

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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J.S. McCarthy Company
Augusta, Maine
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system and a sewerage system and making renewals, additions, extensions and improvements to such systems and to cover interest payments during the period of construction, the Richmond Utilities District, by votes of its board of trustees, without district vote except as provided, is also authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees determine; except that the total indebtedness of the district may not exceed the sum of \$2,000,000 at any one time outstanding or such other amount as may be established pursuant to section 14-B and in the case of a vote by the trustees to authorize bonds or notes to pay for the acquisition of property, except for the original acquisition of property of Richmond Water Works, for the cost of a water system or sewerage system or part of a water system or sewerage system, for renewals or additions or for other improvements in the nature of capital costs, the estimated cost of which singly or in the aggregate included in any one financing is \$30,000 or more, but not for renewing or refunding existing indebtedness or to pay for maintenance, repairs or for current expenses, notice of the proposed debt and of the general purpose or purposes for which it was authorized must be given by the clerk by publication at least once in a newspaper having a general circulation in the Town of Richmond.

Sec. 2. P&SL 1961, c. 154, §14-B is enacted to read:

Sec. 14-B. Debt limit; referendum. Notwithstanding the limitation on total indebtedness established under section 14-A, the trustees of the district may propose a different debt limit and submit that debt limit for districtwide approval in a referendum held in accordance with this section. 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 or 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 workday preceding the election. The question presented must conform to the following form:

"Do you favor changing the debt limit of the Richmond Utilities 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 proposal 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.

The total indebtedness of the district at any one time outstanding may not exceed the sum approved by referendum.

Sec. 3. P&SL 1961, c. 154, §24-A, 2nd paragraph, 8th sentence, as enacted by P&SL 1979, c. 39, §10, is amended to read:

The fee to be charged by the district to the ratepayer for the notice and filing ~~shall may~~ not exceed \$10 ~~and the fee to be charged to the district by the register of deeds for filing and recording shall not exceed the amount established in the Revised Statutes, Title 33, section 751, subsection 12~~ the cost to the district for giving such notice and for filing and recording the certificate of lien.

See title page for effective date.

CHAPTER 24

H.P. 1538 - L.D. 2193

An Act to Allow the Fort Kent Utility District to be Dissolved and Combined With the Town of Fort Kent

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

Whereas, the Fort Kent Utility District was created by Private and Special Law 1991, chapter 103; and

Whereas, the district wishes to dissolve its charter and transfer its operations to the Town of Fort Kent; and

Whereas, it is imperative that action be taken as early as possible to allow for continuity of services provided by the Fort Kent Utility District; 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. Town of Fort Kent's acquisition of property of Fort Kent Utility District. The Town of Fort Kent acquires, under the terms contained in this Act, all of the plant, properties, assets, franchises, rights and privileges owned by the Fort Kent Utility District, including, without limitation, lands, buildings, waters, water rights, springs, wells, filtration plants, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, sanitary, commercial, industrial and municipal purposes; and all sewers, reservoirs, flush tanks, manholes, catch basins, filtration plants, pumping stations and other appliances and property used or usable for collecting, holding, purifying and disposing of sewage matter and waste waters.

The consideration paid is the assumption by the Town of Fort Kent of all of the outstanding debts, obligations and liabilities of the Fort Kent Utility District, including, without limitation, the assumption by the town of any outstanding notes or bonds of the Fort Kent Utility District that are due on or after the date of transfer.

Sec. 2. Fort Kent Utility District required to sell property to town. The Fort Kent Utility District, a quasi-municipal corporation organized and existing pursuant to Private and Special Law 1991, chapter 103, under the terms contained in this Act shall sell, transfer and convey to the Town of Fort Kent by appropriate instruments of conveyance all of the Fort Kent Utility District's plants, properties, assets, franchises, rights and privileges, including, without limitation, lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes; and all sewers, reservoirs, flush tanks, manholes, catch basins, filtration plants, pumping stations and other appliances and property used or usable for collecting, holding, purifying and disposing of sewage matter and waste waters in consideration of the assumption by the Town of Fort Kent of all of the outstanding debts, obligations and liabilities of the Fort Kent Utility District, including, without limitation, the assumption of any outstanding notes or bonds of the Fort Kent Utility District that are due on or after the date of transfer.

