

MAINE STATE LEGISLATURE

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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

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~~

the point of entry and an entrance charge established on that location, a person may not enter that person's private sewer into such sewer until that person has paid the entrance charge and obtained a permit in writing from the trustees. All such permits shall must be recorded by the clerk of the district in its records before the same are issued.

Sec. 2. P&SL 1963, c. 146, §17, as amended by P&SL 1963, c. 216, §1; P&SL 1987, c. 98, §2 and P&SL 1989, c. 2, §2 is repealed and the following enacted in its place:

17. Authorized to borrow money to issue bonds and notes. For accomplishing the purposes of this Act, the district, by resolutions of its board of trustees, without district vote, is authorized to borrow money temporarily and to issue for the money its negotiable notes, and for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this Act, including organizational and other necessary expenses and liabilities incurred by the district or the Town of Waldoboro, the district being authorized to reimburse the Town of Waldoboro for any such expense incurred or paid by the town, and in acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating a sewage plant or system and making renewals, additions, extensions and improvements to them, and to cover interest payments during the period of construction, the Waldoboro Utility District, by resolutions of its board of trustees, without district vote, is also authorized to issue from time to time, bonds, notes or other evidences of indebtedness of the district in one series or in separate series, in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine; except that the total indebtedness of the district at any one time outstanding may not exceed the sum of \$2,000,000. The bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the trustees may determine, but the bonds, notes and evidences of indebtedness may not run for a longer period than 40 years from the date of original issue of the bonds, notes and evidences of indebtedness. Bonds, notes or evidences of indebtedness may be issued with or without provision for calling them prior to maturity and, if callable, may be made callable at par or at such premium as the trustees may determine. All bonds, notes and evidences of indebtedness must have inscribed upon their face the words "Waldoboro Utility District," and be signed by the treasurer and countersigned by the chair of the board of trustees of the district and, if coupon bonds are issued, the interest coupons attached to the coupon bonds must bear the facsimile of the signature of the treasurer. All bonds, notes and evidences of indebtedness issued by the district are legal obligations of the district, which

is a quasi-municipal corporation as defined in the Maine Revised Statutes, Title 30-A, section 2351, and all provisions of that section are applicable. The district may issue in one series or in separate series, its bonds, notes and evidences of indebtedness, for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness, and each authorized issue constitutes a separate loan. All bonds, notes and evidences of indebtedness issued by the district are legal investments for savings banks in the State and are tax-exempt. The district is authorized and empowered to enter into agreements with the State or Federal Government, or any agency of either, or any corporation, commission or board authorized by the State or Federal Government to grant or loan money to or otherwise assist in the financing of projects such as the district is authorized to carry out and to accept grants and borrow money from any government agency, corporation, commission or board as may be necessary or desirable to enforce this Act.

Sec. 3. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved, except that section 2 of this Act takes effect only for the purpose of permitting its submission to the legal voters within the Waldoboro Utility District at an election to be called and held for that purpose by December 31, 1998. The election must be called by the municipal officers of the Town of Waldoboro and must be held at the regular voting places. The election must be called, advertised and conducted according to the law relating to municipal elections; except that the board of registration is not required to prepare nor the town clerk to post a new list of voters. The board of registration must be in session on the 3 working days next preceding the election, the first and 2nd days to be devoted to registration of voters and the last day to enable the board to verify the corrections of the lists and to complete and close their records of the session. The town clerk shall reduce the subject matter of section 2 of this Act to the following question:

"Do you favor amending the Waldoboro Utility District charter by changing the debt limit of the district from \$1,000,000 to \$2,000,000 and removing the requirement that any single expenditure in excess of \$100,000 be approved by district vote?"

Section 2 of this Act takes effect for all purposes immediately upon acceptance by a majority of the legal voters at the election, but only if the total number of votes cast for and against its acceptance exceeds 10% of the registered voters of the district, but failure of approval does not prevent subsequent elections held prior to December 31, 1998.

