

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

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J.S. McCarthy Company
Augusta, Maine
2001

TRANSPORTATION, DEPARTMENT OF 17		
Department totals	2001-02	2002-03
Department Summary - All		
Funds(13,278,434)	(26,515,881)	
Department Summary -		
Highway Fund	(13,278,434)	(26,515,881)
STATEWIDE SUMMARY -		
ALL FUNDS	(13,278,434)	(26,515,881)
STATEWIDE SUMMARY -		
HIGHWAY FUND	(13,278,434)	(26,515,881)

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

Effective May 25, 2001.

CHAPTER 24

S.P. 498 - L.D. 1585

An Act to Restore a Workers' Compensation Hearing Officer Position in Aroostook County

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

Sec. 1. Workers' Compensation Board; full-time hearing officer. The Workers' Compensation Board shall permanently assign a full-time administrative hearing officer to the Caribou office of the Workers' Compensation Board no later than 30 days after the effective date of this Act. This assignment must be implemented within the board's existing budgeted resources.

See title page for effective date.

CHAPTER 25

H.P. 1220 - L.D. 1661

An Act to Amend the Charter of the Portland Water District to Permit the Extension of Water and Wastewater Service to the Town of Raymond

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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 Portland Water District desires to include the Town of Raymond in its territory; and

Whereas, the Portland Water District desires to have the Town of Raymond included on its Board of Trustees; and

Whereas, the Portland Water District desires to have these changes effective prior to June 2001 to preclude the necessity of special elections in the cities and towns that are now a part of the 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. P&SL 1907, c. 433, §1, as amended by P&SL 1991, c. 89, §1, is further amended to read:

Sec. 1. Territory. The territory and people of the Cities of Portland, South Portland and Westbrook and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Raymond, Scarborough and Windham constitute the public municipal corporation named the Portland Water District.

Sec. 2. P&SL 1907, c. 433, §2, sub-§A, as enacted by P&SL 1975, c. 84, is amended to read:

A. The district is authorized to supply the inhabitants of the Cities of Portland, South Portland and Westbrook and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Raymond, Scarborough, Standish and Windham and said municipalities with pure water for domestic, sanitary and municipal services. The district is further authorized to sell water to the Yarmouth Water District and the North Yarmouth Water District. The district for the purposes of its incorporation is hereby authorized to take, hold, divert, use and distribute water from Sebago Lake, Chafin Pond, its existing well sites in Cumberland, Windham and the Steep Falls section of Standish in addition to any other available source within its territory.

Sec. 3. P&SL 1907, c. 433, §2, sub-§B, first ¶, as enacted by P&SL 1975, c. 84, is amended to read:

B. The district is authorized to acquire, construct, maintain, control, operate, manage and provide facilities for the handling on a regional basis of ~~waste water~~ wastewater and sewage consisting of domestic, commercial, municipal and industrial wastes; and for the handling of storm or surface waters entering a combined municipal sewer system, all as collected by the municipalities of the Cities of Portland and Westbrook and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Raymond, Standish and Windham, ~~hereinafter~~ referred to in this Act as the "participating municipalities", all for the purpose of providing treatment facilities, trunk sewers, interceptor lines, force mains, outfalls, and pumping stations for the transmission and disposal of ~~waste water~~ wastewater and sewage received from municipal collection systems.

Sec. 4. P&SL 1907, c. 433, §4, as repealed and replaced by P&SL 1975, c. 84, is amended to read:

Sec. 4. Authority to construct and maintain. The district is authorized to lay in, along, under and through the streets, roads, ways and highways and tidal waters, lakes, ponds, rivers and water courses in the Cities of Portland, South Portland and Westbrook, and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Raymond, Scarborough, Standish and Windham, and across private lands ~~therein~~ in those cities and towns, and to maintain, repair and replace all ~~such~~ the pipes, aqueducts, lines, drains, conduits, interceptor lines, trunk sewers, force mains, outfalls, outlets, and fixtures and appurtenances and to construct, operate, maintain and replace ~~such~~ the pure water, disposal, treatment and purification facilities and appurtenances; as may be necessary and convenient for the district in carrying out the ~~foregoing~~ purposes of this Act.

Sec. 5. P&SL 1907, c. 433, §18, first ¶, as amended by P&SL 1991, c. 89, §2, is further amended to read:

Sec. 18. Board of trustees. The affairs of the district are managed by a board of trustees composed of 11 members, 4 of whom are elected by a plurality of voters of the City of Portland, 2 by a plurality of the voters of the City of South Portland, one by a plurality of the voters of the City of Westbrook, 2 by a plurality of the voters of the Towns of Gorham, Scarborough and Cape Elizabeth and 2 by a plurality of the voters of the Towns of Cumberland, Falmouth, Raymond and Windham.

