

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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. 6. Allocation to the Maine Educational Loan Marketing Corporation. The \$20,000,000 of the state ceiling for calendar year 1998 previously allocated to the Maine Educational Loan Marketing Corporation 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 1998. Twenty million dollars of the state ceiling for calendar year 1999 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 1999 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 March 9, 1998.

CHAPTER 66

H.P. 1563 - L.D. 2194

An Act to Change the Name of the Knox Agricultural Society

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

Whereas, the name of the Knox Agricultural Society needs to be changed immediately so that there is adequate time to prepare advertising for the summer festival; 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 1869, c. 210, §1, as amended by P&SL 1949, c. 32, §1, is further amended to read:

Sec. 1. Incorporator; name. Ziba Simmons, Joseph O. Cobb, N.B. Robbins, Nathan Bachelder, William G. Hawes, George Y. Creighton, Isaac E. Starrett, William G. McCollum, Sumner Leach, Oliver R. Butler, Ornestine Meservey, William H. Merservey, Charles Keene, Isaac Hobbs, Nathaniel Alford,

William McDowell, H.G. McCurdy, A.J.H. Newhall, Samuel Ripley, together with such other persons as may join them, are hereby constituted an agricultural society to be known by the name of the ~~Knox Agricultural Society Union Fair Society/State of Maine Wild Blueberry Festival.~~

Sec. 2. P&SL 1869, c. 210, §2, as amended by P&SL 1975, c. 16, is further amended to read:

Sec. 2. Location; limit on funds held. Said society is hereby established ~~within the towns of Warren, Hope, Appleton, Washington, Union and such other towns in Knox county as the trustees may vote to include,~~ and may take and hold property, real and personal, to the amount of \$500,000 for the purposes of said society.

Sec. 3. P&SL 1869, c. 210, §7, as amended by P&SL 1949, c. 32, §3, is further amended to read:

Sec. 7. Vacancies in membership, how filled; fees. All acts and doings of the said society are hereby validated and confirmed and the present members of said society are hereby declared to have been duly elected. The members of the society may elect to membership; any person and fix fees ~~therefor, any resident of the towns within which the society is established~~ for the members.

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

Effective March 18, 1998.

CHAPTER 67

H.P. 1425 - L.D. 1989

An Act to Amend the Charter of the Houlton Water Company

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

Sec. 1. P&SL 1880, c. 227, §3, as amended by P&SL 1967, c. 28, §2, is further amended by adding at the end a new paragraph to read:

The company may not take by eminent domain the property or facilities of another public utility used or acquired for use in providing service to the public or in the performance of a public duty unless the company applies to the Public Utilities Commission and the commission finds that the taking is in the public interest.

Sec. 2. P&SL 1905, c. 31, §1, as amended by P&SL 1937, c. 14, §3, is further amended by adding after the first paragraph a new paragraph to read:

The Houlton Water Company is authorized to construct and operate fiber-optic cable telecommunications facilities or equivalent facilities and to provide natural gas service in those towns in which the company may provide electricity.

Sec. 3. P&SL 1905, c. 31, §2, as amended by P&SL 1937, c. 14, §4, is further amended by adding after the first paragraph a new paragraph to read:

The company is authorized to exercise the same powers for the purposes of constructing and operating fiber-optic cable telecommunications facilities or equivalent facilities and for providing natural gas service as for supplying electricity as set out in this section.

Sec. 4. P&SL 1905, c. 31, §3 is amended to read:

Sec. 3. May erect poles, etc.; limitations. In erecting poles and lines of wires along, upon and over streets, ways and bridges, and in constructing and laying lines of wires and conduits under any stream, river, street or highway, ~~said the company shall be~~ is subject to the general laws of the ~~state~~ State applicable to corporations ~~which that~~ are authorized to make, generate, sell, distribute and supply electricity and to construct and operate natural gas and fiber-optic cable telecommunications service for power, lighting, heating, manufacturing and other purposes, and ~~shall have~~ has all the rights and powers of such corporations.

See title page for effective date.

CHAPTER 68

S.P. 751 - L.D. 2029

An Act to Amend the Charter of the Van Buren Light and Power District

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

Sec. 1. P&SL 1917, c. 182, §1, as repealed and replaced by P&SL 1983, c. 15, is amended to read:

Sec. 1. Territorial limits; name; purposes; bond issue authorized. The following described territory and the people within the territory, namely all of the Town of Van Buren, excepting that area contained by original Lots 237 through 246, inclusive; and so much of the Town of Hamlin as is

included in original Lots 306 through 308, inclusive; is hereby created a body politic and corporate under the name of the Van Buren Light and Power District; with the right of making, generating, purchasing, selling, distributing and supplying gas or electricity, or both, for lighting, heating, manufacturing or mechanical purposes, and to sell the gas or electricity for street lighting purposes and to light all public and private buildings, houses, stores, warehouses, mills and business places in the district, and likewise for heating, domestic and power purposes. The district may construct and operate fiber-optic cable telecommunications facilities or the equivalent of those facilities within the territory of the district. The district may build such system as may be required to carry out the purposes stated in this section, or acquire by purchase or the right of eminent domain any existing system or systems and enlarge or extend the system or systems as circumstances require. The district may not take by eminent domain the property or facilities of another public utility used or acquired for use in providing service to the public or in the performance of a public duty unless the district applies to the Public Utilities Commission and the commission finds that the taking is in the public interest. The district may also issue bonds in such amount as may appear necessary to fully accomplish these purposes with a view to furnishing the inhabitants of the district with gas and electricity and other services for all purposes to which the same may be advantageously applied.

Sec. 2. P&SL 1917, c. 182, §9, as amended by P&SL 1983, c. 76, is further amended to read:

Sec. 9. Rates and purposes for which money may be expended. All individuals, firms, and corporations, whether private, public or municipal, shall pay to the treasurer of the Van Buren Light and Power District the rates established by the board of trustees for the electricity and other services used by them either for light, heat, power or other purposes, and the rates ~~shall~~ must be uniform within the district. The rates ~~shall be~~ are subject to approval of the Public Utilities Commission, and ~~shall~~ must be so established as to provided for the following purposes:

1. Expenses. To pay the current running expenses for maintaining the light and power system and other systems contemplated by this Act, and interest on all indebtedness;

2. Sinking fund, serial debt. To provide each ~~and every~~ year after April 1, 1920, a sum equal to not less than 1/2%, nor more than 3%, and after April 1, 1925, a sum of not less than 1% nor more than 5% of the entire term indebtedness of the Van Buren Light and Power District, which sum ~~shall~~ must be set aside as a sinking fund to provide for the final extinguishment of the funded debt. The money set aside for the