

# 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**

**Sec. 15. Existing laws not affected; rights conferred subject to provisions of law.** Nothing contained in this Act is intended to repeal, or may 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 and amendatory acts to the Maine Revised Statutes, Title 35-A to the extent that Title 35-A and its amendments affect the operations of the district.

**Sec. 16. 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. 17. Referendum; effective date.** This Act takes effect 90 days after the adjournment of the First Regular Session of the 117th Legislature but only for the purposes of permitting its submission to the legal voters within the district at an election called for that purpose and held by December 31, 1996. Nothing in this section requires an election to be held. If an election is held, the election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registering voters, the registrar of voters must be in session the secular day preceding the election. The subject matter of this Act is reduced to the following question:

"Do you favor creating the Hebron Village Water 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 Hebron and the due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all purposes immediately 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 any such election does not prevent a subsequent election or elections from being held for that purpose, provided the elections are held no later than December 31, 1996.

Effective pending referendum.

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## CHAPTER 40

H.P. 937 - L.D. 1326

### An Act Concerning the Kennebec 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, a review of the Kennebec Water District's rates has already begun at the Public Utilities Commission and in order to ensure that the directives in this Act become effective before that review has concluded this Act needs to be an emergency; 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 amended by P&SL 1995, c. 31, §1, is repealed and the following enacted in its place:

**Sec. 5. Trustees; how elected.** All of the affairs of the district are managed by a board of trustees composed of 10 members, 4 of whom are elected by a plurality of voters of the City of Waterville, 2 of whom are elected by a plurality of voters of the Town of Winslow, 2 of whom are elected by a plurality of voters of the Town of Fairfield, one of whom is elected by a plurality of voters of the Town of Benton and one of whom is elected by a plurality of voters of the Town of Vassalboro. Trustees must be residents of the towns in which they are elected. Nominations and elections must be conducted in accordance with the Maine Revised Statutes, Title 35-A, chapter 63, except as specifically provided in subsection 3 of this section.

**1. Organization; conduct of business.** As soon as convenient after the election of trustees, the trustees

shall hold a meeting in 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.

All decisions of the board of trustees must be by a majority of those present and voting. A quorum of the board of trustees is 7 trustees.

Trustees are entitled to compensation in accordance with Title 35-A, chapter 63.

**2. Bylaws.** The trustees may adopt and establish such bylaws as are necessary for the proper management of the affairs of the district.

**3. Election; vacancy.** Whenever the term of office of a trustee expires, the trustee's successor must be elected as provided in this section. For the purpose of election, a special election must be called and held between October 1st and November 30th prior to the expiration of the trustee's term, the election to be called by the municipal officers of the appropriate city or town. The term of the trustee so elected begins on the first Wednesday of January following the election. The trustee so elected shall serve the full term of 3 years.

If any vacancy arises in the membership of the board of trustees, it must be filled by appointment for the unexpired term by the municipal officers of the town from which the trustee was elected.

All elections held pursuant to this section must be paid for by the district. When any trustee ceases to be a resident of the town or city from which the trustee was elected, the trustee shall vacate the office of trustee and the vacancy must be filled as provided in this section. All trustees are eligible for reelection, except that a person who is serving as a municipal officer in Waterville, Winslow, Fairfield, Benton or Vassalboro is not eligible for nomination or election as trustee and no trustee may serve more than 2 consecutive terms.

**Sec. 2. Transition.** The terms of trustees of the Kennebec Water District, serving on the effective date of this section, which would otherwise terminate prior to January 1, 1997, are extended until January 1, 1997 or until the trustees' successors are elected and qualified pursuant to this section. The terms of all other trustees terminate upon the election and qualification of successors pursuant to this section.

The first elected board of trustees of the district must be elected by special election held in the City of Waterville and the towns of Winslow, Fairfield, Benton and Vassalboro on the same date as the general election in November, 1996. The elected

board of trustees must be composed as follows: 4 trustees must be elected by a plurality of voters of the City of Waterville, 2 trustees must be elected by a plurality of voters of the Town of Winslow, 2 trustees must be elected by a plurality of voters of the Town of Fairfield, one trustee must be elected by a plurality of voters of the Town of Benton and one trustee must be elected by a plurality of voters of the Town of Vassalboro. Trustees must be residents of the towns in which they are elected. The nominations and the elections must be conducted in accordance with the laws relating to municipal elections.