Sec. 6. P&SL 1907, c. 433, §18, 2nd ¶, as amended by P&SL 2001, c. 7, §1, is further amended to read:

Trustees are elected for a term of 5 years at elections as described in this paragraph. Trustees elected from the City of Portland are elected at the City of Portland's regular municipal elections in November. Trustees elected from the City of South Portland, the City of Westbrook, the Town of Cape Elizabeth, the Town of Gorham and the Town of Scarborough are elected at elections on the first Tuesday after the first Monday of November. Trustees elected from the Town of Cumberland, the Town of Falmouth, the Town of Raymond and the Town of Windham are elected on the mutually coincident municipal elections ~~within those towns in the Town of Cumberland, the Town of Falmouth and the Town of Windham~~ in June, but, if there is not a mutually coincident municipal election date, then on the 2nd Tuesday of June. The Town of Raymond shall hold a special town meeting to elect the trustees on the same day that the Town of Cumberland, the Town of Falmouth and the Town of Windham hold their coincident municipal elections to elect the trustees from those towns. Costs for any trustee election held concurrently with a federal, state or municipal election are divided between the municipality and the district. When there is a division of costs, the district is responsible for the costs proportional to the total number of offices and referenda issues voted upon at the election. If an election for a trustee results in a tie vote, the other trustees shall select the person who becomes a trustee.

Sec. 7. P&SL 1907, c. 433, §18, 3rd ¶, as amended by P&SL 1991, c. 89, §3, is further amended to read:

All nominations of candidates to be elected from the cities of Portland, South Portland and Westbrook must be made by nomination papers signed in the aggregate for each candidate by not ~~less~~ fewer than 100 nor more than 150 qualified voters of such city. All nominations of candidates to be elected from the area consisting of either Cape Elizabeth, Scarborough and Gorham, or Cumberland, Falmouth, Raymond and Windham must be made by nomination papers signed in the aggregate for each candidate by not ~~less~~ fewer than 35 nor more than 50 of the voters of each of the towns within that area. Each voter signing a nomination paper shall make the voter's signature in person and add to it the voter's place of residence, and each voter may subscribe to as many nominations as there are trustees to be elected in the voter's area and no more. Nomination papers must be submitted to each municipal clerk of the municipalities in that area coterminously with the municipal filing date.

Sec. 8. Transition. Trustees of the Portland Water District elected by a plurality of the voters of

the towns of Cumberland, Falmouth and Windham prior to the effective date of this Act and serving on the effective date of this Act continue to serve until their successors are elected and take office in accordance with this Act.

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

Effective May 25, 2001.

CHAPTER 26

H.P. 1343 - L.D. 1798

An Act to Amend the Charter of the Buckfield Village Corporation

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

Whereas, the requirements in the charter of the Buckfield Village Corporation that all officers of the corporation be elected at an annual election have made it difficult to fill offices such as clerk, treasurer and collector, and foreclose the ability of the voters of the corporation to give the assessors the ability to appoint persons to these offices, including persons who are not residents of the corporation; 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 1887, c. 58, §7 is repealed and the following enacted in its place:

Sec. 7. The assessors must be chosen by ballot at the annual election in the month of March. All other officers of the corporation must be chosen in the same manner unless the legal voters of the corporation vote at a meeting held at least 90 days before the annual election to make an office appointed by the assessors. If the corporation votes to make an office appointed by the assessors, the person appointed by the assessors is not required to be a resident of the corporation.

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

Effective May 31, 2001.

CHAPTER 27

H.P. 565 - L.D. 720

An Act to Increase the Bonding Limit of the Trustees of the City of Brewer High School District from \$2,500,000 to \$5,000,000

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

Sec. 1. P&SL 1925, c. 4, §5, first sentence, as amended by P&SL 1973, c. 47, is further amended to read:

To procure funds for the purposes of this Act and such other expenses as may be necessary to the carrying out of said purposes, the said district, by its trustees, is hereby authorized to issue notes and bonds, but shall not incur a total indebtedness exceeding the sum of ~~\$2,500,000~~ \$5,000,000 at any one time outstanding.

Sec. 2. Referendum; effective date. This Act takes effect only if the trustees of the City of Brewer High School District submit this Act to the legal voters of the City of Brewer no later than December 31, 2001 and only if the majority of the voters approve this Act as provided in this section. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the board of registration in the City of Brewer is not required to prepare for posting, nor is the city clerk required to post, a new list of voters. For the purpose of registration of voters, the board of registration must be in session the 3 secular days next preceding the election, the first 2 days to be devoted to the registration of voters and the last day to enable the board to verify the corrections of the lists of voters and to complete and close up their records of these sessions.

The city clerk shall prepare the required ballots and shall reduce the subject matter of this Act to the following question:

"Do you favor increasing the debt limit of the City of Brewer High School District from \$2,500,000 to \$5,000,000?"

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

This Act takes effect immediately upon its approval by a majority vote of the legal voters voting at the election, provided the total number of votes cast for and against the approval of this Act at the election equals or exceeds 20% of the total vote for all candidates for Governor in the city at the most recent gubernatorial election.