

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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
1995

Sec. 11. Other tuition students. Nothing in this Act precludes the school department in the Town of Poland from accepting tuition students from school departments other than those of the towns of Mechanic Falls and Minot.

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

Effective pending referendum.

CHAPTER 54

S.P. 632 - L.D. 1640

An Act to Amend the Laws Regarding the Apportionment of Costs of the Mount Desert Island Regional School District among Member Towns

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.

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

Sec. 1. P&SL 1963, c. 176, §15 is amended to read:

Sec. 15. Operational, maintenance and capital costs, apportionment among towns. The total annual budgeted expenses of the Mount Desert Island Regional School District ~~shall must~~ be apportioned among the participating towns according to the following formulas: 33% of the total ~~will be is~~ assessed among the participating towns in the same proportion as the percentage of resident pupils of each town enrolled in ~~Grades grades~~ 9 to 12 bears to the total from all towns in ~~said those~~ grades, with the enrollment to be taken as the average of the enrollments of April 1st and December 31st in said those grades of the calendar year preceding that year to which the budget applies; 67% of the total ~~will be is~~ assessed among the participating towns in the same proportion as the State valuation fiscal capacity of each participating town for the year preceding that year to which the budget applies bears to the total for fiscal capacity of all participating towns. The fiscal capacity of a participating town is measured as the average of the state valuation for that town for the 3

most recent years preceding the year to which the budget applies.

Towns entering the district, after it has been duly incorporated as ~~hereinbefore~~ provided, ~~shall~~ have the values for relative enrollment and relative ~~State valuation~~ fiscal capacity, as ~~defined above~~ specified in this section, inserted in the formula in the same manner as outlined ~~above in this section~~; ~~provided, however, except~~ that the total relative percentages for the participating towns within each of the ~~two 2~~ divisions, enrollment and ~~State valuation~~ fiscal capacity, ~~shall must~~ be adjusted to total 100%.

See title page for effective date.

CHAPTER 55

H.P. 1168 - L.D. 1600

An Act to Amend the Charter of Milbridge Water District

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

Sec. 1. P&SL 1981, c. 55, §6, 2nd ¶, as amended by P&SL 1981, c. 92, §§3 and 4, is further amended to read:

As soon as may be after the acceptance of this Act as hereinafter provided, the municipal officers of Milbridge shall appoint 5 trustees of the district to hold office as follows: Two to serve until the first annual election of municipal officers following the acceptance of this Act; 2 to serve until the 2nd annual election of municipal officers following the acceptance; and one to serve until the 3rd annual election of municipal officers following such acceptance. At each annual election of municipal officers, beginning with the first annual election of municipal officers after the acceptance of this Act, as their terms expire, one or 2 trustees as appropriate ~~shall be~~ are elected by ballot to serve until the annual election of municipal officers occurring 3 years thereafter and until their successors are appointed or elected and qualified. Election of trustees ~~shall must~~ be conducted in accordance with the procedures for and at the same time as election of the municipal officers of Milbridge. Each trustee must be 18 years of age or older, a resident of the district and reside in a household to which the district's service is provided. Whenever any trustee who was appointed as a resident of the district ceases to be a resident of the district or reside in a household to which the district's service is provided, he that trustee vacates the office of trustee. All trustees shall be are eligible for reelection. Vacancies in the office of trustee shall must be filled by appointment of by the municipal officers of the town

of Milbridge until the next annual election. At any annual election the voters of the district shall cast their ballot for as many candidates as there are offices to be filled, including vacancies in any unexpired terms.

Sec. 2. P&SL 1981, c. 55, §11, 3rd ¶ is repealed.

See title page for effective date.

CHAPTER 56

H.P. 1170 - L.D. 1602

An Act to Amend the Bowdoinham Water District Charter

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

Sec. 1. P&SL 1957, c. 121, §7, first ¶, 6th sentence is amended to read:

They shall choose annually a treasurer to serve for a term of 1 year, fix the treasurer's salary, ~~which shall in no case exceed \$200 per year,~~ and fill vacancies in that office.

Sec. 2. P&SL 1957, c. 121, §7, first ¶, 8th sentence is amended to read:

Members of the board ~~shall be~~ are eligible ~~to~~ for any office under the board, ~~but shall not receive compensation therefore, except as trustee, unless authorized by vote of the municipal officers of the town of Bowdoinham.~~

Sec. 3. P&SL 1957, c. 121, §7, 2nd ¶ is repealed.

Sec. 4. P&SL 1957, c. 121, §9, first ¶, 2nd sentence, as amended by P&SL 1967, c. 215, §2, is further amended to read:

For the purposes of obtaining or providing money to pay or to meet any necessary expenses and liabilities under the provisions of this Act, including expenses in the creation of this district, in securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant, and making extensions, additions and improvements to the same, the said district, through its trustees, may from time to time issue bonds of the district to an amount not exceeding \$500,000 ~~\$2,500,000~~, maturing and payable at such time or times, in uniform or varying installments, with or without such call provisions, and with or without such

a premium or premiums, as said trustees shall determine.

See title page for effective date.

CHAPTER 57

H.P. 1173 - L.D. 1605

An Act to Amend the Charter of the East Pittston Water District

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

Whereas, the gasoline contamination in East Pittston has spread to additional wells in the area and poses a serious threat to the health and well-being of residents of that area; and

Whereas, an adequate supply of pure water is essential to the health and well-being of the inhabitants of East Pittston; 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 1987, c. 144, §1 is amended to read:

Sec. 1. Territorial limits; corporate name; purposes. Subject to section 15, the inhabitants and territory of that part of the Town of Pittston in Kennebec County comprised of the area beginning at the junction of the east and west branches of the Eastern River (approximately 600 feet east northeast of the crossing of the Eastern River by Route 194), in East Pittston, then going 900 feet S 10°W to a point, then going 900 feet S 30°W to a point, then going 975 feet S 42°W to a point, then going N 50°W to a point 550 feet N 50°W of the center line of the Dresden Road (also called the Kelly Road on some maps), then going directly north to the Eastern River, then following the Eastern River upstream to the southwest corner of Lot 59, R-11 of the Property Tax Maps of the Town of Pittston; thence due north to the southern border of Lot 61; thence easterly along the border of Lot 61 to the intersection of Route 194; thence northeasterly along the southern side of the Hunts Meadow Road to the intersection of the west branch of the Eastern River; thence southeasterly along the southern shore to the point of beginning