

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

Act. The center shall bargain with any local union selected by the employees that is entitled to recognition as the collective bargaining agent.

**Sec. 4. Liability.** The liability of the center is governed by the Maine Revised Statutes, Title 14, chapter 741. Notwithstanding Title 14, chapter 741, a member of the governing council of the center, a member of a board of directors of the center or an employee of the center is not subject to any personal liability for acting in the service of duty as a member of the center within the course and scope of membership or employment to carry out a power or duty under this Act. The center shall indemnify a member of the center governing council, a member of a board of the center or an employee of the center against expenses actually and necessarily incurred in connection with the defense of an action or proceeding in which the member or employee is made a party by reason of past or present association with the center.

**Sec. 5. Operational funding; cost distribution method; in-kind contributions.** The center operates on an equitable shared-funding basis, based on a formula created by the board of directors and approved by the governing council, that distributes costs on an equitable basis that considers both fixed and variable costs and that reasonably reflects call-volume usage, population or valuation. Each participating agency and municipality that is a member of the center shall contribute a portion of the operational costs on a continuing basis. If they choose to participate in the center, the Maine State Police and Kennebec County shall contribute for the first 3 years at the amount established in the year of the center's inception. In-kind contributions, including those specific services for the system undertaken by participating entities, must be calculated and included in the cost-distribution formula. After the initial 3-year term of operation of the center, the board of directors shall biannually approve a formula for distribution of the center's operational costs.

**Sec. 6. Capital replacement fund.** The board of directors shall establish and maintain a capital replacement fund to ensure the technological viability of the system. Each participating entity must contribute to this fund in a manner similar to the cost-distribution system established under section 5 and the formula created by the board of directors and approved by the governing council.

**Sec. 7. Effective date; creation of center.** This Act takes effect when 2 or more municipalities or agencies eligible to participate in the establishment of the center pursuant to this Act complete by vote or signature of their governing authority an interagency agreement and notify the chair of the Kennebec County Commissioners and the Secretary of State except that in no event may this Act take effect within

90 days after adjournment of the Second Regular Session of the 119th Legislature. Within 210 days but not less than 150 days after adjournment of the Second Regular Session of the 119th Legislature, municipalities or agencies wishing to participate in the establishment of the center must decide by vote or direction of the municipality or agency authority whether to participate in the creation of the center. Upon receiving appropriate notice, the chair of the Kennebec County Commissioners shall call the first meeting of the governing council, which constitutes the creation of the center.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 86

H.P. 1945 - L.D. 2689

### An Act to Allow the St. Agatha Sanitary District to be Dissolved and Combined with the Town of St. Agatha

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

**Whereas,** the St. Agatha Sanitary District is a sanitary district created under the Maine Revised Statutes, Title 38, chapter 11 and a Certificate of Organization filed with the Department of Environmental Protection, dated May 26, 1967; and

**Whereas,** the district wishes to dissolve its charter and transfer its operations to the Town of St. Agatha; and

**Whereas,** it is imperative that action be taken as early as possible to allow for continuity of services provided by the St. Agatha Sanitary 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 St. Agatha's acquisition of property of St. Agatha Sanitary District.** The Town of St. Agatha acquires, under the terms contained in this Act, all of the plants, properties, assets, franchises, rights and privileges owned by the St. Agatha Sanitary District, including, without limitation, lands, buildings, sewers, filtration plants

and treatment plants, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, services, tools, flush tanks, manholes, catch basins, pumping stations and other equipment, 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 St. Agatha of all of the outstanding debts, obligations and liabilities of the St. Agatha Sanitary District, including, without limitation, the assumption by the town of any outstanding notes or bonds of the St. Agatha Sanitary District that are due on or after the date of transfer.

**Sec. 2. St. Agatha Sanitary District required to sell property to town.** The St. Agatha Sanitary District, under the terms contained in this Act, shall sell, transfer and convey to the Town of St. Agatha by appropriate instruments of conveyance all of the St. Agatha Sanitary District's plants, properties, assets, franchises, rights and privileges, including, without limitation, lands, buildings, sewers, filtration and treatment plants, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, services, tools, flush tanks, manholes, catch basins, pumping stations and other equipment, appliances and property used or usable for collecting, holding, purifying and disposing of sewage matter and waste waters for domestic, sanitary, commercial, industrial and municipal purposes in consideration of the assumption by the Town of St. Agatha of all of the outstanding debts, obligations and liabilities of the St. Agatha Sanitary District, including, without limitation, the assumption of any outstanding notes or bonds of the St. Agatha Sanitary District that are due on or after the date of transfer.

