

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

E. Must be paid as provided for insurance premium taxes as specified in Title 36, section 2521-A, except that the assessment must be paid on an estimated basis at the end of each month, starting July 31, 2002 and ending June 30, 2003, with each installment equal to at least 1/12 of the estimated total assessment for the fiscal year that begins July 1, 2002; and

F. Must end prior to June 30, 2003 if the assessment generates revenues of \$983,000 before that date. The State Tax Assessor shall immediately notify carriers of the termination of the assessment.

**2. Credit.** Beginning July 1, 2003, every fire insurance company or association that does business or collects premiums or assessments in the State that paid the special assessment in section 1 after July 1, 2002 may take a credit against its premium tax owed under Title 36, chapter 357 equal to the special assessment paid in the same month the previous year.

**Sec. 2. Fund.** The State Tax Assessor shall pay over all receipts from the special assessment to the Treasurer of State daily. The Treasurer of State shall deposit all special assessments collected pursuant to this section into a separate nonlapsing fund of which 75.7% must be used to defray the expenses incurred by the Commissioner of Public Safety in administering all fire preventative and investigative laws and rules and in educating the public in fire safety and to carry out the administration and duties of the Office of the State Fire Marshal. Of the funds, 24.3% must be used to defray the expenses of the Maine Fire Training and Education Program established in the Maine Revised Statutes, Title 20-A, chapter 319. The Department of Public Safety may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the fund.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF**

**Office of the State Fire Marshal**

Initiative: Allocates funds for additional salary and operating costs.

<b>Other Special Revenue Funds</b>	<b>2001-02</b>	<b>2002-03</b>
Personal Services	\$0	\$375,011
All Other	0	228,630
Capital Expenditures	0	140,500
Total	\$0	\$744,141

**PUBLIC SAFETY, DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2001-02</b>	<b>2002-03</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$744,141</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$744,141</b>
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**TECHNICAL COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE**

**Board of Trustees of the Maine Technical College System**

Initiative: Allocates funds for the Maine Fire Training and Education program.

<b>Other Special Revenue Funds</b>	<b>2001-02</b>	<b>2002-03</b>
All Other	\$0	\$238,859

Total	\$0	\$238,859
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**TECHNICAL COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE**

<b>DEPARTMENT TOTALS</b>	<b>2001-02</b>	<b>2002-03</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$238,859</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$238,859</b>
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<b>SECTION TOTALS</b>	<b>2001-02</b>	<b>2002-03</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$983,000</b>
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<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$983,000</b>
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**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 8, 2002.

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**CHAPTER 68**

**H.P. 1719 - L.D. 2207**

**An Act to Amend the Charter of the Winterport 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 Winterport Water District urgently needs to increase its borrowing capacity to meet the needs 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:**

### PART A

**Sec. A-1. P&SL 1969, c. 94, §14, first ¶**, as amended by P&SL 1983, c. 31, §1, is further amended to read:

**Sec. 14. Authority to borrow money.** For accomplishing the purposes of this Act, the water district, through its trustees, without vote of the inhabitants, is authorized to borrow money temporarily and to issue therefor the negotiable notes of the district, for the purpose of refunding the indebtedness so created, for paying any necessary expenses and liabilities incurred under the provisions of this Act, including the expenses incurred in the creation of a district, in acquiring the properties and franchises of the Winterport Water Company by purchase or otherwise, of assuming and paying all mortgages, liens and encumbrances thereon as provided in sections 10 and 11, of securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant and making renewals, extensions, additions and improvements to the same, and protecting the watershed, to an amount or amounts necessary in the judgment of the trustees therefor, provided the total indebtedness ~~shall~~ may not exceed the sum of ~~\$800,000~~ \$1,200,000 at any one time outstanding.

### PART B

**Sec. B-1. P&SL 1969, c. 94, §14**, as amended by P&SL 1983, c. 31, §1, is further amended by adding at the end 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 calling and holding the public hearing prior to the election and the registrar of voters is not required to prepare or the town clerk to post a new list of voters. For the purpose of registering voters, the registrar of voters must be in session on the regular workday preceding the election. The town clerk of the Town of Winterport shall prepare the required ballots with the following question:

"Do you favor changing the debt limit of the Winterport Water District from (insert current debt limit) to (insert proposed debt limit)?"

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

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

A debt limit proposal becomes effective immediately upon its acceptance by a majority of the legal voters within the district voting at the election. Failure of approval by the necessary majority of voters at the referendum does not prevent subsequent referenda from being held for the same purpose. The costs of referenda conducted under this section are borne by the district. The total indebtedness of the district at any one time outstanding may not exceed the sum approved by referendum.

### PART C

#### **Sec. C-1. Emergency clause; referendum.**

In view of the emergency cited in the preamble, this Act takes effect when approved, except that Part A of this Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the Winterport Water District at a special or regular town meeting or election held prior to January 1, 2003. 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 Part A of this Act to the following question:

"Do you favor increasing the debt limit of the Winterport Water District from \$800,000 to \$1,200,000?"

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 Winterport and due certificate of the results filed by the town clerk with the Secretary of State.

Part A of this Act takes effect immediately upon its acceptance by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prevent subsequent referenda consistent with this section as long as the referenda are held prior to January 1, 2003.

Effective April 8, 2002, unless otherwise indicated.