

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

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

Effective May 15, 2003.

CHAPTER 18

S.P. 369 - L.D. 1097

An Act To Release the Records of the Attorney General and the Maine State Police Regarding the Investigation, Prosecution and Trial of Dennis Dechaine

Sec. 1. Application of Title 16, section 614. Notwithstanding Public Law 1993, chapter 719, section 11, the intelligence and investigative information contained in the reports and records of the Department of the Attorney General prepared by or at the request of the department before July 1, 1995 relating to the unlawful homicide of Sara Cherry of Bowdoin, with the exception of photographs of the victim, is governed by the Maine Revised Statutes, Title 16, section 614.

See title page for effective date.

CHAPTER 19

H.P. 485 - L.D. 655

An Act To Revise the Charter of the Brunswick Sewer District

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

PART A

Sec. A-1. P&SL 1947, c. 77, §2, as enacted by P&SL 1981, c. 103, is amended to read:

Sec. 2. Brunswick Sewer District created. The Brunswick Sewer District, called "the district," is a quasi-municipal corporation ~~which~~ that has been created for the purpose of providing and maintaining, within the territorial limits of the district, a sewer system for the collection, treatment and disposal of sewage. The district is the sole nonmunicipal or nonfederal governmental or quasi-governmental entity responsible for domestic sewerage and commercial and industrial waste within the territory of the Town of Brunswick, and there may be no other sewer or sanitary district within the boundaries of the town, regardless of the fact that the territory of the district does not encompass the entire town. The district ~~shall have~~ has all the rights, privileges and immunities

incident to similar corporations or necessary for the accomplishment of its purpose. Nothing contained in this charter imposes on the district the duty of providing or maintaining catch basins or drainage of public ways. The property of the district is exempt from taxation under the Maine Revised Statutes, Title 36, section 112.

Sec. A-2. P&SL 1947, c. 77, §24, sub-§5, as enacted by P&SL 1981, c. 103, is amended to read:

5. Consultation. Prior to authorizing any sewer extension, except by specific state or federal mandate, the trustees shall notify the town council and consult with the planning board in order to assure conformity with their comprehensive plans and other public policies relating to growth and development. The trustees shall publish a notice of the proposed action in a newspaper with general circulation in the district, no less than 7 days prior to the meeting at which they will take final action on the authorization of the extension.

Nothing in this section exempts the district from complying with the requirements of the Maine Revised Statutes, Title 38, section 1252, subsection 7.

PART B

Sec. B-1. P&SL 1947, c. 77, §11, as enacted by P&SL 1981, c. 103, is repealed and the following enacted in its place:

Sec. 11. Territorial limits; expansion; voters. The territory of the district extends from the center of town as follows, to include the entire area within the outer limits specified:

1. Territorial limits. Beginning at a point in the Androscoggin River at the Topsham line, 2 1/2 miles easterly from the location of the town hall as of January 1, 1981, thence southerly to the intersection of Storer Road and Old Bath Road, thence easterly to the intersection of new U.S. Route #1 and Harding Road, thence southerly along the easterly side of Harding Road to Bath Road, thence southwesterly to the intersection of Thomas Point Road and Meadow Road (not including either side of Adams Road), thence southwesterly to the intersection of Gurnet Road and Board Road, thence southwesterly to Dyers Corner, thence along the southerly side of Middle Bay Road to the intersection of Middle Bay Road and Mere Point Road, thence northwesterly to the intersection of Woodside Road and Pleasant Hill Road, thence northwesterly to the intersection of U. S. Route #1 and Greenwood Road, thence northwesterly to the intersection of Pleasant Street and Interstate Route #95, thence northeasterly along the median of Route #95 to the Androscoggin River, thence easterly along the Brunswick-Topsham line in the center of the river to the point of beginning.

2. Expanded growth area territorial limits. Notwithstanding the Maine Revised Statutes, Title 38, section 1252, subsection 4, the territory of the district also includes the growth area defined by the growth/rural area boundary on the Town of Brunswick zoning map, as it existed on November 2, 1982 and as it may be amended from time to time, except that any part of the growth area being served by the district or within the metes and bounds description of subsection 1 remains within the territory of the district, even if the area is subsequently removed from the growth area by amendment of the Town Council of the Town of Brunswick. Sewer extensions are made pursuant to section 24.

3. Expanded health, safety and welfare territorial limits. Notwithstanding the Maine Revised Statutes, Title 38, section 1252, subsection 4, the territory of the district may be expanded by action of the Town Council of the Town of Brunswick to include areas of existing development when it is determined by the local plumbing inspector, appropriate Department of Human Services, Division of Health Engineering official, appropriate Department of Marine Resources official or other qualified governmental official that a threat to the public health, safety or welfare exists and where the sewer extension is determined to be the most appropriate solution. Sewer extensions are made pursuant to section 24.

4. Voters. All registered voters of the Town of Brunswick who reside within the district are voters of the district for all purposes. In determining whether a voter resides within the district, if any part of that voter's residential property lies within the district, that voter is considered to reside within the district.

PART C

Sec. C-1. Referendum; effective date.

This Act takes effect 90 days after the adjournment of the First Regular Session of the 121st Legislature, except that Part B of this Act takes effect only for the purpose of permitting its submission to the legal voters within the Brunswick Sewer District at a special or regular town meeting or election held prior to January 1, 2005. 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 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 clerk shall prepare the required ballots, on which the clerk shall reduce the subject matter of Part B of this Act to the following question:

"Do you favor extending the boundary of the Brunswick Sewer District to include the growth area designated on the Town of Brunswick's zoning map, and any subsequent expansions of

that growth area, and allowing the boundary to be further extended by action of the Town Council when a threat to public health, safety or welfare is determined to exist and a sewer extension is determined to be the most appropriate solution?"

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 Brunswick Sewer District and due certificate of the results filed by the clerk with the Secretary of State.

Part B of this Act takes effect immediately upon its acceptance by a majority of the legal voters voting at the election.

Effective pending referendum, unless otherwise indicated.

CHAPTER 20

H.P. 1193 - L.D. 1615

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 71

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

Whereas, the management and control of the public schools located in the Town of Kennebunk and the Town of Kennebunkport are vested in School Administrative District No. 71, which includes the territory of those municipalities; and

Whereas, the State Board of Education has granted concept approval and design and funding approval for a school construction project to construct and equip a new kindergarten to grade 3 elementary school in the Town of Kennebunk; and

Whereas, at a district referendum held on October 1, 2002, the voters of School Administrative District No. 71 voted to authorize the school directors of the district to issue bonds or notes for school construction purposes for the project; and

Whereas, the plans and specifications for the project have been put out to bid and the district intends to award a construction contract and to issue bonds or notes for the project; and