

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

tion 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 1965, c. 89, §12 is amended to read:

Sec. 12. Annual meeting; qualifications of voters of district. The annual meeting of the district ~~shall must~~ be held in the district on ~~the first Saturday of June in each year a date and~~ at such hour and place as may be designated by resolution of the board of trustees as provided in the bylaws. Notice ~~thereof of~~ the meeting, signed by the ~~chairman chair~~ or clerk of the board, ~~shall must~~ be conspicuously posted in 2 public places within the district, not less than 7 days before the meeting. Special meetings may be called by the board in like manner at any time, and notice of special meetings ~~shall must~~ state the business to be transacted ~~thereat at the meeting~~. If for any reason an annual meeting is not held on the ~~above~~ date designated by the board, a meeting in lieu ~~thereof of that meeting~~ may be called in like manner to be held within 3 months from ~~said that~~ said date. Twenty-five persons qualified to vote ~~in such at the~~ meetings shall constitute a quorum.

All persons resident in said district and qualified to vote for Governor under the laws of this state ~~shall be~~ are entitled to vote in any meeting of the district, including the meeting for acceptance of this charter.

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

Effective February 14, 2002.

CHAPTER 48

H.P. 1413 - L.D. 1857

An Act to Amend the Charter of the Mt. Blue Water District

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

Whereas, the Mt. Blue Standard Water District needs to amend its charter to allow any resident of the Town of Phillips and the Town of Avon to be a trustee of the district so that the district can meet construction requirements; 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 1997, c. 31, §2 is amended by adding at the end a new paragraph to read:

Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection 5, the treasurer of the district may be a nontrustee hired by the board. The election or hiring of the treasurer must occur within one week after each annual election.

Sec. 2. P&SL 1997, c. 31, §3 is amended to read:

Sec. 3. Number of trustees. The board of trustees of the district is composed of 5 trustees, 4 ~~from of whom must be residents of~~ the Town of Phillips and one ~~from of whom must be a resident of~~ the Town of Avon. Each trustee must be at least 18 years of age, ~~a resident of and must either reside in~~ the district ~~and reside in a household to which the district's service is provided~~ or be a customer of the district. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection 7, the trustees and treasurer of the board of trustees receive compensation as recommended by the trustees and approved by a majority of the voters of the district voting at an annual meeting of the district, which may be the organizational meeting required under Title 35-A, section 6410, subsection 5. Compensation schedules in effect on January 1, 2002 remain in effect until changed.

Sec. 3. Retroactivity. That section of this Act that amends Private and Special Law 1997, chapter 31, section 2 applies retroactively to the effective date of Private and Special Law 1997, chapter 31.

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 in the Town of Phillips and the Town of Avon prior to January 1, 2003. The election must be called, advertised and conducted by the respective towns according to the law relating to municipal elections. The registrars shall make a complete list of all the eligible voters. The list prepared by the registrars governs the eligibility of a voter. For the purpose of registration of voters, the registrars of voters must be in session on the secular day next preceding the election. The town clerks shall prepare the required ballots, on which the town clerks shall reduce the subject matter of this Act to the following question:

"Do you favor amending the charter of the Mt. Blue Standard Water District to accomplish the following:

- 1. Remove the requirement that the treasurer of the district be a trustee of the district;
- 2. Allow a person who is not a resident of the district but who is a customer of the district to serve as trustee of the district; and
- 3. Require the salary of the treasurer and of the trustees to be subject to approval by the voters in the district voting at a district meeting?"

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 Avon and the Town of Phillips and due certificate of the results filed by the town clerks with the Secretary of State.

This Act takes effect immediately upon its acceptance by a majority of the legal voters in the district 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 by January 1, 2003.

Effective pending referendum.

CHAPTER 49

H.P. 1418 - L.D. 1862

An Act to Amend the Charter of the Winterport Sewerage District

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

Whereas, the Department of Transportation will be conducting major reconstruction on Route 1A in the Town of Winterport during the spring and summer of 2002; and

Whereas, most of the town's water and sewer lines must be replaced at the same time as the Department of Transportation construction period occurs; and

Whereas, the town has secured a Community Development Block Grant for replacing the water and sewer lines and time is critical; 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:

PART A

Sec. A-1. P&SL 1971, c. 143, §17, first ¶, as amended by P&SL 1979, c. 68, is further amended to read:

Sec. 17. Authority to borrow money. For accomplishing the purposes of this Act and for such other expense as may be necessary for the carrying out of said purposes, said district, through its trustees, without district vote, is authorized to issue its notes and bonds in one series or in separate series from time to time and to make subsequent renewals of the same in whole or in part to an amount not exceeding the sum of ~~\$400,000~~ \$1,200,000. Said notes and bonds ~~shall be a~~ are the legal obligation of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of the Maine Revised Statutes of 1964, Title 30 30-A, section 5053 5701 and all the provisions of said section are applicable ~~thereto~~ to those notes and bonds; shall be a legal investment for savings banks in the State of Maine; and ~~shall be~~ are exempt from all present taxes. Each bond or note ~~shall~~ must have inscribed on its face the words "Winterport Sewerage District Bond" or "Winterport Sewerage District Note", as the case may be, and ~~shall bear~~ bears interest at such rates as the trustees ~~shall~~ determine. ~~If said bonds or notes be issued~~ The district may refund and reissue from time to time, in one or in separate series, its bonds, notes and other evidences of indebtedness and each authorized issue shall constitute constitutes a separate loan. Each loan is payable in annual amounts of principal, beginning not more than one year from its date and ~~made to run~~ running for such period as said trustees ~~shall~~ determine.

PART B

Sec. B-1. P&SL 1971, c. 143, §17, as amended by P&SL 1979, c. 68, is further amended by adding after the first paragraph the following new paragraphs to read:

Notwithstanding the limitations on total indebtedness established in this section, the trustees may propose a new debt limit for the district, which the trustees shall submit for approval in a districtwide referendum. The referendum must be called, advertised and conducted by the Town of Winterport according to the Maine Revised Statutes, Title 30-A, section 2528, except that the district is responsible for