

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

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

Whereas, copies of the warrants for the referendum delivered to the towns and posted prior to the October 1, 2002 referendum were not attested; and

Whereas, the failure to attest copies of the warrants has created a legal technicality that could affect the marketability of the bonds or notes to be issued by the district in connection with the project; 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. Validation and authorization. Notwithstanding any provision of the Maine Revised Statutes to the contrary, the School Administrative District No. 71 school construction referendum conducted on October 1, 2002 and the proceedings related to that referendum are validated and made effective. School Administrative District No. 71 is authorized to enter into contracts and to issue bonds or notes of the district for school construction purposes in an amount not to exceed \$16,052,724 to construct and equip a new elementary school for kindergarten and grades one to 3, to construct a sidewalk to that new elementary school and to construct a sewer line extension to connect that new elementary school to the Kennebunk Sewer District's wastewater collection system, all as set forth in Articles 2, 3 and 4 of the warrants and ballots for the referendum.

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

Effective May 19, 2003.

CHAPTER 21

H.P. 194 - L.D. 239

An Act to Elevate the Standards of Foster Parenting in the State

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

Sec. 1. Reports of Foster/Adoptive Parent Advisory Committee. The Department of Human Services shall require its Foster/Adoptive Parent Advisory Committee to prepare and deliver an oral and written report to the joint standing committee of the Legislature having jurisdiction over health and human services matters every 6 months beginning

October 2003. The report must include, but is not limited to, the following: issues that the committee has examined since the last report; recommendations for changes to the adoption and foster care system to address those issues; and a review of department plans for rulemaking in the areas of adoption and foster care, including plans for major substantive rules and routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The written report must also include, as attachments, meeting agendas, meeting minutes and other documents prepared by the committee since the last report.

Sec. 2. Committee cochairs. The Foster/Adoptive Parent Advisory Committee shall have cochairs of the committee and at least one cochair must be a foster or adoptive parent.

See title page for effective date.

CHAPTER 22

H.P. 1052 - L.D. 1433

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2003-04

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

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; 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. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2003-04 is as follows:

Audit - Fiscal Administration	\$108,207
Education	10,902,895