

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

CHAPTER 6

H.P. 345 - L.D. 435

**An Act to Amend the Charter of the
Lewiston-Auburn Water Pollution
Control Authority**

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

Sec. 1. P&SL 1967, c. 92, §14, first ¶, as amended by P&SL 1993, c. 28, §3, is further amended to read:

Sec. 14. Lewiston-Auburn Water Pollution Control Board. The authority is under the management and direction of a board of directors, which is known as the Lewiston-Auburn Water Pollution Control Board, also referred to as "the board" or "the board of the authority." The board consists of 7 members. The director of the Lewiston Department of Public Works, the City Administrator of the City of Lewiston or the Assistant City Administrator, if designated by the City Administrator or serving as acting City Administrator during a vacancy in the office of City Administrator, the superintendent and the president of the Auburn Sewerage District and the City Manager of the City of Auburn or the Assistant City Manager, if designated by the City Manager or serving as acting City Manager during a vacancy in the office of City Manager, are members of the board by virtue of their respective offices ~~and in the event of the termination of their respective offices they continue as members of the board of the authority until their replacements are elected or appointed.~~ If the president of the Auburn Sewerage District Trustees declines to serve or resigns as a member of the board of the authority, the president shall select another trustee to serve for the remainder of the term. Notice of the appointment must be given in writing by the clerk of the Auburn Sewerage District to the board of the authority. The Mayor of Lewiston shall appoint, subject to confirmation of the city council, a qualified voter of the city of Lewiston to serve for a 2-year term on the board of the authority and thereafter until a successor takes office. In the event that either the Lewiston resident so selected or the appointee of the president of the Auburn Sewerage District ceases to be a resident of that person's respective city, or dies, becomes incapacitated, or otherwise ceases to be a member of the Auburn Sewerage District Trustees, or if the president of the Auburn Sewerage District dies or becomes incapacitated while serving on the board of the authority, a successor must be elected to serve out the remainder of the term by the Mayor and City Council of Lewiston or the Auburn Sewerage District Trustees, as the case may be.

See title page for effective date.

CHAPTER 7

H.P. 497 - L.D. 637

**An Act to Amend the Charter of the
Portland Water District to Conform
to Changes in the Municipal Election
Date for the City of Portland**

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

Whereas, the Portland Water District is a public municipal corporation organized and existing under the laws of the State; and

Whereas, the trustees of the district to be elected from the City of Portland are elected at the city's regular municipal election, the date of which changed from May to November as a result of a ballot initiative adopted by the city's residents on November 7, 2000; and

Whereas, the district must amend its charter in order to conform to the change in the city's municipal election date, which amendment must be accomplished prior to May 2001 in order to avoid a premature expiration of the term of any trustee elected from the City of Portland whose term otherwise would expire in May 2001; 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 1907, c. 433, §18, 2nd ¶, 2nd sentence, as repealed and replaced by P&SL 1997, c. 15, §2, is amended to read:

Trustees elected from the City of Portland are elected at the City of Portland's regular municipal elections in ~~May~~ November.

Sec. 2. Transition. The terms of trustees of the board of the Portland Water District serving on the effective date of this Act and elected from the City of Portland that would otherwise expire in May of any year are extended to the November election date of that year as established by this Act.

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

Effective April 10, 2001.

CHAPTER 8

S.P. 156 - L.D. 500

An Act to Clarify the Act of Separation of Frye Island from the Town of Standish

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

Whereas, resolution is needed prior to June 30, 2001 of the issue of the membership of School Administrative District 6 for purposes of both the provision of educational services for students from the Town of Frye Island and clarification of the valuation for school funding purposes; 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 1997, c. 41, Pt. A, §8 is amended to read:

8. Educational needs. If the Town of Frye Island is incorporated and separated from the Town of Standish, it remains in the School Administrative District 6 or its successor and pays its proportional share of costs, ~~unless or until such time as it withdraws from the school administrative district in accordance with applicable state law.~~ School transportation services must be provided as follows: The Town of Frye Island is authorized to require each resident with a child or children enrolled in School Administrative District 6 to provide transportation from the island to the mainland point of pickup at the resident's own expense; transportation costs from the mainland point of pickup to the school must be provided, as is customarily done, by the school administrative district.

Sec. 2. P&SL 1997, c. 41, Pt. A, §9 is enacted to read:

9. Authorization required. Notwithstanding any withdrawal proceedings initiated or completed pursuant to the Maine Revised Statutes, Title 20-A,

section 1405 prior to the effective date of this section, or any subsequent action taken by the Town of Frye Island, the Town of Frye Island is a part of and may not withdraw from School Administrative District 6 or its successor unless such withdrawal is first authorized by further amendment to this chapter.

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

Effective April 11, 2001.

CHAPTER 9

S.P. 196 - L.D. 668

An Act to Reallocate a Portion of the Calendar Year 1999 Allocation of State Ceiling

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

Whereas, Private and Special Law 1999, chapter 82, section 4 reallocated to the Maine Educational Loan Authority \$10,000,000 of the state ceiling for calendar year 1999 originally allocated to the Finance Authority of Maine; and

Whereas, the United States Internal Revenue Service has determined that the Finance Authority of Maine is the appropriate issuer of bonds to carry forward the \$10,000,000 of the state ceiling for calendar year 1999 originally allocated to the Finance Authority of Maine; and

Whereas, if these bond issues must be delayed because the State has reallocated to the Maine Educational Loan Authority \$10,000,000 of the state ceiling for calendar year 1999 originally allocated to the Finance Authority of Maine, the Finance Authority of Maine may not be able to provide financing for students in a timely manner or the rates and terms under which these bonds may be issued may be adversely affected, resulting in increased costs to beneficiaries; 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: