

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

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 ~~determine~~ 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.

Section 11-D. Form of amendment. The board of directors, acting through the corporation's officers, has authority to file the amendment authorized under section 11-A in a form it determines appropriate and to make further amendments to the articles of incorporation consistent with this Act.

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

Effective May 28, 1997.

CHAPTER 37

H.P. 1114 - L.D. 1557

An Act to Create Efficient and Effective Administration of the University of Maine System

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

Sec. 1. P&SL 1865, c. 532, §3, as enacted by P&SL 1865, c. 532, is repealed.

Sec. 2. P&SL 1865, c. 532, §4, sub-§3-A is enacted to read:

3-A. Alumni members. The Governor shall make every effort to appoint to the Board of Trustees, subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and confirmation by the Senate, 7 alumni members, one from each of the universities in the system.

Sec. 3. P&SL 1865, c. 532, §4-B, as amended by PL 1987, c. 769, Pt. A, §§189 and 190, is further amended to read:

Section 4-B. Duties of the Board of Trustees, chancellor and heads of the various campuses.

1. Board of Trustees; duties. The ~~board of trustees~~ Board of Trustees, in consultation with the chancellor, ~~shall be~~ is the governing and planning body of the university and in addition ~~shall have~~ has responsibility for preparing and approving the operating and capital budgets of the university and presenting them in accordance with the direction in the Maine Revised Statutes, Title 5, section 1665, and Title 5, chapter 153. In fulfilling its duties, the Board of Trustees shall:

A. Support and enhance the system and the mission of the system;

B. Provide sound financial management of the system;

C. Exercise prudent stewardship of the assets of the system;

D. Evaluate the chancellor and presidents appointed by the Board of Trustees pursuant to section 4-A;

E. Plan strategies for programs and allocation of resources that most effectively serve the educational needs of the citizens of this State;

F. Develop and maintain a strong system of accountability to the public for performance results of the system;

G. Visibly advocate higher education as a means to strengthen the economy and communities of the State; and

H. Establish mechanisms for review and approval of system programs.

2. Chancellor and staff members; duties. The chancellor shall exercise such powers and fulfill such responsibilities as ~~shall be~~ are delegated by the ~~board~~ Board of Trustees. The chancellor may delegate any of such powers and responsibilities to ~~such~~ members of ~~his~~ the chancellor's staff as ~~he~~ deems necessary. The chancellor is the chief administrative education officer of the system and shall:

A. Provide leadership to the universities in the system in addressing the State's highest priority needs;

B. Establish a vision and planning for the system that:

(1) Provides quality education that is affordable and accessible for the students of this State; and

(2) Strengthens the State's economy for its citizens;

C. Promote system planning, in collaboration with university presidents, for academic affairs, student affairs, outreach and community services programs, financial operations, capital plans and resource allocations;

D. Prepare all operating and capital budgets, appropriation requests and bond issues;

E. Take an active role in the nomination, appointment and evaluation of persons to head the universities and to serve in other major staff positions in the system;

F. Develop and implement an effective state-wide public relations and legislative program;