**Sec. 3. Contracts of St. Agatha Sanitary District.** All contracts between the St. Agatha Sanitary District and any person, firm or corporation relating to supplying sewer service that are in effect on the date of the transfer by the district to the Town of St. Agatha are assumed and carried out by the town.

**Sec. 4. Dissolution and termination of St. Agatha Sanitary District; pledge of revenues.** If all debts, obligations and other liabilities of the St. Agatha Sanitary 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 St. Agatha and to the notation and substitution of the town as obligator in place of the St. Agatha Sanitary District, when the transfer of properties pursuant to sections 1 and 2 is complete, the clerk of the St. Agatha Sanitary District shall file a certificate to that effect with the Secretary of State and the corporate existence of the St. Agatha Sanitary District terminates. Upon acceptance of this Act by the Town

of St. Agatha pursuant to section 6, the town is authorized to issue its notes or bonds in the form of either a general obligation pledge or a revenue pledge, as the municipal officers may determine, or to deliver other instruments evidencing its assumption of the debts, obligations and other liabilities of the St. Agatha Sanitary District without the need for any further action or approval.

Until the corporate existence of the St. Agatha Sanitary District is terminated pursuant to this section, the gross revenues derived by the Town of St. Agatha from the sale of 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 St. Agatha Sanitary District assumed by the town pursuant to this Act.

**Sec. 5. 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 38 to the extent that Title and its amendments affect the operations of the district.

**Sec. 6. 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 St. Agatha at a special town meeting called and held for the purpose not later than December 31, 2000. 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 St. Agatha 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 St. Agatha 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 St. Agatha Sanitary District and the transfer of the district's assets to the Town of St. Agatha?"

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

The results must be declared by the municipal officers of the Town of St. Agatha 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 St. Agatha 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 December 31, 2001.

Effective pending referendum.

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**CHAPTER 87**

**H.P. 1803 - L.D. 2530**

**An Act to Provide Payment for Overtime Amounts Due and to Reimburse for Costs Incurred in An Action to Recover those Amounts**

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

**Sec. 1. Payments to employees and former employees.** Upon receipt of a written release as provided in section 3, the Department of Administrative and Financial Services shall make payments as settlement of claims against the State, as specified in a document attached to a letter dated April 4, 2000 from David Plimpton, Special Master in the case of Mills v. Maine, No. 92-410-P-H (D.Me. 1992) to the chairs of the Joint Standing Committee on Judiciary. Copies of the document are on file at the Office of the Attorney General, the Bureau of Employee Relations within the Department of Administrative and Financial Services, the Department of Corrections and the Maine State Employees Association. Notwithstanding Title 5, section 17001, subsection 13, amounts paid pursuant to this Act are not considered "earnable compensation" for purposes of retirement.

**Sec. 2. Costs of suit.** Upon presentation of invoices indicating payment for the following costs, the Department of Administrative and Financial Services shall reimburse the entities who made the following payment:

1. Special Master Fees in the case of Mills v. Maine before the U.S. District Court for the District of Maine, not to exceed \$51,841.24;
2. Transcription costs in the case of Mills v. Maine, not to exceed \$5,815.47; and
3. Cost of printing legal briefs for appeal of the case of Alden v. Maine, 119 S. Ct. 2240 (1999) to the U.S. Supreme Court, not to exceed \$11,322.60.

**Sec. 3. Release.** Payments may not be made under this Act to any person unless that person signs a release releasing the State, its commissioners, directors and employees from any and all liability for claims relating to or arising out of claims for overtime compensation owed under the Fair Labor Standards Act, 29 United States Code, Section 201 et seq., including, but not limited to, all claims that were or could have been raised in the matters of Mills et al. v. Maine, Alden v. Maine, Farr et al. v. Maine, No. CV-97-438 (Cumb. Cty 2/26/96) and Blackie v. Maine, 75 F.3d 716 (1st Cir. 1996).

**Sec. 4. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

**2000-01**

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Miscellaneous Acts and Resolves**

All Other	\$282,894
Provides funds to pay employees and former employees for overtime and to reimburse for certain litigation costs in the cases of <u>Mills v. Maine</u> and <u>Alden v. Maine</u> .	

See title page for effective date.

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**CHAPTER 88**

**S.P. 915 - L.D. 2367**

**An Act to Provide for Safety in the Maine Conservation Corps**

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

**Whereas,** the Legislature has identified the immediate need for providing additional safety equipment for operations of the Maine Conservation Corps; and

**Whereas,** the concentration of the Maine Conservation Corps activities in late spring, summer and early fall requires immediate attention to these safety needs; and