

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

~~shall constitute~~ constitute a body politic and corporate under the name of "East Pittston Water District" for the purpose of supplying the inhabitants and others of the district with pure water for domestic, sanitary, commercial, industrial, agricultural and municipal purposes.

**Sec. 2. P&SL 1987, c. 144, §2** is amended by inserting after the first paragraph a new 2nd paragraph to read:

Notwithstanding this section, the district is not required to file a petition or obtain the approval of the Public Utilities Commission in order to provide water to residents of the district with contaminated wells, provided the district obtains the approval of the Department of Environmental Protection.

**Sec. 3. P&SL 1987, c. 144, §9, sub-§1, first ¶** is amended to read:

**1. First board.** Within 14 days after the acceptance of this Act, the ~~selectmen~~ municipal officers of the Town of Pittston, who are especially appointed for this purpose, shall appoint 3 trustees. After the selection of the first board, the only eligibility requirements for the office of trustee of the district ~~shall be~~ are residence within the district and eligibility to vote, and all subsequent trustees ~~shall be~~ are elected by the residents of the district as provided in the Maine Revised Statutes, Title 35-A, chapter 63 in an annual election to be held ~~on the first Saturday of March in each year~~ during the annual election of town officials of Pittston.

**Sec. 4. P&SL 1987, c. 144, §9, sub-§4** is amended to read:

**4. Vacancies; incompatible offices.** Whenever the term of office of a trustee expires, a successor ~~shall~~ must be elected by a plurality vote by the inhabitants of the district, and upon nomination made as provided in this section for the election of trustees; and for the purpose of election a special election ~~shall~~ must be called and held ~~on the first Saturday of March in each year during the annual election of town officials of Pittston,~~ the election to be called by the trustees of the district in the same manner as town meetings are called. For this purpose, the trustees are vested with the powers of ~~selectmen~~ municipal officers of towns. The trustees so elected ~~shall~~ serve the full term of 3 years and, in case ~~any~~ a vacancy arises in the membership of the board of trustees, it ~~shall~~ must be filled ~~in like manner for the unexpired term by special election to be called by the trustees of the district until the next election by appointment by the municipal officers.~~ When ~~any~~ a trustee ceases to be a resident of the district, that trustee shall vacate the office of trustee and the vacancy ~~shall~~ must be filled as provided in this section. All trustees ~~shall be~~ are eligible for reelection, but ~~no person holding office of selectman a~~

municipal officer or road commissioner in the Town of Pittston ~~may be~~ is not eligible for nomination or election as trustee.

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

Effective March 6, 1996.

**CHAPTER 58**

**H.P. 1193 - L.D. 1637**

**An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending 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 the Maine State Retirement System will become due and payable before the 90-day period may terminate; 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. Allocation of funds.** Administrative operating expenses of the Maine State Retirement System for the fiscal year ending June 30, 1997 must be paid from the system's expense fund in accordance with the following schedule.

	<b>1996-97</b>
<b>MAINE STATE RETIREMENT SYSTEM</b>	
Personal Services	\$4,752,613
All Other	2,569,350
<b>MAINE STATE RETIREMENT SYSTEM</b>	
<b>TOTAL</b>	<u>\$7,321,963</u>

**Sec. 2. Attribution of costs.** The expenses identified in section 1 of this Act are attributed as follows.

	<b>1996-97</b>
General Fund	\$4,700,000
Non-General Fund	1,872,831
Participating Local District and Other	749,132
<b>TOTAL</b>	<b>\$7,321,963</b>

**Sec. 3. Transfers of allocations; year-end balances.** Transfers of allocations and carry forwards of unexpended balances must be carried out in accordance with the Maine Revised Statutes, Title 5, section 17103, subsection 13.

**Sec. 4. Collective bargaining agreement approval.** As required by the Maine Revised Statutes, Title 5, section 17103, subsection 14, collective bargaining agreements for fiscal year 1995-96 and fiscal year 1996-97 between the Maine State Retirement System and the Maine State Employees Association for the retirement system's administrative service, professional technical and supervisory bargaining units are approved.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect July 1, 1996.

Effective July 1, 1996.

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**CHAPTER 59**

**H.P. 1176 - L.D. 1608**

**An Act Creating a Process for Municipalities to Withdraw from the Cobbossee Watershed District**

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

**Sec. 1. P&SL 1971, c. 95, sub-§§16 and 17** are enacted to read:

**Sec. 16. Procedure for municipal withdrawal from district.** The voters of a municipality may, in accordance with the procedures of this section and the secret ballot referendum or initiative provisions of the Maine Revised Statutes, Title 30-A, section 2528, elect to withdraw from the district.

1. The municipal officers of the municipality considering withdrawal must notify the executive director of the district or chair of the board of trustees,

in writing, at least 45 days before the date of the referendum vote. Timely notice must also be provided in the same manner of the time, date and place of the public hearing to be provided pursuant to Title 30-A, section 2528, subsection 5.

2. The municipal officers shall cause the question to be placed on the ballot in the following form: "Shall the voters of the (town or city) of \_\_\_\_\_ elect to withdraw from the Cobbossee Watershed District, with the withdrawal becoming effective at the conclusion of the district's current fiscal year?" The voters shall indicate by a cross or a check mark placed against the word "Yes" or "No" their opinion of the same.

3. If a majority of the registered voters casting a ballot on the withdrawal question elect to withdraw from the district, the withdrawal becomes effective at the conclusion of the district's fiscal year, but only if the total number of votes cast for and against withdrawal equal or exceed 15% of the total vote for all candidates for Governor cast in that municipality at the immediately preceding gubernatorial election.

4. If a majority of the registered voters casting a ballot on the withdrawal question do not elect to withdraw from the district, or if the total number of votes cast for and against the question is less than 15% of the total vote for all candidates for Governor cast by voters in that municipality at the immediately preceding gubernatorial election, the withdrawal process established by this section is not available to the municipality for a period of 2 years from the date of the unsuccessful withdrawal vote.

**Sec. 17. Distribution of liabilities upon withdrawal.** The district shall develop a process for equitably distributing the district's financial liabilities to a municipality that elects to withdraw from the district in accordance with section 16. The process must be developed not later than January 1, 1997.

See title page for effective date.

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**CHAPTER 60**

**H.P. 1201 - L.D. 1651**

**An Act Concerning the Seasonal Sale of Reformulated Gasoline**

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

**Sec. 1. Report.** The Commissioner of Environmental Protection shall develop recommendations regarding the seasonal sale and geographic distribution of reformulated gasoline. In developing these recommendations, the commissioner shall