

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

**Sec. 3. Board of missions made members of.** The sole member of the Maine Episcopal Missionary Society is the Episcopal Diocese of Maine.

See title page for effective date.

## CHAPTER 14

H.P. 819 - L.D. 1116

### An Act Regarding University of Maine System Boards of Visitors

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

**Sec. 1. P&SL 1865, c. 532, §4-B, sub-§5, ¶B,** as enacted by P&SL 1997, c. 37, §3, is amended to read:

B. Each board of visitors shall:

- (1) Advocate for the university;
- (2) Raise private funds for the university;
- (3) Advise the head of each campus on community and regional needs; ~~and~~
- (4) Review for final recommendation to the Board of Trustees tuition increases, new academic programs and the 5-year plan of the university; ~~and~~
- (5) Submit an annual report of its activities to the Board of Trustees. The Board of Trustees shall submit a copy of the annual report of each board of visitors to the Legislature and to the joint standing committee of the Legislature having jurisdiction over education matters annually in January as part of its report required in the Maine Revised Statutes, Title 20-A, section 10902-A.

See title page for effective date.

## CHAPTER 15

S.P. 242 - L.D. 678

### An Act To Amend the Charter of the Lubec Water and Electric District

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

**Whereas,** in 1991 the Lubec Water and Electric District changed its name to the Lubec Water District; and

**Whereas,** the legislation was passed by the Legislature as Private and Special Law 1991, chapter 14; and

**Whereas,** the law required that the changes to the name of the district be approved by the voters of the Town of Lubec; and

**Whereas,** the Town of Lubec never held an election to vote on these matters; and

**Whereas,** it is imperative to have this legislation take effect as soon as possible; 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. 92, §§1 to 5** are amended to read:

**Sec. 1. Territorial limits, corporate name, powers and purposes.** The inhabitants and territory within the ~~town~~ Town of Lubec; in the ~~county~~ County of Washington (hereinafter referred to as Lubec); ~~shall be and hereby~~ are constituted a body politic and corporate under the name of Lubec Water and Electric District (hereinafter referred to as district), with the purpose, right and power to take and use water for domestic, commercial, sanitary and municipal purposes including extinguishment of fire, ~~and to make, buy, generate, sell and distribute electricity;~~ and, also, so far as applicable to ~~said~~ these purposes, with the rights and powers conferred upon ~~said~~ Lubec by section 1 of chapter 489 of the private and special laws of 1901; ~~as amended by section 1 of chapter 47 of the private and special laws of 1919, and by section 1 of chapter 91 of the private and special laws of the special session of 1933.~~

**Sec. 2. Title of utility properties of Lubec to vest in district.** ~~At the time this act takes effect, the~~ The title of Lubec to the entire plant, lands, property and franchises, rights and privileges, including all rents, water rights, dams, reservoirs, pipes, machinery, fixtures, hydrants, tools, apparatus and appliances used in connection with its water business, ~~and also the property, franchises, property rights, privileges and assets, including land, poles, wiring, fixtures, machinery, apparatus and appliances used or capable of being used in connection with maintaining its electrical business;~~ together with all unexpended funds credited to ~~said~~ the water and electric department and all bills receivable for water ~~and electric services~~ service, ~~shall become~~ remain the property of and vest in ~~said~~ the

district ~~in~~. In consideration of the said district assuming all of the prior obligations of Lubec in connection with said the water and electric business and of said, the district paying shall pay the Town of Lubec for a term of 99 years the sum of \$10,000 annually, in quarterly payments of \$2,500 each, each year until and including the year 2051.

**Sec. 3. Powers of district.** ~~Said~~ The district is hereby authorized, in addition to all the powers and rights conferred under section 1 ~~hereof~~, to take, collect, store, flow, use, detain, distribute and convey to the ~~town~~ Town of Lubec or any part ~~thereof~~ of the town water from any lake, pond, stream, or river or from any surface or underground brook, spring or vein of water in ~~said town~~ the Town of Lubec and in ~~the town of~~ Trescott Township and from the Orange ~~river~~ River in Whiting, and is also authorized to locate, construct and maintain aqueducts, pipes, conduits, standpipes, hydrants, pumping stations and other necessary structures and equipment ~~therefor necessary~~ for the taking of water; and erect poles and lines and do all things necessary to furnish water, light and power for public purposes and for public health, comfort and convenience of the inhabitants of said the district, and to supply electric light and power to the inhabitants of the town of Lubec and to the town of Trescott and that part of Whiting known as Whiting Village.

**Sec. 4. Right of eminent domain conferred.** The said district, for the purposes of its incorporation, is hereby authorized to take and hold, as for public uses, by purchase, eminent domain, or otherwise, any land or interest ~~therein~~ in land, or water rights necessary for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and watershed, for laying and maintaining aqueducts and other structures, for taking, distributing and disposing of water and for rights of way and roadways to its sources of supply, power stations, reservoirs, mains, aqueducts, structures and lands; and also all things necessary for supplying water as aforesaid, and for supplying electric lighting and power. Provided, however, nothing herein contained shall This section may not be construed as authorizing ~~said the~~ the district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or required for future use by the owner ~~thereof~~ of that public service corporation or district in performance of a public duty, unless expressly authorized ~~herein~~ by this section or by subsequent act of the ~~legislature~~ Legislature.

