

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

Administrative District No. 71 or the Town of Kennebunk.

Sec. 2. P&SL 1955, c. 69, §2 is amended to read:

Sec. 2. Authority to contract and maintain. Within said territory and outside the territory to serve buildings and facilities owned by Maine School Administrative District No. 71 and the Town of Kennebunk, said Kennebunk Sewer District is ~~hereby~~ authorized to lay pipes, drains, sewers and conduits, and to take up, repair and maintain the same or to contract for the same to be done, in and along the public ways, private ways and public grounds, and through lands of any person or corporation as ~~herein~~ ~~after~~ provided in this Act, to and into tidal waters, rivers, watercourses or filtration plants or to or into any drain or sewer now or hereafter built ~~which that~~ empties into tidal waters, rivers or into any watercourse or filtration plant, the discharge ~~therefrom from~~ the watercourse or filtration plant to be at such points consistent with the requirements of public health as ~~shall be~~ found convenient and reasonable for said district and the flow of existing watercourses; also to construct and maintain filtration plants, pumping stations, basins, reservoirs, flush tanks and such other appliances for collecting, holding, purifying, distributing and disposing of sewage matter and surface or waste waters as may be necessary and proper; and in general, do any or all things incidental to accomplish the purposes of this ~~act~~ Act.

Sec. 3. P&SL 1955, c. 69, §8, as amended by P&SL 1985, c. 97, §4, is further amended to read:

Sec. 8. Rights and obligations of abutters or others to enter. Any person may enter ~~his that~~ person's private sanitary sewer into any sewer of the district located within the territory of the district while the same is under construction and before completion of the sewer at the point of entry on obtaining a permit in writing from the trustees; but after the sewer is completed to the point of entry, ~~no a~~ person may not enter ~~his that person's~~ private sanitary sewer into the sewer located within the territory of the district until ~~he that person~~ has paid the entrance charge and obtained a permit in writing from the trustees ~~as aforesaid~~. All such permits ~~shall~~ must be recorded by the district in its records before the same are issued.

The owner, or persons in possession, or against whom taxes are assessed, of all buildings or premises intended for human habitation, occupancy or use, abutting on a street located within the territory of the district in which there is a sewer maintained by this district, or if the buildings stand on premises ~~which that~~ are benefited and to which sewer service is available, shall connect with the sewer in the most direct manner possible within 90 days after receiving

notice ~~thereof~~ from the sewer district, or within such further time as its trustees may grant, except as otherwise provided in the Maine Revised Statutes, Title 38, section 1252, subsection 3.

Sec. 4. 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 within the Town of Kennebunk at the next regular town election to be held on June 13, 2000 or at a special town meeting to be called and held for the purpose within 3 months of the approval of this Act. This election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the town clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters must be in session on the secular day next preceding the election. The town clerk of the town shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

"Do you favor authorizing the Kennebunk Sewer District to provide sewer service to school buildings and facilities owned by Maine School Administrative District No. 71 and municipal buildings and facilities owned by the Town of Kennebunk located outside the territory of the sewer district as long as the costs of locating and constructing any sewer facilities located outside the territory of the sewer district for that purpose are paid for and used only by Maine School Administrative District No. 71 or the Town of Kennebunk?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

The result of the vote must be declared by the municipal officers of the Town of Kennebunk and due certificate must be filed by the town clerk with the Secretary of State.

Effective pending referendum.

CHAPTER 75

H.P. 1798 - L.D. 2525

An Act to Amend the Charter of the Small Point 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 Small Point 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 1893, c. 479, §7 is repealed.

Sec. 2. P&SL 1893, c. 479, §9 is amended to read:

Sec. 9. ~~Said~~ The corporation is hereby authorized to issue bonds not exceeding in amount one half of its capital stock, the same to be the first lien upon and secure the same by mortgage of its franchise and property. This act shall become null and void in two years from the time when the same shall take effect, unless the corporation shall have organized and commenced the construction of its works under this charter.

Sec. 3. P&SL 1893, c. 479, §§9-A to 9-D are enacted to read:

Sec. 9-A. Nonprofit status. Small Point Water Company, upon approval of its shareholders, 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 a restatement of the corporation's articles of incorporation. The restatement must provide that the corporation retains its original incorporation date of March 9, 1893 and retains all of its rights, powers, duties, authorities, privileges and obligations as now exist. Upon filing of the restatement 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.

Sec. 9-B. No shareholders. After converting to nonprofit status pursuant to section 9-A, Small Point Water Company may not have shareholders.

Sec. 9-C. Board of directors. Small Point Water Company must be run by a board of directors

appointed from time to time in accordance with its bylaws.

Sec. 9-D. Form of restatement. The board of directors, acting through the corporation's officers, has authority to file the restatement authorized under section 9-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 April 10, 2000.

CHAPTER 76

H.P. 1802 - L.D. 2529

An Act to Amend the Charter of the Moscow Water District

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

Whereas, this legislation raises the debt limit of the Moscow Water District and the district needs to finance certain projects immediately; 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 1955, c. 104, §10, first ¶ is amended to read:

Sec. 10. Authority to borrow money. For accomplishing the purposes of this act and for such other expenses as may be necessary for the carrying out of ~~said those~~ purposes, ~~said District~~ the district, through its trustees, ~~without District vote~~ subject to the provisions of the Maine Revised Statutes, Title 35-A, section 6412, is authorized to issue its notes and bonds in one series or in separate series from time to time and to refund and to make subsequent renewals of the same in whole or in part to an amount not exceeding the sum of ~~\$20,000~~ \$1,800,000 outstanding at any one time. Said notes and bonds ~~shall be a~~ are the legal obligation of said ~~District~~ district which is ~~hereby~~ declared to be a quasi-municipal corporation within the meaning of ~~Section 136 of Chapter 53 of the Revised Statutes of 1954, Title 30-A, section 5701 and~~