Sec. 3. Approval of Public Utilities Commission. The transfer by the Fort Kent Utility District of its plant, properties, assets, franchises, rights and privileges and the assumption by the Town of Fort Kent of all outstanding debts, obligations and

liabilities of the Fort Kent Utility District pursuant to sections 1 and 2 and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the town within the limits of the district are subject to the approval of the Public Utilities Commission as may be required by the Maine Revised Statutes, Title 35-A, Part 1.

Sec. 4. Contracts of Fort Kent Utility District. All contracts between the Fort Kent Utility District and any person, firm or corporation relating to supplying water or sewer service that are in effect on the date of the transfer by the district to the Town of Fort Kent are assumed and carried out by the town.

Sec. 5. Dissolution and termination of Fort Kent Utility District; pledge of revenues. If all debts, obligations and other liabilities of the Fort Kent Utility District are paid in full and discharged or the holders or owners of all debts, obligations and other liabilities that have not been paid in full and discharged have assented to the assumption of the debts, obligations and other liabilities by the Town of Fort Kent and to the notation and substitution of the town as obligor in place of the Fort Kent Utility District, when the transfer of properties pursuant to sections 1 and 2 is complete, the clerk of the Fort Kent Utility District shall file a certificate to that effect with the Secretary of State and the corporate existence of the Fort Kent Utility District terminates. After filing the certificate with the Secretary of State, the clerk of the Fort Kent Utility District shall submit legislation to repeal Private and Special Law 1991, chapter 103.

Until the corporate existence of the Fort Kent Utility District is terminated pursuant to this section, the gross revenues derived by the Town of Fort Kent from the sale of water and sewer service within the area comprising the limits of the district must be applied first to the payment of expenses and 2nd to payments of debts, obligations and other liabilities of the Fort Kent Utility District assumed by the town pursuant to this Act.

Sec. 6. Existing laws not affected; rights conferred subject to provisions of law. Nothing in this Act is intended to repeal or may be construed as repealing the whole or any part of any existing law and all the rights and duties described in this Act must be exercised and performed in accordance with all the applicable provisions of and amendatory acts to the Maine Revised Statutes, Title 35-A to the extent that Title and its amendments affect the operations of the district.

Sec. 7. Emergency clause; referendum; 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 of the Town of Fort Kent at a special town

meeting called and held for the purpose not later than December 31, 1999. The meeting must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters of the Town of Fort Kent is not required to prepare or the clerk to post a new list of voters. For the purposes of registration of voters, the registrar of voters in the Town of Fort Kent must be in session the secular day next preceding the election. The subject matter of this Act must be reduced to the following question:

"Do you favor the dissolution of the Fort Kent Utility District and the transfer of the district's assets to the Town of Fort Kent?"

The voters shall indicate by a 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 Fort Kent and due certificate of the results filed by the town clerk with the Secretary of State.

This Act takes effect for all the purposes immediately upon acceptance by a majority of the legal voters voting at the meeting only if the total number of votes cast for and against the acceptance of this Act at the meeting equal or exceed 15% of the total vote for all candidates for Governor cast in the Town of Fort Kent at the next preceding gubernatorial election, but failure of approval by the necessary percentage of voters at any meeting does not prohibit a subsequent meeting or meetings to be held for the purpose on or before July 1, 2000.

Effective pending referendum.

CHAPTER 25

H.P. 1311 - L.D. 1872

An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1999-00

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

Whereas, prompt determination and certification of the municipal cost components in the unorganized territory district are necessary to the establishment of a mill rate and the levy of the unorganized territory educational and services tax; 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. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 1999-00 is as follows.

Audit - Fiscal Administration	\$108,207
Education	9,584,708
Forest Fire Protection	150,000
Human Services - General Assistance	75,610
Property Tax Assessment - Operations	533,947
Maine Land Use Regulation Commission - Operations	163,515
TOTAL STATE AGENCIES	\$10,635,987

County reimbursements for services:

Aroostook	\$559,693
Franklin	393,092
Hancock	51,136
Kennebec	6,000
Oxford	264,304
Penobscot	708,695
Piscataquis	405,334
Somerset	611,029
Washington	399,785

TOTAL COUNTY SERVICES **\$3,399,068**

TOTAL REQUIREMENTS **\$14,035,055**

COMPUTATION OF ASSESSMENT

Requirements **\$14,035,055**

Less Deductions:

General -	
State Revenue Sharing	\$210,000
Miscellaneous Revenues	50,000
Transfer from undesignated fund balance	1,640,208

TOTAL **\$1,900,208**

Educational -