**Sec. 5. Authorized to lay mains, pipes, conduits, etc., through and upon public ways and across private lands.** The said district is hereby authorized to lay in and through and to erect upon the streets, roads, ways and highways of the ~~town~~ Town of Lubec and other towns served by it and across private

lands ~~therein~~ located in the Town of Lubec and other towns served by the district, and to maintain, repair and replace all ~~such~~ pipes, mains, conduits, aqueducts, poles and wires, and fixtures as may be necessary and convenient for its corporate purposes, and whenever ~~said the~~ the district shall lay lays any pipes, aqueducts, or conduits ~~or erect pole lines~~ in any street, roadway or highway, it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall at its own expense, without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition.

**Sec. 2. P&SL 1951, c. 92, §6, first sentence** is amended to read:

After the original acquisition for which provision is made in section 2 of this act, the said The district, in exercising, from time to time, any right of eminent domain conferred upon it by law or through or under the franchise of Lubec acquired by the district, shall file written application with the ~~public utilities commission~~ Public Utilities Commission requesting its approval of the proposed taking.

**Sec. 3. P&SL 1951, c. 92, §9** is repealed and the following enacted in its place:

**Sec. 9. Board of trustees.** The affairs of the district must be managed by a board of trustees composed of 3 members who must be residents of the district and reside in a household to which the district's service is provided. A municipal officer, as defined in the Maine Revised Statutes, Title 30-A, section 2001, subsection 10, of the Town of Lubec is not eligible to be a trustee, and whenever a trustee becomes a municipal officer the trustee automatically ceases to be a trustee. The present trustees hold office as trustees for the terms for which they were elected and as each term expires one trustee must be elected by the registered voters of the district, at the next annual town meeting of the Town of Lubec, to serve for a term of 3 years. The trustees shall hold meetings in the Town of Lubec and may organize by the election of a president and a clerk, adopt a corporate seal and choose a treasurer and, when necessary, all other officers and agents, including a general manager, who, with the treasurer, shall serve at the trustees' pleasure and whose compensation is fixed by the trustees. The trustees are entitled to compensation for their services as determined by the trustees. Whenever a vacancy occurs in the office of the president, clerk, general manager or treasurer, that office must be filled by the board of trustees. If a vacancy occurs in the board of trustees, the remaining trustees may appoint a temporary trustee to fill the vacancy until the next annual town meeting of the Town of Lubec. At that meeting, a trustee must be elected for the regular term and one to fill the term caused by the vacancy. Whenever a trustee ceases to be a resident of the

district, the trustee vacates the office of the trustee. The trustees may also adopt bylaws as necessary for their own convenience and the proper management of the affairs of the district and may procure an office and incur expenses as necessary. The treasurer and the general manager shall furnish bond in a form and with sureties the trustees approve.

**Sec. 4. P&SL 1951, c. 92, §10** is amended to read:

**Sec. 10. Valid contracts of present companies to be assumed by district.** All valid contracts now existing between ~~Lubec~~ the district and any persons or corporations for supplying water, ~~light and power~~, in the ~~town~~ Town of Lubec or elsewhere ~~shall~~ must be assumed and carried out by ~~said~~ the district.

**Sec. 5. P&SL 1951, c. 92, §14, sub-§I** is amended to read:

**I.** To pay the current expenses for operating and maintaining the water, ~~light and power~~ system.

**Sec. 6. P&SL 1951, c. 92, §14, sub-§V** is enacted to read:

V. Notwithstanding any other provisions in this section, the district is authorized to hold all money received from the sale of that portion of the district's property formerly used to provide electric service and to continue to use these funds or any part of these funds, as the trustees determine advisable, for the extension or improvement of water service or as a means of delaying increases in rates for water service. The fund must be separately accounted for and its application must be overseen by the Public Utilities Commission. The district may, with consent of the Public Utilities Commission, set aside some portion as a reserve with which to make the annual payment to the Town of Lubec required by Section 2 of this Charter.

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

Effective May 13, 2003.

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## CHAPTER 16

S.P. 308 - L.D. 967

### An Act To Amend the Charter of the Madawaska Water District

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

**Whereas,** in order for the Madawaska Water District to have sufficient opportunity to hold the referendum required by this legislation, which is to be held prior to January 1, 2004, this legislation needs be passed as an emergency; 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 1953, c. 17, §13-A** is enacted to read:

**Sec. 13-A. Readiness-to-serve charges.** The district shall assess readiness-to-serve charges against properties abutting on or accessible to the water lines of the district that on or after January 1, 2004 become improved with new residential or commercial structures requiring systems for the disposal of sewage and wastewater, including, but not limited to, sewer service from the Town of Madawaska, but that do not connect to the district's water lines. The district shall assess readiness-to-serve charges at the district's minimum rate under the district's rate schedule.

**Sec. 2. 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 Madawaska Water District at a referendum within the district held prior to January 1, 2004. The referendum must be called, advertised and conducted according to the law relating to municipal elections, except the registrar of voters is not required to prepare or the 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 work day preceding the election. The content of this Act must be reduced to the following question:

"Do you favor permitting the Madawaska Water District to charge readiness-to-serve charges against properties abutting on or accessible to the water lines of the district that on or after January 1, 2004 are improved with new residential or commercial structures requiring systems for the disposal of sewage and wastewater but that do not connect to the district's water lines?"

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 trustees of the Madawaska Water District and due certificate of