

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

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

Effective March 30, 1998.

CHAPTER 73

H.P. 1443 - L.D. 2007

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1999

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Maine State Retirement System will become due and payable before the 90-day period terminates; 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. Allocation of funds. Administrative operating expenses of the Maine State Retirement System for the fiscal year ending June 30, 1999 must be paid from the retirement system's Expense Fund in accordance with the following schedule.

1998-99

MAINE STATE RETIREMENT SYSTEM

Personal Services	\$5,035,216
All Other	2,569,350

MAINE STATE RETIREMENT SYSTEM TOTAL ALLOCATIONS

\$7,604,566

Sec. 2. Attribution of costs. The expenses identified in section 1 are attributed as follows.

1998-99

MAINE STATE RETIREMENT SYSTEM

General Fund	\$4,622,388
Non-General Fund	1,685,003
Participating Local District and Other	1,297,175

MAINE STATE RETIREMENT SYSTEM TOTAL ATTRIBUTIONS

\$7,604,566

Sec. 3. Transfers of allocations; year-end balances. Transfers of allocations and carry-forwards of unexpended balances must be carried out in accordance with the Maine Revised Statutes, Title 5, section 17103, subsection 13.

Sec. 4. Collective bargaining agreements approval. The allocations made in section 1 and the attributions made in section 2 include the amounts required to fund the collective bargaining agreements in fiscal year 1998-99 in accordance with Private and Special Law 1997, chapter 12.

Sec. 5. Authorization to expend retirement system reserve administrative operating funds. Of the amount authorized to be expended in section 1, \$500,000 for the administrative costs of the retirement system associated with the teachers' retirement program must be provided from the system's reserve administrative operating funds and \$151,352 to fund the system's collective bargaining agreements in fiscal year 1998-99 must be provided from the system's reserve administrative operating funds.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 1998.

Effective July 1, 1998.

CHAPTER 74

S.P. 709 - L.D. 1957

An Act to Amend the Charter of the Sanford Sewerage District

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

Sec. 1. P&SL 1947, c. 169, §6, last ¶, as amended by P&SL 1977, c. 90, §9, is repealed.

Sec. 2. P&SL 1947, c. 169, §§6-A and 6-B are enacted to read:

Sec. 6-A. Establishment of rules and regulations. The trustees may establish reasonable rules, regulations and bylaws for the construction, use, repair and maintenance of sewers and fix and collect the fees to be paid for entering the same, and also the quarterly rentals for the use thereof. The trustees also shall prepare, publish and make available for any interested inhabitants of the district an annual report and financial statement of the affairs of the district for the calendar year just preceding such report and statement to be prepared, published and made available as soon as practicable after the close of the calendar year.

Sec. 6-B. Adoption of pretreatment rules. The trustees may adopt rules and regulations as may be appropriate or lawfully required to enable the district as a publicly owned treatment works to comply with all state and federal laws, including the Clean Water Act, 33 United States Code, Section 1251 and the General Pretreatment Regulations, 40 Code of Federal Regulations, Part 403, controlling the use and operation of districts and facilities, as such, including:

1. The prevention of the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;

2. The prevention of the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works inadequately treated into receiving waters or otherwise be incompatible with the publicly owned treatment works;

3. The protection of both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

4. The provision of fees for the equitable distribution of the cost of operation, maintenance and improvement of the publicly owned treatment works; and

5. The district's obligation to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other federal or state laws to which the publicly owned treatment works is subject.

Any such rule or regulation applies to all users of the publicly owned treatment works. The rule or regulation may authorize the issuance of wastewater discharge permits, provide for monitoring, compliance and enforcement activities, establish administrative review procedures, require user reporting and provide for the setting of fees for the equitable distribution of costs resulting from the program established.

To the extent authorized under state or federal law, including the Maine Revised Statutes, Title 38, section 1252, the district may pursue civil or criminal remedies or injunctive relief against anyone violating provisions of any rule or regulation adopted pursuant to this section.

Rules or regulations adopted by the district must be adopted by the trustees in accordance with applicable laws, including the Maine Administrative Procedure Act.

Sec. 3. P&SL 1947, c. 169, §10, first ¶, first sentence, as amended by P&SL 1977, c. 90, §13, is further amended to read:

To procure funds for the purposes of this Act and for such other expenses as may be necessary for the carrying out of ~~said~~ the purposes, ~~said~~ the district, without a district vote, but by action of its board of trustees, is authorized to issue its notes and bonds in one series, or in separate series from time to time, to an amount not exceeding the sum of \$2,000,000 ~~\$4,000,000~~, unless a higher debt limit is established pursuant to section 10-A.

