

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

3. Interest may not be charged on the loan. The authority may charge an origination fee not to exceed 1% of the loan amount. The loan terms must provide for repayment at the time the acquiring business receives the Millinocket and East Millinocket mills BETR reimbursement.

4. Prior to the closing of the purchase of the assets of Great Northern, the bureau shall certify to the authority the amount of the Millinocket and East Millinocket mills BETR reimbursement. Upon request by the acquiring business, the bureau shall process and deliver this certificate to the authority prior to closing.

5. The bureau shall pay the Millinocket and East Millinocket mills BETR reimbursement up to the amount of the loan to the acquiring business and the authority as copayees. Any amount of Millinocket and East Millinocket mills BETR reimbursement in excess of the loan must be paid to the acquiring business.

6. The authority may establish prudent terms and conditions for the loan, including a first lien on the Millinocket and East Millinocket mills BETR reimbursement.

Sec. 3. Source of fund. Notwithstanding any other provision of law to the contrary, the loan described in section 2 may be made by the authority out of the Economic Recovery Program Fund established in the Maine Revised Statutes, Title 10, section 1023-I.

Sec. 4. Payment of BETR claims. Notwithstanding any provision of the Maine Revised Statutes, Title 36, chapter 915 to the contrary, the acquiring business is entitled to receive reimbursement under BETR of all property taxes assessed against Great Northern for 2002-03 and the subsequent property tax years that qualify for reimbursement under BETR, as long as such taxes are paid and were not previously reimbursed, regardless of whether the taxes are paid by Great Northern or the acquiring business.

Notwithstanding any provision of the Maine Revised Statutes, Title 36, chapter 915 to the contrary, the acquiring business may file a reimbursement claim and receive reimbursement under BETR with respect to property tax payments made to the towns of Millinocket and East Millinocket in 2003 for the 2002-03 property tax year, but which payments were due from Great Northern to the towns of Millinocket and East Millinocket in 2002, as if the payments had been made in 2002.

Any BETR reimbursement made to the acquiring business must exclude any costs or interest associated with late payment of tax. Unless a provision of this Act provides otherwise, the provisions of Title 36, chapter 915 apply to any reimbursement made to the

acquiring business, including, but not limited to Title 36, sections 6657 and 6658.

With respect to the Millinocket and East Millinocket mills BETR reimbursement claim, in no event may more than one person receive reimbursement for the same property tax payment.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Business Equipment Tax Reimbursement Program 0886

Initiative: Provides funds in fiscal year 2003-04 instead of fiscal year 2004-05 to reflect a change in the timing of reimbursement for certain property taxes.

General Fund	2003-04	2004-05
All Other	\$1,563,355	(\$1,563,355)
General Fund Total	\$1,563,355	(\$1,563,355)

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

Effective April 25, 2003.

CHAPTER 9

H.P. 886 - L.D. 1212

An Act To Create the Bayside Utilities District

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

Sec. 1. Territorial limits; corporate name. Pursuant to the Maine Revised Statutes, Title 35-A, chapter 64, that part of the Town of Northport described as follows:

Beginning on the shore of the west side of Penobscot Bay at a point marking the southerly line of the property identified on the Town of Northport tax map U-9 as lot 2; thence southwesterly in a straight line to the intersection of U.S. Route 1 and the Pound Hill Road; thence northwesterly in a straight line to the intersection of the Rocky Road and the Bog Road; thence southwesterly by the center of the Bog Road 500 feet; thence northwesterly following a line 500 feet west of Rocky Road to the Belfast town line; thence following the town boundaries to the shore of the west side of Penobscot Bay; thence northeasterly, southeasterly and southerly by said bay to point of beginning and its inhabitants constitute a standard

district under the name Bayside Utilities District, referred to in this Act as "the district."

Sec. 2. Powers; authority; duties. The district has all the powers and authority and is subject to all the requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64.

Sec. 3. Authority to purchase water. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6404, the district is authorized to purchase water from the Belfast Water District.

Sec. 4. Additional powers. The district is authorized to provide water and sewage treatment and collection systems for public purposes and for the health, comfort and convenience of the inhabitants of the district.

Sec. 5. Power to take water and sewer. The district is authorized to take, hold, use and distribute water and sewage from the Northport Village Corporation.

Sec. 6. Number of trustees. The board of trustees of the district is composed of 5 trustees, 4 must be Northport Village Corporation eligible voters as defined in Private and Special Law 1915, chapter 136, section 12 and one must be a trustee at large who is a utility user of the district.

Sec. 7. Election of first board. The first board is elected in an election called by the municipal officers of the Town of Northport and the municipal officers of the Northport Village Corporation within 6 months of approval of this Act by the voters in accordance with this Act. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410.

