

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

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

from being a director, officer or employee of the district.

Sec. 6. Certificate of organization. The district shall, after its organization, file a certificate with the Secretary of State setting forth the following information:

1. Name of the district;
2. Its purposes;
3. Islands included within the district;
4. Location of the principal office;
5. Number and names of the directors and their addresses; and
6. Names and addresses of the officers.

The certificate must be signed by the president and treasurer and a majority of the directors, and the president or treasurer shall make oath that the signatures set forth in the certificate are true. From time to time as changes may occur, the district shall file an amended certificate with the Secretary of State setting forth such changes.

Sec. 7. Powers of directors. The directors of the district may take, purchase, hold, maintain, operate, lease, rent, mortgage or convey any and all real and personal property, or lease or sublease the same, or enter into contracts with private companies for the purpose of providing public transportation services and for such purpose contract with the Federal Government, State Government and municipal governments for donations, loans, grants, gifts or other assistance and in such contracts agree to be bound by all applicable provisions of federal, state and municipal statutes, regulations and rules as the case may be.

Sec. 8. Routes and fares; sinking fund. The directors of the district may establish routes and shall fix rates of fare to be charged for public transportation service that to the extent possible reasonably assure sufficient income to meet the cost of the service, including, but not limited to, operating expenses, insurance, taxes, rentals, annual serial bond payments, interest, allocation for a reserve account and an allowance for depreciation. If, after all such obligations have been met, a surplus remains, the directors may deposit all or any part of such surplus in a reserve account for retirement of indebtedness or for other proper purpose.

Sec. 9. Sale of bonds. For accomplishing the purposes of this Act and for other expenses necessary for carrying out those purposes, the district, through the district directors, is 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 an amount or amounts, bearing interest at a rate or rates and having terms and provisions determined by the directors. The district must operate its service as a toll system to retire the bonds issued and to provide for all the expenses and maintenance incurred by the issuance of bonds. All such bonds, notes and evidences of indebtedness so issued by the district are legal obligations of the district. The district is not a quasi-municipal corporation. Such bonds may be secured by a mortgage or security interest in any assets of the district. The district may refund and reissue from time to time, in one or in a separate series, its bonds and notes and constitute a separate loan. All bonds, notes and evidences of indebtedness issued by the district are legal investments for savings banks in the State.

See title page for effective date.

CHAPTER 20

S.P. 355 - L.D. 1174

An Act to Enhance Live Animal and Embryo Exports From Maine

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

Sec. 1. Live animal and embryo testing program. The Commissioner of Agriculture, Food and Rural Resources shall develop a plan for creating and funding an animal testing program within the Department of Agriculture, Food and Rural Resources that meets all applicable federal and state requirements for testing live animals and embryos for export from the State. The commissioner shall determine the equipment and personnel necessary to establish the animal testing program and shall submit the plan together with any required draft legislation to the Legislature no later than January 1, 1998. The plan must provide for the department to have cost estimates for appropriate facilities and certified staff to perform the following tests:

1. EHD-SN;
2. Vesicular Stomatitis: SN;
3. Leptospirosis - 5 serotypes;
4. VS CF; and
5. BVD/IBR.

The department shall provide an estimate of costs associated with testing capability for the EHD-SN Test and cumulative cost estimates associated with developing testing capability for each of the other 4 tests. Throughout the development of the plan, the