

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
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subsection 1 to the municipal officers, the board of directors of the district, by a 2/3 vote of its entire membership, shall establish a formula for contributions to be made by each municipality in order to defray any projected deficit. This formula and estimated amount of the contribution required from each municipality must be shown in the estimates filed with the municipal officers of each municipality.

3. Budget; payment of allocations. Not later than 60 days after the beginning of the district's fiscal year, the board of directors shall adopt a final budget for that year that must be itemized in the same manner as the estimate of expenditures and revenues under subsection 1. This budget must be submitted immediately to the municipal officers of the municipalities comprising the district, and the amounts allocated to each municipality to defray any projected revenue deficit in the budget must be included in the warrant to the assessors of each municipality as provided in section 3538.

4. Accounting. Revenue, expenditure and budget amounts must be determined in accordance with generally accepted accounting principles.

§3538. Warrant for taxes

1. Warrant. The directors shall issue their warrant in the same form as the warrant of the Treasurer of State for taxes, with proper changes, to the assessors of the municipalities comprising the district. The warrant must require the municipalities to assess the sum allocated to each municipality for payment of the costs of the district upon the taxable estates within those municipalities and to commit their assessment to the constable or collector of the municipalities. The constable or collector has all the authority and powers to collect these taxes as is vested by law to collect state, county and municipal taxes. Within 30 days after the date fixed by the municipality on which its taxes are due, the treasurer of the municipality shall pay the amount of the tax assessed under this section to the treasurer of the district.

2. Failure to pay. If the treasurer of a municipality fails to pay the sum assessed under this section, or fails to pay any part of the sum by the date set in the year in which the tax is levied, the treasurer of the district may issue a warrant for the amount of the tax, or so much of the tax as remains unpaid, to the sheriff of the appropriate county, requiring the sheriff to levy the tax by distress and sale on real and personal property of any of the inhabitants of the municipality. The sheriff or a deputy shall execute the warrant.

§3539. Changes in district territory

1. Addition to territory. After initial formation of a district, a municipality may join the district upon vote of the municipality's legislative body and upon a

2/3 vote of the board of directors. The board of directors shall determine the terms and conditions to be met by the joining municipality.

2. Withdrawal from district. By vote of its legislative body, a municipality may elect to withdraw from the district. Withdrawal must take effect at the end of a district fiscal year, after the municipality has given the board of directors at least one year's written notice of its intention to withdraw. The municipality shall pay its proportionate share of the current indebtedness of the district before withdrawal and shall agree by appropriate written document to pay its proportionate share of any long-term indebtedness of the district as that indebtedness becomes due and payable. During the period of notice, the withdrawing municipality does not become liable for any capital expenditures or borrowings that may be made by the district. The proportionate share of the withdrawing municipality in any current and long-term indebtedness of the district must be in accordance with the formula then in effect for payment of the current and long-term indebtedness.

§3540. Dissolution

At such time as a district has discharged all of its obligations and paid or provided for the payment of all of its bonded indebtedness, the board of directors, by 2/3 vote of its membership, may dissolve the district and dispose of all of its property, real and personal, in the manner authorized and directed by the board of directors. The treasurer of the district may execute any deeds, bills of sale or documents required for that purpose. All money, if any, remaining in the control of the treasurer of the district must be paid to the municipalities comprising the district as of the date of dissolution in accordance with the formula then in effect for the payment of any operating deficit. The officers of the district shall file notice of dissolution with the office of the Secretary of State as required in Title 13, section 937.

See title page for effective date.

CHAPTER 699

H.P. 1420 - L.D. 1984

An Act to Amend the Laws Governing Secession

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

Sec. 1. 30-A M.R.S.A. c. 113, sub-c. II is amended by repealing the subchapter headnote and enacting the following in its place:

SUBCHAPTER II

SECESSION PROCESS

Sec. 2. 30-A MRSA §2172, as enacted by PL 1995, c. 377, §2, is further amended by repealing and replacing the headnote to read:

§2172. Information to be submitted with legislation proposing secession

Sec. 3. 30-A MRSA §2172, first ¶, as enacted by PL 1995, c. 377, §2, is amended to read:

A territory that seeks to have legislation submitted on its behalf proposing its secession from a municipality shall provide the Legislature with the following information, ~~if available~~, which the Legislature may use in making a determination on a proposal for secession:

Sec. 4. 30-A MRSA §2172, sub-§1, as enacted by PL 1995, c. 377, §2, is repealed and the following enacted in its place:

1. Report on attempts to resolve differences.

As required in section 2173, a report on attempts by the secession territory to resolve concerns that have caused the desire to secede from the municipality. If a neutral 3rd party was involved in the attempt to resolve concerns through alternative dispute resolution methods such as mediation, facilitation or arbitration, the territory must also submit a report from the neutral 3rd party;

Sec. 5. 30-A MRSA §2173 is enacted to read:

§2173. Local effort prior to seeking secession legislation

Before requesting the introduction of secession legislation, secession proponents must request an opportunity to meet with the municipal officers of the municipality from which they seek to secede, to attempt to resolve concerns that have created the desire to secede. The request must be made in writing to the municipal officers, must specify the concerns the secession proponents wish to discuss and must request that the issue be placed on the agenda of a regular meeting of the municipal officers. If secession legislation is later introduced, the proponents of secession shall report to the Legislature the results of their request and the contents and result of any meeting held to attempt to resolve concerns.

See title page for effective date.



CHAPTER 700

S.P. 792 - L.D. 2119

An Act to Clarify the Responsibilities of the Advisory Commission on Radioactive Waste during the Decommissioning of Maine Yankee

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

Whereas, the decommissioning of the Maine Yankee Atomic Power Plant is already under way and therefore the Advisory Commission on Radioactive Waste should assume its new duties with respect to decommissioning as soon as possible; 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. 5 MRSA §12004-J, sub-§2-A, as enacted by PL 1993, c. 664, §4, is amended to read:

2-A.	Advisory Commission on Radioactive Waste <u>and Decommissioning</u>	Legislative Per Diem	38 MRSA §1453-A
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Sec. 2. 38 MRSA §1453-A, as amended by PL 1995, c. 642, §§13 and 14, is further amended by repealing and replacing the headnote to read:

§1453-A. Advisory Commission on Radioactive Waste and Decommissioning

Sec. 3. 38 MRSA §1453-A, sub-§1, as enacted by PL 1993, c. 664, §15 and affected by §21, is amended to read:

1. Establishment; purpose. The Advisory Commission on Radioactive Waste and Decommissioning, referred to in this section as the "commission," is established. The commission shall advise the Governor, the Legislature and other pertinent state agencies and entities on matters relating to radioactive waste management and decommissioning of nuclear power plants and provide information to the public and create opportunities for public input in