

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
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Augusta, Maine
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CHAPTER 33

H.P. 1222 - L.D. 1663

An Act to Authorize a General Fund Bond Issue in the Amount of \$17,000,000 to Construct and Upgrade Water Pollution Control Facilities, to Limit Water Pollution Discharges from Maine Farms and Construct Agricultural Storage Facilities, to Remediate Municipal Solid Waste Landfills, to Clean up Tire Stockpiles and to Make Water System Improvements

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds to construct and upgrade water pollution control facilities, to limit water pollution discharges from Maine farms and construct agricultural storage facilities, to remediate municipal solid waste landfills, to clean up tire stockpiles and to make drinking water system improvements.

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

Sec. 1. Authorization of bonds to provide for funds to construct and upgrade water pollution control facilities, to limit water pollution discharges from Maine farms and construct agricultural storage facilities, to remediate municipal solid waste landfills, to clean up tire stockpiles and to make drinking water system improvements. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$17,000,000 to raise funds to construct and upgrade water pollution control facilities, to limit water pollution discharges from Maine farms and construct agricultural storage facilities, to remediate municipal solid waste landfills, to clean up tire stockpiles and to make drinking water system improvements as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. 2. Records of bonds issued to be kept by the Treasurer of State. The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the projects in section 6 lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Department of Environmental Protection, the Department of Human Services, the Department of Economic and Community Development and the Department of Agriculture, Food and Rural Resources.

Sec. 6. Allocations from General Fund bond issue to construct and upgrade water pollution control facilities, to limit water pollution discharges from Maine farms and construct agricultural storage facilities, to remediate municipal solid waste landfills, to clean up tire stockpiles and to make drinking water system improvements. The proceeds of the sale of the bonds must be expended as designated in the following schedule.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Loans to construct and upgrade water pollution control facilities matched by \$12,500,000 in federal funds	\$2,500,000
Grants to construct water pollution control facilities and subsidize lower sewer user fees	\$3,500,000
Grants to municipalities, homeowners and businesses to remove overboard discharges	\$1,000,000
Grants to municipalities through the Small Communities Grants Program	\$1,500,000
Grants to municipalities to remediate solid waste landfills	\$1,000,000

Clean up of tire stockpiles to protect the public health and safety and the environment \$500,000

**HUMAN SERVICES,
DEPARTMENT OF**

Grants and loans for public drinking water system improvements matched by \$15,760,000 in federal funds \$3,000,000

**ECONOMIC AND
COMMUNITY
DEVELOPMENT,
DEPARTMENT OF**

Grants and loans to municipalities for public infrastructure through the Municipal Investment Trust Fund \$300,000

**AGRICULTURE, FOOD AND
RURAL RESOURCES,
DEPARTMENT OF**

Construction of new or retrofitting existing pollution control structures on Maine farms to comply with state law. These state funds will be matched with federal and private funds \$2,000,000

Construction of environmentally sound water sources that help avoid drought damage to crops \$700,000

Recapitalize the Potato Marketing Improvement Fund. These state funds will match private funds and be used to construct potato storage facilities \$1,000,000

TOTAL ALLOCATIONS \$17,000,000

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State have ratified the issuance of the bonds as set forth in this Act.

Sec. 8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except that the Legislature may, within

2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 10. Referendum for ratification; submission at statewide election; form of question; effective date. This Act must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$17,000,000 bond issue to provide:

1. The sum of \$6,000,000 to construct and upgrade water pollution control facilities, providing the state match for \$12,500,000 in federal funds;
2. The sum of \$1,000,000 to protect the State's drinking water resources by granting funds to cities and towns for the remediation of their solid waste landfills;
3. The sum of \$1,500,000 to protect public health and safety and the environment by providing funds to remove and replace failing septic systems;
4. The sum of \$1,000,000 to protect public health and safety and the environment by providing funds to remove overboard discharges;
5. The sum of \$500,000 to protect the public health and safety and the environment by providing funds for the cleanup of tire stockpiles;
6. The sum of \$3,000,000 to support drinking water system improvements that address public health threats, providing the state match for \$15,760,000 in federal funds;
7. The sum of \$300,000 for grants and loans to municipalities for public infrastructure through the Municipal Investment Trust Fund;
8. The sum of \$2,000,000 to construct new or retrofit existing pollution control structures on Maine farms to protect the environment;
9. The sum of \$700,000 to construct environmentally sound water sources that help avoid drought damage to crops; and
10. The sum of \$1,000,000 to recapitalize the Potato Marketing Improvement Fund?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay, and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 34

H.P. 1363 - L.D. 1820

An Act to Amend the Charter of the Limestone Water and Sewer District

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 Limestone Water and Sewer District provides crucial water and sewer service to the people of its district, and the failure of some users to pay for these services puts a burden on the district's ability to provide water and sewer services; and

Whereas, the Limestone Water and Sewer District has the authority to secure liens against the owner of real estate receiving the district's services for nonpayment of water and sewer services; and

Whereas, failure to redeem a lien can result in the forfeiture of affected real estate to the Limestone Water and Sewer District; and

Whereas, procedures prescribed for the collection of nonpayment of water and sewer services affect the rights of individuals and the ability of the Lime-

stone Water and Sewer District to provide services to the people 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 1957, c. 59, §17 is repealed and the following enacted in its place:

Sec. 17. Lien to secure payment of rates; procedure. When a rate, toll, rent or other charge has been committed to the treasurer of the Limestone Water and Sewer District for collection, the treasurer may, after the expiration of 3 months and within one year after the date when the charge became due and payable, give to the owner of the real estate served, or leave at the owner's last and usual place of abode, or send by certified mail, return receipt requested, to the owner's last known address, a written notice signed by the treasurer or bearing the treasurer's facsimile signature stating the amount of that rate, toll, rent or other charge describing the real estate upon which the lien is claimed and stating that a lien is claimed to secure payment of the charge and demanding payment within 30 days after service or mailing of the notice plus \$1 for the treasurer for mailing the notice together with the certified mail, return receipt requested, fee. The notice must contain a statement that the district is willing to arrange installment payments of the outstanding debt. After the expiration of the 30-day period and within one year, the treasurer shall record in the Aroostook County Registry of Deeds a certificate signed by the treasurer setting forth the amount of the rate, toll, rent or other charge and the real estate on which the lien is claimed and stating that a lien is claimed to secure payment of the charge and that notice and demand for payment of the charge has been given or made in accordance with the provisions of this section and that the charge remains unpaid. At the time of the recording of a certificate in the registry of deeds, the treasurer shall file in the office of the district a true copy of the certificate and mail a true copy of the certificate by certified mail, return receipt requested, to each record holder of any mortgage on the real estate, addressed to the record holder at the record holder's last and usual place of abode.

The filing of the certificate in the registry of deeds is deemed to create a mortgage on the real estate described in the deed for the district that has priority over all other mortgages, liens, attachments and encumbrances of any nature except liens, attachments and claims for taxes and gives to the district all the