The terms of trustees elected pursuant to this section begin on January 1, 1997 and are further qualified as follows: 2 trustees from the City of Waterville, one trustee from Winslow, one trustee from Fairfield and the trustee from Vassalboro serve for 2 years or until their successors are elected and qualified; 2 trustees from the City of Waterville, one trustee from Winslow, one trustee from Fairfield and the trustee from Benton serve for 3 years or until their successors are elected and qualified. The determination of which trustees from Waterville, Winslow and Fairfield serve a 2-year term and which a 3-year term must be determined by agreement among those trustees and, failing agreement, by lot. Notice of the determination must be given to the public and to municipal officers of Waterville, Winslow and Fairfield.

Successors are elected as provided in section 1 of this Act.

**Sec. 3. Examination.** In its proceedings in Docket #95-091, the Public Utilities Commission shall examine the management decisions of the Kennebec Water District, including, but not limited to, decisions regarding the selection, sizing, construction and operation of the filtration system, the impact of those decisions on the reasonableness of current and proposed rates and remedies, if any, for improper management decisions resulting in increased rates. Nothing in this section may be construed to be a legislative finding of fact that any improper act or omission has occurred on the part of the Kennebec Water District.

**Sec. 4. Emergency clause; referendum; effective dates.** In view of the emergency cited in the preamble, this Act takes effect when approved except that section 1 and section 2 of this Act take effect only for the purpose of permitting their submission to the legal voters within the City of Waterville and the towns of Winslow, Fairfield, Benton and Vassalboro at an election called for that purpose and held by December 31, 1995. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrars of voters are not required to prepare or the

clerks to post a new list of voters. For the purpose of registration of voters, the registrars of voters must be in session the secular day preceding the election. The subject matter of section 1 and section 2 is reduced to the following question:

"Do you favor amending the charter of the Kennebec Water District to cause the number of trustees of the district to be increased from 7 to 10, composed of 4 from Waterville, 2 from Fairfield, 2 from Winslow, one from Benton and one from Vassalboro, and to cause these trustees to be elected by the voters rather than appointed by the municipal officers of the respective towns?"

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 towns of Winslow, Fairfield, Benton and Vassalboro and the City of Waterville and due certificate of the results filed by the clerks with the Secretary of State.

If approved by a majority of the legal voters voting at the special election in each of the towns of Winslow, Fairfield, Benton and Vassalboro and the City of Waterville, section 1 and section 2 of this Act take effect as follows: section 2 takes effect February 1, 1996; and section 1 takes effect on January 1, 1997.

Effective June 30, 1995, except where pending referendum.

**CHAPTER 41**

**H.P. 580 - L.D. 785**

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997**

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:**

**PART A**

**Sec. A-1. Appropriations and allocations.**

In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1996 and June 30, 1997, the following sums as designated in the following tabulations are appropriated or allocated out of any money not otherwise appropriated or allocated.

	<b>1995-96</b>	<b>1996-97</b>
<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
State Claims Commission		
Claims Board		
* Highway Fund		
Positions - Legislative Count	(2.0)	(2.0)
Personal Services	\$97,482	\$95,299
All Other	38,238	38,592
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Fund Total	135,720	133,891
<b>BUREAU OF GENERAL SERVICES</b>		
Motor Vehicle Building Maintenance		
* Highway Fund		
Positions - Legislative Count	(3.0)	(3.0)
Personal Services	94,843	97,552
All Other	183,288	187,915
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Fund Total	278,131	285,467
State Police Headquarters		
Building Maintenance		
* Highway Fund		
Positions - Legislative Count	(5.0)	(5.0)
Personal Services	72,285	72,121
All Other	59,687	60,937
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Fund Total	131,972	133,058
Other Participating Funds		
* General Fund		
Personal Services	72,286	72,121
All Other	59,688	60,937
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Fund Total	131,974	133,058
<b>SUMMARY - STATE POLICE HEADQUARTERS BUILDING MAINTENANCE</b>		