

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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**

TOTAL \$23,220,935.00

See title page for effective date.

**CHAPTER 78**

**H.P. 1592 - L.D. 2221**

**An Act to Amend the Charter of the Ogunquit Sewer District**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. P&SL 1963, c. 87, §14-A** is enacted to read:

**Sec. 14-A. Recall.** Trustees of the district may be recalled in accordance with the following provisions.

**1. Petition.** The qualified electors of the district may petition for the recall of any trustee after the first year of the term for which the trustee is elected by filing a petition with the municipal clerk of the Town of Ogunquit, demanding the recall of the trustee. A trustee may be subject to recall for misfeasance, malfeasance or nonfeasance in office. The petition must be signed by a number of electors of the district equal to at least 25% of the vote cast for the office of Governor at the last gubernatorial election within the Town of Ogunquit. The recall petition must state the reason for which removal is sought.

**2. Calling a special election.** Within 3 days after the petition is offered for filing, the municipal clerk of the Town of Ogunquit shall determine by careful examination whether the petition is sufficient and so state in a certificate attached to the petition. If the petition is found to be insufficient, the certificate must state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, the petition must again be carefully examined to determine sufficiency and a certificate stating the findings must be attached. Immediately upon finding an original or amended petition sufficient, the municipal clerk of the Town of Ogunquit shall file the petition and call a special

election within the district to be held in accordance with applicable provisions of section 14 not less than 40 days nor more than 45 days from the filing date. The municipal clerk of the Town of Ogunquit shall notify the trustee, against whom the recall petition is filed, of the special election.

**3. Candidates.** The trustee against whom the recall petition is filed is a candidate at the special election without nomination, unless the trustee resigns within 10 days after the original filing of the petition. A primary may not be held. Candidates for the office may be nominated in accordance with applicable procedures established under section 14 by filing nomination papers with the clerk of the Town of Ogunquit, not later than 5 p.m., 14 days preceding the election and have their names placed on the ballot at the special election.

**4. Election.** The trustee against whom a recall petition has been filed shall continue to perform the duties of the office until the result of the special election is officially declared. The ballot for the special election must contain the names of all qualified candidates and include the following heading:

"Recall Election for Trustee of the Ogunquit Sewer District

Vote for one by placing a cross or check mark beside the name of the person for whom you are voting"

The person receiving the highest number of votes at the special election is elected for the remainder of the term. If the incumbent receives the highest number of votes, the incumbent continues in office. If another person receives the highest number of votes, that person succeeds the incumbent, if qualified, within 10 days after receiving notification.

**5. Further recalls prohibited.** After one recall petition and special election, a further recall petition may not be filed against the same trustee during the term for which that trustee was elected.

**Sec. 2. P&SL 1963, c. 87, §15** is repealed and the following enacted in its place:

**Sec. 15. Special meeting; qualifications of voters of district.** Special meetings of the district may be called by the board of trustees at any time and notice of those special meetings stating the place and time of the special meeting and the business to be transacted must be signed by the chair or clerk of the board of trustees and must be conspicuously posted in at least 2 public places within the district, not less than 7 days inclusive of Sundays, before the meeting. Any such meeting may be adjourned from time to time by vote of the qualified voters present at the meeting, though less than a quorum, and without notice of the

time and place of the adjourned session, other than announcement at the meeting. Eleven persons qualified to vote in the meetings constitute a quorum. All special meetings of the district are presided over by a moderator chosen in the same manner and having the same authority as moderators of town meetings. All persons resident in the district and qualified to vote for Governor under the laws of this State are entitled to vote in any special meeting of the district. The registrar of voters of the Town of Ogunquit shall furnish a current list of qualified voters to the trustees by which the trustees shall determine the qualified voters for purposes of the special meeting.

On the written petition of at least 50 qualified voters of the Ogunquit Sewer District, the trustees shall call a special meeting. If the trustees fail to call a special meeting, it may be called by the municipal officers. The written petition must state the purposes, time and place of the special meeting and, in distinct articles, the business to be acted upon at the meeting. Other business may not be acted upon at the special meeting. The special meeting must be noticed as provided in this section. At any special meeting, the qualified voters of the district are entitled to vote. The results of the vote are nonbinding on the trustees but the trustees shall consider the results of the vote to be the will of voters of the district.

See title page for effective date.

---



---

## CHAPTER 79

### H.P. 1612 - L.D. 2238

#### **An Act to Create the Kennebec Regional Development Authority**

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

**Whereas,** a regional development authority is vitally necessary at the earliest possible time to serve the needs of the area; 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. Kennebec Regional Development Authority established; incorporation; purposes.** The territory, cities, towns and plantations that on the effective date of this Act comprise the so-called

Kennebec Valley Economic Development District, or any combination of such cities, towns and plantations, constitute a body politic and corporate to be known as the Kennebec Regional Development Authority, referred to in this Act as the "authority," for the benefit and welfare of the inhabitants thereof and to:

1. Strengthen the financial condition of local governments within the geographic territory of the authority while combining resources and sharing costs for meeting regional economic development needs and challenges;

2. Promote and develop infrastructure and programs for employment and economic development opportunities and other conditions to positively affect regional development;

3. Provide an organization to enable economic development among local governments and agencies and to promote cooperative economic development and coordinated action among members;

4. Serve as a forum to identify, discuss, study and focus on regional economic development challenges and opportunities;

5. Provide a mechanism for the preparation, maintenance and distribution of economic development strategies of the region;

6. Serve as a means for the collection and exchange of economic development information;

7. Actively promote and facilitate economic development throughout the region;

8. Speak on behalf of the membership of the authority;

9. Coordinate with state and federal development programs;

10. Make recommendations for review and action to its members and other public agencies that perform economic development and related functions within the region; and

11. Coordinate and collaborate with other public and quasi-governmental and private organizations in any manner that is intended to promote economic development.

**Sec. 2. General powers.** In addition to the general powers possessed by such an entity, and the powers granted by other provisions of this Act, the authority has the power:

1. To borrow money and issue negotiable notes having such terms and provisions as the general assembly of the authority determines necessary to accomplish the purposes set forth in this Act and for