An Act to Amend the Charter of the Searsport Water District

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

Whereas, certain provisions of the charter of the Searsport Water District are inadequate for the district to carry out its functions, including supplying the customers served by the district with safe and clean water; and

Whereas, undisputed access to groundwater lying principally within the jurisdiction of the Searsport Water District is the only impediment to providing its customers with safe and clean water; and

Whereas, the charter of the Searsport Water District may not give the district the right to draw groundwater that may lie, in part, within the Town of Prospect; and

Whereas, the Searsport Water District can draw groundwater from an existing well without affecting the existing users of groundwater within the Town of Prospect or, if it ever does so, the district has the capacity to provide these users with 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. P&SL 1947, c. 75, §2**, as amended by P&SL 1975, c. 61, §1, is further amended to read:

**Sec. 2. Source of supply.** For effecting and carrying out the purposes of its incorporation, the ~~said~~ district is ~~hereby~~ authorized to take, hold, divert, use and distribute water from any surface or underground