

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

liable to pay twice the amount of the damages to the district, to be recovered in any proper action.

Sec. 16. Existing laws not affected; rights conferred subject to provisions of law. Except as expressly provided in this Act, 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 the Maine Revised Statutes, Title 35-A to the extent it affects the operations of the district. Nothing in this Act is intended to affect the existing contracts, bonds, notes or other obligations of the Winthrop Water District that by virtue of this Act is renamed the Winthrop Utilities District.

Sec. 17. Severability 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. Remaining portions of this Act stand, notwithstanding the unconstitutionality or invalidity of any section, sentence, clause or phrase.

See title page for effective date.

CHAPTER 17

H.P. 785 - L.D. 1073

An Act to Create the Tenants Harbor Standard 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, there have been a number of private wells in the Village of Tenants Harbor within the Town of St. George that have been contaminated with hydrocarbons and this poses a serious threat to the health and well-being of the inhabitants of the area; and

Whereas, an adequate supply of pure water is essential to the health and well-being of the inhabitants of the Village of Tenants Harbor; 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. Territorial limits; corporate name. Pursuant to the Maine Revised Statutes, Title 35-A, section 6403, subsection 1, paragraph B and subject to section 6, that part of the Town of St. George described as follows: Beginning at a point at the intersection of the northern corner of Lot 42 of Map 2 of the Property Tax Maps of the Town of St. George, and the easterly edge of Sea Street, thence southeast along the northerly border of Lot 42 to the coast of the Atlantic Ocean, thence south and west along the coast to the intersection of the easterly edge of Route 131, thence westerly over Route 131 and along the waterway to the southwestern corner of Lot 135 of Map 2, thence westerly along the northern shore of the marsh bordering Lots 135, 134 and 132 of Map 2 and lots 3 and 11 of Map 27 to the intersection with the southerly edge of Watts Avenue, thence westerly across Watts Avenue, 275 feet west into Lot 66 of Map 13, thence northerly across Lots 66, 67 and 68 of Map 13, running 275 feet north of and parallel to Watts Avenue, Thence continuing southeasterly across Lots 13 and 14 of Map 27, 275 feet north of and parallel to Watts Avenue to the westerly border of Lot 16 of Map 27, thence northerly to the intersection of the northwest corner of Lot 16 and the southwest corner of Lot 22, thence easterly along the southerly border of Lot 22 to the northwesterly corner of Lot 88 of Map 2, thence southeasterly to the westerly border of Lot 88-1 of Map 2, thence to the northwest corner of Lot 88-1, thence easterly along the northerly border of Lot 88-1 to the intersection of the northeasterly corner of Lot 88-1, and the westerly edge of Route 131, thence across Route 131, thence northerly along the easterly edge of Route 131 to the northwest corner of Lot 70 of Map 2, thence easterly along the northern borders of Lots 70, 77-2 and 76 of Map 2, to the intersection of the northerly edge of Spruce Lane, thence along Spruce Lane southerly and easterly along the southerly edge of Spruce Lane bordering Lots 77, 56, and 57 of Map 2, to the intersection of the westerly edge of Sea Street, thence diagonally in a straight line to the point at the beginning; and its inhabitants constitute a standard district under the name "Tenants Harbor Standard Water District" and referred to in this Act as the "district."

Sec. 2. Powers; authority; duties. The district has all the powers and authority and is subject to all the requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64.

Pursuant to Title 35-A, section 6403, subsection 2, paragraph H, the management and allocation of the district of a contribution of funds by the State under Title 38, section 1364, subsection 5, and the income from those funds, are not subject to investigation or review by the Public Utilities Commission under Title 35-A, section 310, 1302 or 1303, except upon request by the Department of Environmental Protection.

Pursuant to Title 35-A, section 6403, subsection 2, paragraph D, the district is authorized to take water from anywhere within the legal boundaries of the Town of St. George.

Sec. 3. Number of trustees; qualifications. The board of trustees of the district is composed of 3 trustees.

Sec. 4. Election of first board. The first board is elected in an election called by the municipal officers of the Town of St. George within 6 months of approval of this Act by the legal voters within the district.

Sec. 5. Terms of trustees. After the election of the first board, trustees are elected to 3-year terms in accordance with Title 35-A, section 6410, subsection 1.

Sec. 6. Emergency clause; referendum, effective date. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the territory described in section 1 of this Act at an election called for that purpose and held by July 1, 1998. The election must be called, advertised and conducted according to the law relating to municipal elections. The registrar shall make a complete list of all the eligible voters of the proposed district as defined in this Act. The list prepared by the registrar governs the eligibility of any voter. Voters who are residing outside the territorial limits of the proposed district, as defined in this Act, are not eligible voters and the registrar of voters shall exclude those voters from the registrar's list. For the purpose of registration of 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 Tenants Harbor Standard 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 St. George and due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all purposes immediately upon its approval by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section, provided the referenda are held prior to July 1, 1998.

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

Effective pending referendum.

CHAPTER 18

H.P. 683 - L.D. 935

An Act to Increase the Debt Limit of the Waldoboro Utility 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, the Waldoboro Utility District needs immediately to increase its debt limit to finance the costs of replacing its existing wastewater treatment plant; 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 1963, c. 146, §7, as amended by P&SL 1991, c. 34, §1, is further amended to read:

Sec. 7. Rights of abutters or others to enter. ~~Any A person may not enter that person's private sewer into any sewer of the district while the same is under construction and before completion of said sewer at the point of entry, and before an entrance charge is established, on obtaining a permit in writing from the trustees; but after the sewer is completed to~~