

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

Sec. 8. Effective date of Act; referendum.

This Act takes effect when approved only for the purpose of permitting its submission to the legal voters of the City of Calais at the city election to be held on the first Tuesday of November 2001, or at a special city election called for the purpose not later than 8 months after the approval of this Act. Any special city election must be called, notified and conducted according to law.

The Clerk of the City of Calais shall prepare the required ballots on which the clerk shall reduce the subject matter of this Act to the following question: "Do you favor increasing the borrowing capacity of the Calais School District, as passed by the 120th Legislature?" and 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 acceptance by a majority of the legal voters voting at the election, but only if the total number of votes cast for and against the acceptance of this Act is at least 20% of the total vote for all candidates for Governor in the City of Calais at the next previous gubernatorial election.

The result of the vote must be declared by the municipal officers of the City of Calais and due certificate must be filed by the Clerk of the City of Calais with the Secretary of State.

Sec. 9. Continuity. The trustees in office on the effective date of this Act continue to hold office until the end of the terms to which they were appointed and to have those powers, duties and responsibilities set out in prior law. Nothing in this Act in any way amends, modifies or changes any action previously undertaken by the district. All bonds, notes, contracts and other obligations existing on the effective date of this Act are unaffected.

Sec. 10. P&SL 1937, c. 27, as amended by P&SL 1975, c. 17, is repealed.

Effective pending referendum.

CHAPTER 31

H.P. 561 - L.D. 716

An Act to Provide for the Transfer of Assets of Hospital Administrative District No. 1 to a Nonprofit, Nonstock Private Corporation

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

Whereas, it is in the public interest for Hospital Administrative District No. 1 to be able to transfer its assets to a nonprofit, nonstock private corporation promptly and to begin the process during the summer; 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 1967, c. 58, as amended by P&SL 1999, c. 84, Pt. A, §§1 to 14 and affected by §15; and amended by Pt. B, §1 and affected by §2, is repealed.

Sec. 2. Transfer. Notwithstanding any provision of Private and Special Law 1967, chapter 58, Hospital Administrative District No. 1, which currently operates Penobscot Valley Hospital, is authorized to transfer its assets to a newly formed nonprofit, nonstock private corporation, without members, referred to in this Act as the "transferee corporation," which shall continue to serve the health care needs of the communities served by the district on the effective date of this section.

1. The transfer may occur only if the directors of the district approve the transfer and if all the indebtedness of the district is paid, or adequate provision for the payment of that indebtedness is made, by the assumption of liabilities and indebtedness of the district by the transferee corporation, by defeasance of any outstanding bonds of the district or otherwise. Notwithstanding any provision of Private and Special Law 1967, chapter 58, no other vote of the district or of any town that is a member of the district or the inhabitants of either is required to authorize the transactions contemplated by this section.

2. The Maine Revised Statutes, Title 13, section 3062 does not apply to the transfer authorized in this section.

3. In the transfer:

A. The assets and liabilities of the district are assumed by and become assets and liabilities of the transferee corporation unless such liabilities are paid, defeased or otherwise provided for. The assets transferred include all endowment funds held by the district, which the transferee corporation takes subject to any restrictions on use applicable to those funds; and

B. All employees of the district become employees of the transferee corporation and may not be terminated solely by virtue of the transfer.

4. In order to ensure the ability of the transferee corporation to issue tax exempt bonds to refinance or defease outstanding bonds of the district, a majority of the directors of the transferee corporation must be persons who were not directors of the district.

5. Immediately on the effective date of the transfer, the transferee corporation shall confirm that it continues to recognize the union that represents the district's employees immediately prior to the transfer. After the transfer is effected, the union and the transferee corporation shall negotiate to replace or modify the existing contract as they may mutually agree to reflect the status of the transferee corporation as a private nonprofit entity.

6. Immediately following the transfer of assets and assumption, payment or defeasance of liabilities of the district as authorized by this section, the district is liquidated and dissolved without further action by the directors of the district or vote of the district, of any town that is a member of the district or of the inhabitants of either. The board of directors of the district shall file a certificate of dissolution with the Secretary of State upon completion of the process set forth in this section.

Emergency clause; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved, except that that section of this Act that repeals Private and Special Law 1967, chapter 58 takes effect on the date on which the Board of Directors of Hospital Administrative District No. 1 files the certificate of dissolution with the Secretary of State pursuant to section 2 of this Act.

Effective June 6, 2001, unless otherwise indicated.

CHAPTER 32

H.P. 1372 - L.D. 1828

**An Act to Clarify the Laws
Regarding the Extension of Water
and Wastewater Service to the Town
of Raymond**

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

Whereas, the Town of Raymond recently joined the Portland Water District through legislation that became effective May 25, 2001; and

Whereas, the new legislation requires the Town of Raymond to participate in the election of a water district trustee scheduled to take place on June 11, 2001, which is insufficient time for the town to provide proper public notice under the State's election laws; and

Whereas, there is a risk that the Town of Raymond will be in violation of the terms of the water district's charter if legislation does not become effective prior to the June 11, 2001 election date; 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 of Raymond not required to hold special election. Notwithstanding Private and Special Law 2001, chapter 25, section 6, the Town of Raymond is not required to hold a special town meeting in June of 2001 to participate in the election of a trustee to the board of the Portland Water District representing the Town of Falmouth, the Town of Cumberland, the Town of Windham and the Town of Raymond. This section applies retroactively to June 11, 2001.

Sec. 2. Authorized to provide water service. Notwithstanding the Maine Revised Statutes, Title 22, section 2653, the Portland Water District is authorized to provide water service, as provided in its charter, to the Town of Raymond without the need for either the water district or the town to conduct a vote under Title 22, section 2653.

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

Effective June 14, 2001.
