

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

results filed by the town clerk with the Secretary of State.

A debt limit proposal becomes effective upon its acceptance by a majority of the legal voters within the district voting at the town meeting. Failure of approval by the majority of voters voting at the town meeting does not prevent subsequent elections from being held for the same purpose. The costs of holding the elections are borne by the district.

The total indebtedness of the district at any one time outstanding may not exceed the sum approved in accordance with this subsection.

Sec. 3. P&SL 1957, c. 128, §9, last 3 ¶¶, as enacted by P&SL 1977, c. 49, are repealed.

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 district at a special or regular town meeting or election held prior to January 1, 2002. The 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. The registrar of voters must be in session on the secular day next preceding the election. The town clerk 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 increasing the debt limit of the Topsham Sewer District from \$1,000,000 to \$2,000,000?"

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

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

This Act takes effect immediately upon its acceptance by a majority of the legal voters voting at the election.

Effective pending referendum.

CHAPTER 21

H.P. 1275 - L.D. 1735

An Act to Amend the Charter of the Vinalhaven Water District

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

Whereas, uninterrupted collection and distribution of water is essential to the health and welfare of the inhabitants of Vinalhaven; 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 1977, c. 99, §§1 and 2 are repealed and the following enacted in their place:

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 10 of this Act, that part of the Town of Vinalhaven known as of March 1, 2001 as the Village Overlay District, which includes all lots contained in Tax Maps 17, 18, 22 and 23; Map 19, Lots 5, 6, 7, 8, 9, 10, 11, 12, 12A, 13, 14, 15, 16, 18, 19, 20 and 21; Map 21, Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31; and Map 24, Lots 1, 2, 2A, 3, 4, 5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 23A, 23B and 24, and the reservoirs and their watersheds, including all land and watersheds around Round Pond, designated as Tax Map 9, Lots 6, 7, 9, 10 and 11, and Folly Pond, designated as Tax Map 6, Lots 51, 56 and 57, and its inhabitants constitute a water district under the name "Vinalhaven Water District," referred to in this Act as the "district."

Sec. 2. Powers; authority; duties. Except as otherwise specifically provided in this Act, the district has all the powers and authority and is subject to all requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64.

Sec. 2. P&SL 1977, c. 99, §4 is repealed and the following enacted in its place:

Sec. 4. Power to take water. The district is authorized to take, hold, divert, use and distribute water from any lake or pond in the Town of Vinalhaven and from any well, surface or underground brook, stream, spring or vein of water in the town.

Sec. 3. P&SL 1977, c. 99, §7 is repealed and the following enacted in its place:

Sec. 7. Number of trustees; terms. The board of trustees of the district is composed of 3 trustees. A trustee must be a resident of the district

and reside in a household to which the district's service is provided. Trustees are elected to 3-year terms in accordance with the Maine Revised Statutes, Title 35-A, section 6410, subsection 1.

Sec. 4. P&SL 1977, c. 99, §8, 5th ¶ is repealed and the following enacted in its place:

Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection 7, the compensation of the trustees and the treasurer of the board of trustees is determined by the board of trustees.

Sec. 5. P&SL 1977, c. 99, §12, as amended by P&SL 1997, c. 42, §§1 and 2 and affected by §3, is repealed and the following enacted in its place:

Sec. 12. Debt limit. For accomplishing the purposes of this Act, and for any other expenses that may be necessary for the carrying out of those purposes, the district, through its trustees, is authorized to borrow money temporarily and to issue for the money its negotiable notes; and for the purpose of renewing and refunding the indebtedness created, of paying any necessary expenses and liabilities incurred under the provisions of this Act, including organizational and other necessary expenses and liabilities, whether incurred by the district or the municipality, the district being authorized to reimburse the municipality for any such expenses incurred by it, and in acquiring properties, paying damages, laying pipes, mains, aqueducts and conduits, constructing, maintaining and operating a water plant or system and making renewals, additions, extensions and improvements to the same, and to cover interest payments during the period of construction, the district, through its trustees, is also authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in one series or in separate series and to make subsequent renewals of the bonds, notes or other evidences of indebtedness, the amount or amounts, not exceeding the sum of \$1,500,000 outstanding at any one time, bearing interest at such rate or rates, and having such terms and provisions as the trustees determine; except that, in the case of a vote by the trustees to authorize bonds or notes to pay for the acquisition of property, for the cost of a water system or part of a water system, for renewal or additions or for other improvements in the nature of capital costs, the estimated cost of which, singly or in the aggregate included in any one financing is \$30,000 or more, or for renewing or refunding existing indebtedness, notice of the proposed debt and of the general purpose or purposes for which it was authorized must be given by the clerk by publication at least once in a newspaper having a general circulation in the Town of Vinalhaven.

Notwithstanding any other provision of this section, the district, through its trustees, may issue bonds,

notes or other evidences of indebtedness in amounts exceeding \$1,500,000 at any one time if a greater debt limit is established by referendum in accordance with the Maine Revised Statutes, Title 35-A, section 6413. The district may not have outstanding at any one time bonds, notes or other evidences of indebtedness in amounts exceeding any debt limit established by referendum in accordance with Title 35-A, section 6413.

Sec. 6. Transition; trustees in office. Trustees of the Vinalhaven Water District in office on the effective date of this Act may continue in office for the remainder of their terms. When the term of office of a trustee expires, that trustee's successor is elected in accordance with Private and Special Law 1977, chapter 99, section 7.

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

Effective May 16, 2001.

CHAPTER 22

H.P. 501 - L.D. 641

**An Act to Implement
Recommendations of the Joint
Advisory Committee on Select
Services for Older Persons**

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

Sec. 1. Improving delivery of services. The Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Human Services shall review their rules regarding the delivery of mental health, mental retardation and substance abuse services to older persons, identify barriers to the delivery of those services and revise rules as necessary to improve the delivery of those services. The departments shall include in the process central and regional office personnel and representatives of provider agencies and advocacy groups. In particular, the departments shall consider the use of a single form for the release of information, uniform service definitions and reimbursement codes and standard contract protocols for interagency referrals. By February 1, 2002, the departments shall report to the Joint Standing Committee on Health and Human Services on their actions to improve the delivery of services. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

Sec. 2. Access to services. The Department of Mental Health, Mental Retardation and Substance