Sec. 4. P&SL 1947, c. 169, §10, first ¶, 5th sentence, as amended by P&SL 1977, c. 90, §14, is further amended to read:

Each loan may be payable in approximately equal annual serial installments, or made to run for such term as said trustees ~~shall~~ determine, but ~~no~~ a series ~~shall~~ may not run for a longer period than 40 years from its date; and bonds and notes may be issued as ~~aforsaid~~ for the purpose of paying or refunding bonds or notes ~~theretofore~~ issued, ~~provided that~~ as long as the total amount of bonds and notes at any one time outstanding ~~shall~~ does not exceed the ~~aforsaid~~ sum of ~~\$2,000,000~~ \$4,000,000, unless a higher debt limit is established pursuant to section 10-A.

Sec. 5. P&SL 1947, c. 169, section 10-A is enacted to read:

Sec. 10-A. Increases in the debt limit. The trustees of the district may propose a debt limit for the district and submit the proposal for approval in a district-wide referendum. The referendum must be called, advertised and conducted according to the law relating to municipal elections, except the registrar of voters is not required to prepare nor the clerk to post a new list of voters. For the purpose of registering voters, the registrar of voters must be in session on the regular work day preceding the election. The question presented must conform to the following form:

"Do you favor changing the debt limit of the Sanford Sewerage District from (insert current debt limit) to (insert proposed debt limit)?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion on the question.

The results must be declared by the trustees and entered upon the district's records. Due certificate of the results must be filed by the clerk with the Secretary of State.

A debt limit proposed by the trustees pursuant to this section becomes effective upon its acceptance by a majority of the legal voters within the district voting at the referendum. Failure of approval by the majority of voters voting at the referendum does not prevent subsequent referenda from being held for the same purpose. The costs of referenda are borne by the district.

If a debt limit is established and approved by referendum pursuant to this section, the total indebtedness of the district at any one time outstanding may not exceed the total amount so established.

Sec. 6. Referendum not required. The provisions of this Act are not subject to referendum approval before becoming effective.

See title page for effective date.

CHAPTER 75

H.P. 1546 - L.D. 2175

An Act Relating to the Debt Limit of the Limerick Water District

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

Whereas, 2 large fires during the 1990's within the Town of Limerick have illustrated the inadequacy of the fire protection available through the Limerick Water District, and in particular the need to increase the size of the primary water main through the town; and

Whereas, the Department of Human Services has indicated to the Limerick Water District that its system reservoir is in disrepair and needs to be replaced in order to maintain the quality of the water supply; and

Whereas, the Limerick Water District plans to address these deficiencies in 1998 by constructing a new reservoir and replacing the primary water main, which will in turn require the district to borrow funds in excess of the debt limit established in its charter. These funds must be obtained during the spring of

1998 in order to permit construction during the summer and fall of that year; and

Whereas, in conjunction with the Limerick Water District's financing efforts, the Town of Limerick is in the process of procuring a community development block grant from the State, which will be lost if not utilized for construction during 1998; 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 1957, c. 219, §10, first sentence is amended to read:

For accomplishing the purposes of this act, and for such other expenses as may be necessary for the carrying out of said purposes, ~~said the~~ district, through its trustees, without district vote, is authorized to borrow money temporarily and to issue therefor 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 whether incurred by the district or the Town of Limerick, the district being authorized to reimburse ~~said the~~ Town of Limerick for any such expenses incurred by it, and in acquiring properties, paying damages, laying pipes, mains, aqueducts and conduits, constructing, maintaining and operating a water plant or system and making renewals, additions, extensions and improvements to the same, and to cover interest payments during the period of construction, ~~said the~~ district, through its 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; provided that the total indebtedness of ~~said the~~ district at any one time outstanding ~~shall may~~ not exceed the sum of ~~\$200,000~~ \$1,000,000.

Sec. 2. P&SL 1957, c. 219, §10, is amended by adding after the first paragraph a new paragraph to read:

Notwithstanding any other provision of this section, the district, through its trustees, may issue bonds, notes or other evidences of indebtedness in amounts exceeding \$1,000,000 at any one time if a greater debt limit is established by referendum in accordance with the Maine Revised Statutes, Title 35-A, section 6413.