

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

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FIRST REGULAR SESSION
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

CHAPTER 30**S.P. 588 - L.D. 1573****An Act to Further Extend the
Workers' Compensation Deficit
Evaluation Proceeding**

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

Whereas, the Superintendent of Insurance is required to determine, by June 1st of each year, the incurred deficit of the Maine Workers' Compensation Residual Market Pool and to establish the level of premium surcharges on employers and assessments on pool member insurers for the repayment of that deficit; and

Whereas, the Governor has appointed a committee to make recommendations concerning replacement of the present system for funding that deficit; and

Whereas, the Legislature may take action that will cause substantial changes to the Maine Insurance Code that will have a direct and immediate effect on the appropriate amounts for the surcharges and assessments, but these effects can not be taken into account under the current applicable law in the pending deficit evaluation proceeding; and

Whereas, the June 1st deadline was extended to June 19, 1995, and that extension may be insufficient to permit adequate time for deliberation by the Legislature on the proposed law changes; 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. Extension of time. Notwithstanding the required reporting date of June 1st, as specified in the Maine Revised Statutes, Title 24-A, section 2386-A, first paragraph, the Superintendent of Insurance is not required to evaluate the incurred deficit of the Maine Workers' Compensation Residual Market Pool and to establish the level of premium surcharges on employers and assessments on pool member insurers as required by section 2386-A until the adjournment sine die of the First Regular Session of the 117th Legislature. The extension of time applies only to that report due on June 1, 1995, and

deferred to June 19, 1995 pursuant to Private and Special Law 1995, chapter 25.

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

Effective June 19, 1995.

CHAPTER 31**H.P. 461 - L.D. 627****An Act to Amend the Kennebec
Water District Charter by Allowing
the Town of Vassalboro and the
Town of Benton to have a Permanent
Member on the Board of Trustees**

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 provisions of this Act are immediately necessary to ensure an orderly transition in the board of trustees of the Kennebec Water District; 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 1899, c. 200, §5, as repealed and replaced by P&SL 1987, c. 33, §1, is amended to read:

Sec. 5. Trustees. All the affairs of the water district ~~shall be~~ are managed by a board of trustees composed of ~~7~~ 8 members. Two of the trustees ~~shall be~~ are chosen by the municipal officers of Waterville, 2 by the municipal officers of Fairfield, 2 by the municipal officers of Winslow ~~and one shall be appointed by the county commissioners of Kennebec County to fill a seat which alternates every 3 years~~

~~between the residents of the Towns of Benton and Vassalboro, one by the town officials of Vassalboro and one by the town officials of Benton. Each trustee from Waterville, Fairfield and Winslow has one vote each. Each trustee from Vassalboro and Benton has 1/2 vote each.~~ As soon as convenient after the members of the board have been chosen, the trustees shall hold a meeting at the city rooms in the City of Waterville and organize by the election of a president and clerk, adopt a corporate seal and, when necessary, may choose a treasurer and all other necessary officers and agents for the proper conduct and management of the affairs of the district. Whenever the term of office of a trustee expires, the body ~~which~~ that appointed the trustee shall appoint a successor to serve a full term of 3 years; and, in case any other vacancy arises, it ~~shall~~ must be filled in like manner for the unexpired term. The trustees may also ordain and establish such bylaws as necessary for their convenience and the proper management of the district's affairs. The trustees may procure an office and incur such expenses as may be necessary.

The trustees ~~shall~~ are entitled to receive as compensation for their services \$20 for each meeting attended and reimbursement for travel and expenses up to a maximum of \$500 per year, unless changed in accordance with the Maine Revised Statutes, Title ~~35~~ 35-A, chapter ~~262~~ 63.

The term of office for trustees ~~shall be~~ is 3 years, beginning on the first Monday in April as follows: ~~The term of the trustee from the Towns of Benton or Vassalboro shall begin in April 1988, with a trustee from Vassalboro and continue with a trustee from Benton beginning in April 1991, continuing to alternate between the towns every 3 years thereafter terms of the trustees from the Town of Benton and the Town of Vassalboro begin in June 1995 and in April every 3 years after 1995; the terms of one trustee from Waterville, one from Fairfield and one from Winslow shall begin in April 1989, and every 3 years thereafter after 1989; and the terms of one trustee from Waterville, one from Fairfield and one from Winslow shall begin in April 1990, and every 3 years thereafter after 1990. No A person may not serve more than 2 full terms consecutively without a break in service before reappointment.~~

Sec. 2. Transition clause. The term of the trustee that alternates between Vassalboro and Benton scheduled to expire in 1997 expires June 1, 1995.

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

Effective June 21, 1995.

CHAPTER 32

H.P. 1092 - L.D. 1535

An Act Regarding School Construction in School Administrative District No. 49

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, Maine School Administrative District No. 49 is a school unit duly organized and existing under the laws of the State; and

Whereas, the Town of Fairfield is a municipal corporation duly organized and existing under the laws of the State; and

Whereas, the Town of Fairfield was named as a beneficiary of a bequest made by the will of Burt R. Williamson dated October 31, 1951; and

Whereas, the bequest, referred to as the "Williamson Fund," was made for the specific purpose of constructing a school building and its equipment above the foundation; and

Whereas, after the date Mr. Williamson executed his will, the Town of Fairfield joined with the towns of Albion, Benton and Clinton to form Maine School Administrative District No. 49; and

Whereas, the Superior Court, in an action brought by the Town of Fairfield to construe Mr. Williamson's will, determined that the Town of Fairfield has authority to expend sums from the principal and accumulated interest for costs, including payment of debt service, related to the erection of, or addition to, a school building located in Fairfield to be owned, operated and maintained by Maine School Administrative District No. 49; and

Whereas, certain of the constraints normally placed upon school construction projects by statutory provisions operate in this case to limit the flexibility of Maine School Administrative District No. 49 to build an auditorium and supporting facilities with money from the Williamson Fund at no cost to the taxpayers; and