Sec. 8. Terms of trustees. After the election of the first board, trustees are elected to 3-year terms. Terms are staggered and no trustee may serve more than 4 3-year terms consecutively.

Sec. 9. Authorized to acquire property and franchises of Northport Village Corporation. The district, through its trustees, shall acquire by purchase in accordance with this section the plants, properties, franchises, rights and privileges owned by the Northport Village Corporation, including all lands, buildings, waters, water rights, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment, apparatus and appliances used or usable in supplying water in the area of the district and all sewers, reservoirs, flush tanks, manholes, catch basins, filtration plants, pumping stations and other appliances and property used or usable for collecting, holding, purifying and disposing of sewage matter and waste waters.

The Northport Village Corporation existing pursuant to Private and Special Law 1915, chapter 136 shall sell, transfer and convey to the district by appropriate instruments of conveyance all, and not less than all, of their plants, properties, assets, franchises, rights and privileges, including, without limitation, lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment, apparatus and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes, and all sewers, reservoirs, flush tanks, manholes, catch basins, filtration plants, pumping stations and other appliances and property used or usable for collecting, holding, purifying and disposing of sewage matter and waste waters in consideration of the assumption by the district of all of the outstanding water-related and sewer-related debts, obligations and liabilities of the Northport Village Corporation, including, without limitation, the assumption of any outstanding water-related and sewer-related notes or bonds of the Northport Village Corporation that are due on or after the date of transfer.

The sale and transfer by the Northport Village Corporation to the district of its plants, properties, assets, franchises, rights and privileges; the assumption by the district of all of the outstanding debts, obligations and liabilities of the district pursuant to this section; and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the district within the limits of the district are subject to the approval of the Public Utilities Commission as may be required by the Maine Revised Statutes, Title 35-A, Part 1.

Sec. 10. Continuation of Northport Village Corporation. Nothing in this Act is intended to alter or affect or may be interpreted as altering or affecting the Northport Village Corporation Charter.

Sec. 11. Referendum; effective date. This Act takes effect when approved only for the purpose of permitting its submission to the eligible voters of the Northport Village Corporation at its annual meeting and to the legal voters within the territory described in section 1 of this Act at elections called for that purpose and held within one year of the effective date of this Act. The elections 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 clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The subject matter of this Act is reduced to the following questions. The question to be submitted to the eligible voters of the Northport Village Corporation must read as follows:

"Do you favor permitting the Bayside Utilities District to acquire the water-related and sewer-related assets of the Northport Village Corporation?"

The question to be submitted to the legal voters within the district must read as follows:

"Do you favor creating the Bayside Utilities District?"

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

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

This Act takes effect for all purposes immediately upon its approval by a majority of the eligible voters of the Northport Village Corporation at its annual meeting and by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section, provided the referenda are held prior to January 1, 2005.

Effective pending referendum.

CHAPTER 10

H.P. 14 - L.D. 7

An Act to Address Funding of the North Jay 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 North Jay Water District needs to replace old water mains, and the needed funds will exceed the current borrowing capacity of the district; and

Whereas, the district needs an immediate increase in its borrowing authority in order to accomplish the needed replacements; and

Whereas, this legislation is necessary for the health of the inhabitants of the North Jay Water 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 1951, c. 107, §9, first sentence, as amended by P&SL 1967, c. 215, §1, is further amended to read:

For accomplishing the purposes of this Act, ~~said~~ the district, through its trustees, is authorized to borrow money from time to time, not exceeding ~~\$500,000~~ \$900,000 and to issue therefor the interest-bearing negotiable notes or bonds of the district, maturing serially or otherwise, and to make subsequent renewals of the same in whole or in part, and for said purposes and for the purpose of refunding any notes, bonds or other lawful indebtedness, to establish a fund therefor, and for expenses and liabilities incurred or assumed under the provisions of this Act, including expenses in the creation of this district, in securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant and making extensions, additions and improvements to the same, the ~~said~~ district, through its trustees, may, from time to time, issue bonds of the district to an amount necessary in the judgment of the trustees therefor, maturing at one time or in uniform or varying installments, with or without call provisions and at such rates of interest and on such terms and conditions as the trustees ~~shall~~ determine.

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

Effective May 6, 2003.

CHAPTER 11

H.P. 576 - L.D. 777

An Act To Amend the Laws Regarding the Location of the Wells National Estuarine Research Reserve

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

Sec. 1. P&SL 1989, c. 108, §4 is amended to read:

Sec. 4. Location of the reserve. The reserve ~~contains approximately 1,600 acres~~ is located in the Town of Wells and includes lands between the Little River to the north and the ~~Eldridge~~ Ogunquit River to the south. The boundary to the east parallels the shoreline, excluding the shoreline development, and to the west ~~is bordered by the coastal wetland margin~~ includes lands adjacent to the Wells coastal wetlands