

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
SEPTEMBER 21, 2001

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
2001

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 Boothbay Harbor and the Town of Boothbay and due certificate of the results filed by the clerks with the Secretary of State.

This Act takes effect for all purposes immediately upon its approval by a majority of the legal voters of each town voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section as long as the referenda are held within 2 years of the effective date of this Act.

If, after May 1, 2001 but prior to approval of this Act, a vote on the question specified in this section is held in accordance with this section and a majority of the legal voters of each town voting at the election cast votes in favor of the question and due certificate of the results are filed with the Secretary of State, this Act takes effect when approved.

Effective pending referendum.

CHAPTER 16

S.P. 159 - L.D. 503

An Act to Authorize the Town of Bar Harbor to Acquire the Bar Harbor Water Company

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

Whereas, it is imperative that the Town of Bar Harbor establish control of the distribution of water to the inhabitants of the Town of Bar Harbor as soon as possible and take necessary action to comply with requirements of the federally mandated water quality standards without further delay; 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 authorized to acquire property and franchises of Bar Harbor Water Company. The Town of Bar Harbor, through its municipal officers, may acquire by purchase the Bar

Harbor Water Company and the entire plant, properties, franchises, rights and privileges owned by the Bar Harbor Water Company, located within the Town of Bar Harbor, including all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants and tools and all apparatus and appliances used or usable in supplying water in the area of the town. The town may acquire by the exercise of the right of eminent domain, a right expressly delegated to the town for that purpose, the Bar Harbor Water Company and the entire plant, properties, franchises, rights and privileges, except cash assets and accounts receivable, owned by the Bar Harbor Water Company, including all lands, waters, water rights, dam structures, reservoirs, pipes, machinery, fixtures, hydrants and tools and all apparatus and appliances used or usable in supplying water in the area of the town. Except as otherwise expressly provided in this section and in furtherance of the acquisition of the Bar Harbor Water Company pursuant to this section, the town may also acquire by the exercise of the right of eminent domain any tangible or intangible personal property that represents or constitutes an ownership interest in the company by another person or entity.

In exercising the right of eminent domain under this Act the municipal officers shall file with the town clerk a condemnation order that includes a detailed description of the property interest to be taken, the name or names of the owner or owners of record as far as they can be reasonably determined and the amount of damages determined by the municipal officers to be just compensation for the property or interest in the property taken. The municipal officers shall then serve upon the owner or owners of record a copy of the condemnation order and a check in the amount of the damages awarded and record a certified copy of the condemnation order in the Hancock County Registry of Deeds. In the event of multiple ownership, the check may be served on any one of the owners. This title passes to the town upon service of the condemnation order and check or upon recordation in accordance with this Act, whichever occurs first. Acceptance and negotiation of the check do not bar an appeal under this Act.

Any person aggrieved by the determination of the damages awarded to owners of property or interests in the property under this Act may, within 60 days after service of the condemnation order and check, appeal to the Superior Court of Hancock County. The court shall determine damages by a verdict of its jury or, if all parties agree, by the court without a jury or by a referee or referees and shall render judgment for just compensation, with interest when such is due, and for costs in favor of the party entitled to the costs. Appeal from the decision of the Superior Court may be made to the Law Court, as in other civil actions.

Sec. 2. Existing laws not affected; rights conferred subject to provisions of law. Nothing contained 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 mentioned in this Act must be exercised and performed in accordance with all the applicable provisions and amendatory acts to the Maine Revised Statutes, Title 35-A to the extent that Title 35-A and its amendments affect the operations of the Town of Bar Harbor.

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

Effective May 9, 2001.

CHAPTER 17

H.P. 968 - L.D. 1292

An Act for Voluntary Testing for Hepatitis-C of Adult Prisoners in the Maine Correctional System

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

Sec. 1. Testing by Department of Corrections. To the extent adequate funding from the federal government is available, the Department of Corrections, referred to in this Act as the "department," shall offer a hepatitis testing and treatment program, referred to in this Act as the "program," to all adult prisoners under the supervision of the department, referred to in this Act as "prisoners." Nothing in this Act prohibits the department from offering any of the services described in this Act if federal funding is not available.

The program must provide testing for hepatitis-C to all prisoners that the department believes to be at high risk of being infected with hepatitis-C. During the first year of the program, testing must be offered to all prisoners whom the department believes to be at high risk of being infected with hepatitis-C. After the first year, testing must be offered to all new prisoners that the department believes to be at high risk of being infected with hepatitis-C. The program must provide pretest and posttest counseling for prisoners who test either positively or negatively for hepatitis-C. The program must also provide medical treatment for hepatitis-C, information on support groups, drug treatment services, immunization for hepatitis-A and hepatitis-B and case management services that connect prisoners with community resources upon discharge.

Prisoners may not be required to participate in the program or to submit to testing or treatment under the program.

Sec. 2. Allocation. The following funds are allocated from the Federal Expenditures Fund to carry out the purposes of this Act.

	2001-02	2002-03
CORRECTIONS, DEPARTMENT OF		
Correctional Program Improvement		
All Other	\$500	\$500
Provides a base allocation in the event federal funds are available to provide hepatitis testing and treatment.		

See title page for effective date.

CHAPTER 18

H.P. 1206 - L.D. 1628

An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2001-2002

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 Tax 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 2001-02 is as follows:

Audit - Fiscal Administration	\$108,207
Education	10,634,540