

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
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**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**  
**2001**

## CHAPTER 14

## H.P. 1233 - L.D. 1680

**An Act to Provide for the 2001 and 2002 Allocations of the State Ceiling on Private Activity Bonds**

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

**Whereas,** the Maine Revised Statutes, Title 10, section 363 and Private and Special Law 1999, chapter 82 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 2001, but leave a portion of the state ceiling unallocated and do not provide sufficient allocations for certain types of private activity bonds that may require an allocation prior to the effective date of this Act if not enacted on an emergency basis; and

**Whereas,** if these bond issues must be delayed due to lack of available state ceiling, the rates and terms under which these bonds may be issued may be adversely affected, resulting in increased costs to beneficiaries or even unavailability of financing for certain projects; 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. Allocation to the Treasurer of State.** No portion of the state ceiling for calendar year 2001 is allocated to the Treasurer of State. No portion of the state ceiling for calendar year 2002 is allocated to the Treasurer of State.

**Sec. 2. Allocation to Finance Authority of Maine.** The \$25,000,000 of the state ceiling for calendar year 2001 previously allocated to the Finance Authority of Maine remain allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6 for calendar year 2001. Five million dollars of the state ceiling previously unallocated are now allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6. Twenty-five million dollars of the state ceiling for calendar year 2002 are allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

**Sec. 3. Allocation to Maine Municipal Bond Bank.** The \$10,000,000 of the state ceiling for calendar year 2001 previously allocated to the Maine Municipal Bond Bank remain allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7 for calendar year 2001. Ten million dollars of the state ceiling for calendar year 2002 are allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

**Sec. 4. Allocation to Maine Educational Loan Authority.** The \$10,000,000 of the state ceiling for calendar year 2001 previously allocated to the Maine Educational Loan Authority remain allocated to the Maine Educational Loan Authority to be used in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8 for calendar year 2001. No portion of the state ceiling for calendar year 2002 is allocated to the Maine Educational Loan Authority.

**Sec. 5. Allocation to Maine State Housing Authority.** The \$40,000,000 of the state ceiling for calendar year 2001 previously allocated to the Maine State Housing Authority are allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4 in calendar year 2001. Thirty-five million dollars of the state ceiling previously unallocated are now allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4. Forty million dollars of the state ceiling for calendar year 2002 are allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4 in calendar year 2002.

**Sec. 6. Allocation to Maine Educational Loan Marketing Corporation.** No portion of the state ceiling for calendar year 2001 is allocated to the Maine Educational Loan Marketing Corporation. No portion of the state ceiling for calendar year 2002 is allocated to the Maine Educational Loan Marketing Corporation.

**Sec. 7. Unallocated state ceiling.** Sixty-two million five hundred thousand dollars of the state ceiling for calendar year 2001 are unallocated and must be reserved for future allocation in accordance with applicable laws. One hundred fifty million dollars of the state ceiling for calendar year 2002 are unallocated and must be reserved for future allocation in accordance with applicable laws.

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

Effective May 8, 2001.

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## CHAPTER 15

S.P. 440 - L.D. 1442

### An Act to Create the Boothbay Region Water District

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

**Whereas,** the residents of the towns of Boothbay and Boothbay Harbor are in immediate need of forming a quasi-municipal entity to supply potable water; 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. Territorial limits; corporate name.** Pursuant to the Maine Revised Statutes, Title 35-A, section 6403, subsection 1, paragraph B and subject to section 8 of this Act, the territory and the inhabitants of the Town of Boothbay and the Town of Boothbay Harbor constitute a standard water district under the name "Boothbay Region Water District," referred to in this Act as the "district."

**Sec. 2. Powers; authority; duties.** Except as otherwise expressly provided in this Act, the district has all the powers and authority and is subject to all the requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64. The district is authorized to provide water to the Town of Southport.

**Sec. 3. Authority to take water.** Notwithstanding the Maine Revised Statutes, Title 35-A, section 6404, the district is authorized to take, to hold and to convey within the Town of Boothbay, the Town of Boothbay Harbor and the Town of Southport and from any part of those towns and the islands adjacent to those towns water from Adams Pond, Knickerbocker Lake, Wiley Pond and Meadow Brook Wells in the Town of Boothbay and the Town of Boothbay Harbor and any other surface and groundwater source within the towns.

**Sec. 4. Additional powers; eminent domain.** Notwithstanding the Maine Revised Statutes, Title 35-A, sections 6404, 6405, 6406, 6408, subsection 2 and 6409, the district has the powers and authority provided in this section.

The district has the power and is authorized to survey for, lay, erect and maintain suitable dams, reservoirs, aqueducts, pipes, hydrants, buildings, treatment or purification plants, pumping equipment and fixtures for flowage, power, pumping its water supply or conveying wastewater produced in the operation of a treatment or filtration facility through its mains; to enter upon any land or public way for laying, erecting and maintaining the pipes and structures and to make surveys for those purposes; and to pass over, excavate and flow any lands.

The district is authorized to take and hold for public uses, by purchase, eminent domain or otherwise, any land that may be necessary for supplying, treating or purifying water; conveying wastewater; laying and maintaining its pipelines and constructing other structures; preserving the purity of its watershed; and ensuring the purity of its water supply. The district is also authorized to take and hold in the same manner any land that may be necessary for rights of way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and land. The district may hold all real estate and personal property necessary or convenient to these purposes.

The district may not take by right of eminent domain any property or facilities of any other public utility used or acquired for future use in the performance of a public duty.

The district shall file in the registry of deeds for Lincoln County plans and descriptions of the location of all the lands and water rights taken under the provisions of this Act, and entry may not be made upon any land, except to make surveys, until the expiration of 10 days from the filing. With the plan, the district may file a statement of the damages it is willing to pay to any person for any property or property rights taken. If the amount finally awarded does not exceed that sum, the district may recover costs against a person; otherwise that person may recover costs against the district. Within 30 days after the filing of the plans and descriptions, the district shall publish notice of the taking and filing in a newspaper in the county, the publication to be continued 3 weeks successively.

Any person aggrieved by the determination of the damages awarded to owners of property or interests taken under this section may appeal, within 60 days after service of the condemnation order and check, to the Superior Court of Lincoln County. The court shall determine damages by a verdict of its jury