

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

to be used or reallocated in accordance with Title 10, section 363, subsection 7.

Sec. 4. Allocation to the Maine Educational Loan Authority. The \$20,000,000 of the state ceiling for calendar year 1997 is allocated to the Maine Educational Loan Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8 for calendar year 1997. Twenty million dollars of the state ceiling for calendar year 1998 is allocated to the Maine Educational Loan Authority to be used or reallocated in accordance with Title 10, section 363, subsection 8.

Sec. 5. Allocation to the Maine State Housing Authority. The \$45,000,000 of the state ceiling for calendar year 1997 previously allocated to the Maine State Housing Authority, plus an additional \$5,000,000, is allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4 for calendar year 1997. Forty million dollars of the state ceiling for calendar year 1998 is allocated to the Maine State Housing Authority to be used or reallocated in accordance with Title 10, section 363, subsection 4.

Sec. 6. Allocation to the Maine Educational Loan Marketing Corporation. The \$25,000,000 of the state ceiling for calendar year 1997 previously allocated to the Maine Educational Loan Marketing Corporation, plus an additional \$10,000,000, is allocated to the Maine Educational Loan Marketing Corporation to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8 for calendar year 1997. Twenty million dollars of the state ceiling for calendar year 1998 is allocated to the Maine Educational Loan Marketing Corporation to be used or reallocated in accordance with Title 10, section 363, subsection 8.

Sec. 7. Unallocated state ceiling. Thirty-five million dollars of the state ceiling for calendar year 1998 is unallocated and must be reserved for future allocation in accordance with applicable laws.

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

Effective May 22, 1997.

CHAPTER 34

H.P. 823 - L.D. 1128

An Act to Transfer Funds from the Maine Forest Service to the Waldo County Soil and Water Conservation District

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

Sec. 1. Payment for land acquisition. The Bureau of Forestry shall pay \$20,000 from the Division of Forest Fire Control dedicated account to the Waldo County Soil and Water Conservation District. The Waldo County Soil and Water Conservation District shall use the money received from the bureau exclusively to purchase a parcel of land for the purpose of constructing an office building to house the Waldo County Soil and Water Conservation District.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1997-98

**CONSERVATION,
DEPARTMENT OF**

**Forest Fire Control- Division
of**

| | |
|---|----------|
| All Other | \$20,000 |
| Allocates funds to authorize payment to the Waldo County Soil and Water Conservation District as required in section 1. | |

See title page for effective date.

CHAPTER 35

H.P. 1251 - L.D. 1770

An Act to Create the Pleasant River Standard Water District

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

Whereas, the residents of the Town of Addison and the Town of Columbia Falls are in immediate

need of forming a quasi-municipal entity to supply potable water; 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 9 of this Act, parts of the Town of Addison and the Town of Columbia Falls and their inhabitants constitute a standard water district under the name "Pleasant River Standard Water District," referred to in this Act as the "district." The district is within the following boundaries: Beginning at a point where U.S. Route 1 intersects the western boundary of the Town of Columbia Falls; thence easterly along the southerly side of U.S. Route 1 to its intersection with the Pleasant River in the Town of Columbia Falls; thence following the southern and western bank of the Pleasant River in an easterly and southerly direction until it intersects with the West Branch of the Pleasant River in the Town of Addison; thence northerly along the eastern bank of the West Branch of the Pleasant River to its intersection with the northern boundary of the Town of Addison; thence easterly along the northern boundary of the Town of Addison to the intersection of the western boundary of the Town of Columbia Falls, thence northerly along that boundary to the point of beginning.

Sec. 2. Powers; authority; duties. Except as otherwise provided in this Act, 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.

Sec. 3. Power to take water. The district is authorized to take and use water from any source within the legal boundaries of the Town of Addison or the Town of Columbia Falls.

Sec. 4. Authorized to acquire property and franchises of the Allen Water Company and the Addison Point Water District. Pursuant to the Maine Revised Statutes, Title 35-A, section 6403, subsection 2, paragraph C, the district, through its trustees, may acquire by purchase the plants, properties, franchises, rights and privileges owned by the Allen Water Company and the Addison Point Water District, including all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances used or usable in supplying water in the area of the district. The

district may acquire by the exercise of the right of eminent domain, a right expressly delegated to the district for that purpose, the plants, properties, franchises, rights and privileges except cash assets and accounts receivable owned by the Allen Water Company and the Addison Point Water District, including all lands, waters, water rights, dam structures, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances used or usable in supplying water in the area of the district.

In exercising the right of eminent domain under this section, the trustees shall file with the district clerk a condemnation order that includes a detailed description of the property interests to be taken, the name or names of the owner or owners of record so far as they can be reasonably determined and the amount of damages determined by the trustees to be just compensation for the property or interest taken. The trustees shall serve upon the owner or owners of record a copy of the condemnation order and a check in the amount of the damages awarded and record a certified copy of the condemnation order in the Washington County Registry of Deeds. In the event of multiple ownership, the check may be served on any one of the owners. Title passes to the district upon service of the order of condemnation and check or upon recordation in accordance with this Act, whichever occurs first. Acceptance and negotiation of the check do not bar an appeal under this Act.

Any person aggrieved by the determination of the damages awarded to owners of property or interests taken under this section may appeal, within 60 days after service of the condemnation order and check, to the Superior Court of Washington County. The court shall determine damages by a verdict of its jury or, if all parties agree, by the court without a jury or by a referee or referees, and shall render judgment for just compensation, with interest when interest is due and for costs in favor of the entitled party. A decision of the Superior Court may be appealed to the Law Court, as in other civil actions.

Sec. 5. Number of trustees; qualifications. The board of trustees of the district is composed of 5 trustees, 3 from the Town of Addison and 2 from the Town of Columbia Falls.

Sec. 6. Selection of first board. The first board is selected by the municipal officers of the Town of Addison and the Town of Columbia Falls within 6 months of approval of this Act by the voters in accordance with section 9.

Sec. 7. Terms of trustees. After the selection of the first board, trustees are elected to 3-year terms in accordance with Title 35-A, section 6410, subsection 1.

Sec. 8. P&SL 1989, c. 118 is repealed.

Sec. 9. Emergency clause; referenda; 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 elections called in the Town of Addison and the Town of Columbia Falls for that purpose and held by July 1, 1998. The elections must be called, advertised and conducted according to the law relating to municipal elections. The registrars shall make a complete list of all the eligible voters of the proposed district as defined in this Act. The list prepared by the registrars 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 registrars of voters shall exclude those voters from the registrars' lists. For the purpose of registration of voters, the registrars of voters must be in session the secular day preceding the elections. The subject matter of this Act is reduced to the following question:

"Do you favor creating the Pleasant River Standard Water District and permitting the Pleasant River Standard Water District to purchase the assets of the Allen Water Company and the Addison Point Water District?"

The voters shall indicate by 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 Addison and the Town of Columbia Falls and due certificate of the results filed by the clerks 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 elections. 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.

Effective pending referendum.

CHAPTER 36

S.P. 547 - L.D. 1665

An Act to Amend the Charter of the Hebron Water Company

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

Whereas, in order for the customers of the Hebron Water Company to have safe drinking water, the

company must incur certain capital costs immediately and converting to nonprofit status will allow the company to access the necessary financing; 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 1899, c. 46, §8 is repealed.

Sec. 2. P&SL 1899, c. 46, §10 is amended to read:

Section 10. The ~~said~~ corporation may issue its bonds for the construction of its works, of any and all kinds, upon such rates and time as it may ~~deem~~ determine expedient, ~~not to exceed the amount of its capital stock,~~ and secure the same by mortgage of its franchise and property.

Sec. 3. P&SL 1899, c. 46, §§11-A to 11-D are enacted to read:

Section 11-A. Nonprofit status. Hebron Water Company, upon approval of its sole shareholder, has the authority to convert its status from a for-profit business corporation to a nonprofit corporation, the conversion to be effected by filing with the Secretary of State an amendment to the corporation's articles of incorporation. The amendment must provide that the corporation retains its original incorporation date of February 21, 1899 and retains all of its rights, powers, duties, authorities, privileges and obligations as now exist. Upon filing of the amendment all outstanding shares of the corporation's stock are canceled and the corporation's status automatically converts into that of a nonprofit corporation governed by the Maine Revised Statutes, Title 13-B to the extent consistent with this Act. The Secretary of State shall maintain records of the conversion showing the continuous existence of the corporation under state law.

Section 11-B. No members. After converting to nonprofit status pursuant to section 11-A, Hebron Water Company may not have shareholders.

Section 11-C. Board of directors. Hebron Water Company must be run by a board of directors appointed from time to time in accordance with its bylaws. The board of directors of the Hebron Water Company consists of 5 members. The members are the chair, vice-chair, treasurer and headmaster of Hebron Academy and one customer of the water company to be chosen by the 4 other members.