The results of the election must be declared by the municipal officers of the town and due certificate of the election must be filed by the town clerk with the Secretary of State.

Effective pending referendum.

CHAPTER 19

H.P. 791 - L.D. 1079

An Act to Create the Cobscook Bay Transit District

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

Sec. 1. Transit district in Cobscook Bay created. The towns of Eastport, Lubec, Whiting, Dennysville, Pembroke, Perry and Pleasant Point and the townships known as Trescott Township and Edmunds Township, all in Washington County, constitute a transit district under the name Cobscook Bay Transit District and referred to in this Act as the "district." The purpose of the district is to provide ferry service between the towns of Lubec and Eastport. The district is a body politic and corporate, may sue and be sued, plead and be impleaded, adopt and alter a common seal and do things necessary to furnish waterborne transportation between the towns of Lubec and Eastport, including incidental tour and charter service, for public purposes in the interest of public health, safety, comfort and convenience of the inhabitants of the district.

Sec. 2. Board of directors. The affairs of the district must be managed by a board of 9 directors. The directors must be elected by the voters of the district. Four directors must be residents or property owners of Lubec, 4 directors must be residents or property owners of Eastport and one director must be a resident or property owner of Trescott Township, Whiting, Edmunds Township, Dennysville, Pembroke, Perry or Pleasant Point.

Sec. 3. Election of directors. The directors must be elected by a plurality vote of the legal voters resident in the district at an election to be held on the first Tuesday in the month of November, with the first election to be held Tuesday, November 3, 1998. Each director shall serve for a term of 3 years, with 3 directors being elected on a rotating basis each year. The order of rotation must be decided by the directors by lot at the first meeting of the directors. Two-thirds of the directors constitutes a quorum for the transaction of business and any action taken by a majority of directors present at any meeting at which a quorum is in attendance is deemed to be the action of the full board of directors.

Nominations for directors must be by petition signed by at least 20 eligible voters resident in the district and filed with the clerk of the district not less than 21 days before the day of the election.

Pending the first election of directors, interim directors must be chosen within 180 days from the effective date of this Act to serve in lieu of the elected directors and may exercise all the powers of district directors until the election. Four of the interim directors must be residents or property owners of Eastport and be selected by majority vote by the governing body of the Town of Eastport; 4 of the interim directors must be residents or property owners of Lubec and be selected by majority vote by the governing body of the Town of Lubec; one of the interim directors must be a resident or property owner of Trescott Township, Whiting, Edmunds Township, Dennysville, Pembroke, Perry or Pleasant Point and be selected by majority vote by the governing bodies of the towns of Lubec and Eastport.

Elections for directors must be conducted by and under the supervision of the clerk of the district and the result must be certified by the clerk. The expenses of the election must be paid by the district. If such election is held in conjunction with any municipal election, the district shall reimburse the municipality for any additional expense caused by the district election.

Sec. 4. Meetings. The directors shall meet at least monthly or more often if required by the bylaws, or upon call of the president, and the president shall call such other meetings as are requested in writing directed to the president signed by at least 1/3 of the members of the board of directors. The directors shall elect from among their members a president, treasurer, clerk and such other officers as they may desire and shall adopt bylaws and rules for the conduct of the affairs of the district. The directors shall appoint and fix the salary of a district manager who may not be a director and who is the chief executive officer of the district and who shall appoint such other employees as are required for district purposes and shall fix the salaries of such employees. The directors may, by resolution, indicate which appointments by the manager and salaries established by the manager require confirmation of the board of directors.

Sec. 5. Interest in contracts. No director, officer or employee of the district may be interested directly or indirectly in any contract entered into by or in behalf of a district for work or material, or the obtaining of work or the purchase of material or in any property acquired or to be acquired by the district. All contracts made in violation of this section are void. Nothing in this section precludes a passenger or shipper of freight with no other interest in a contract