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

agree, for performing these management services on behalf of the sewer department of the town.

Sec. 2. P&SL 1975, c. 79, §8 is amended to read:

Sec. 8. District and town authorized to make contracts. Said The district, through its trustees, is authorized to contract with persons and corporations, including said the Town of Baileyville, and said the Town of Baileyville is authorized to contract with it the district for the supply of water and electricity for municipal purposes. Said The Town of Baileyville by vote of its town council is authorized to loan said the district an amount not exceeding \$40,000 to be used for engineering, accounting and legal expenses in connection with the organization of the district, acquiring of the assets of Woodland Water and Electric Company and studies and reports in connection therewith with the acquisition. Said The loan or loans shall must be repaid by the district from its initial long-term financing. The district and the town are authorized to make contracts that are necessary to accomplish the purposes set forth in section 2.

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

Effective June 3, 2003.

CHAPTER 26

S.P. 547 - L.D. 1594

An Act Repealing the Charter of the Brewer Water District

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

Sec. 1. P&SL 1909, c. 265 is repealed.

Sec. 2. P&SL 1945, c. 146, as amended, is repealed.

Sec. 3. P&SL 2001, c. 66, §8-A is enacted to read:

8-A. Water quality. A person may not bathe or wash articles of personal apparel in or upon the waters of Hatcase Pond. A person may not engage in or attempt to engage in boating or fishing in or upon the waters of Hatcase Pond within 2,000 feet of the intake of the City of Brewer. A person may not engage in or attempt to engage in swimming in or upon the waters of Hatcase Pond within 3,000 feet of the intake of the City of Brewer. A person who violates this subsection commits a civil violation for

which a fine or not more than \$500 must be adjudged for each offense. The Department of Inland Fisheries and Wildlife shall enforce this subsection.

See title page for effective date.

CHAPTER 27

S.P. 460 - L.D. 1390

An Act To Suspend Rules of the Board of Dental Examiners Regarding Permission for Public Health Supervision Status

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

Sec. 1. Suspension of rules. Notwithstanding the Maine Revised Statutes, Title 32, chapter 16, until May 1, 2004, the rules of the Board of Dental Examiners regarding public health supervision status are suspended to the extent that they require a dental hygienist to seek permission from the board to perform work under public health supervision status. Prior to performing work under public health supervision status, a dental hygienist shall give notice to the board that the dental hygienist will be performing such work. The notice must include identification of the site where the work will be performed, the nature of the work and the name of the supervising dentist with whom the dental hygienist has entered into the required public health supervision agreement. The board's public health supervision status rules regarding roles and responsibilities, reporting requirements and reimbursement are not suspended by this section.

See title page for effective date.

CHAPTER 28

H.P. 1199 - L.D. 1620

An Act to Amend the Charter of the New Portland 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 water supply of the New Portland Water District does not meet the United States Environmental Protection Agency's drinking water standards; and

Whereas, the New Portland Water District has just received emergency funding through a United States Department of Agriculture rural development block grant and a community development block grant; and

Whereas, the New Portland Water District must drill new wells to meet the Environmental Protection Agency's drinking water standards; 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 1975, c. 18, §1 is amended to read:

Sec. 1. Territorial limits: corporate name and purpose. The inhabitants of and the territory within that part of the Town of New Portland in the County of Somerset, more commonly known as North New Portland village, as is hereafter described: Beginning at the New Portland Embden town line on the Hancock Pond Road, so called, and extending westerly along the road to the center of North New Portland village at the post office a distance of approximately 1.4 miles including 4 rights of way southerly from said road; first to a spring 500 feet more or less from the highway at the Jackson Farm, and second a right of way to the reservoir 1,000 feet southwesterly from the highway on the west side of Fletcher Hill, plus a right of way to a spring above the reservoir approximately 1,000 feet southeasterly of said reservoir, plus a 4th right-of-way northwesterly approximately 1,000 feet from the reservoir to the highway. Also, including a right of way northeasterly from said highway approximately 500 feet to the pumping station and lower springs, all such rights of way being occupied by pipe lines and other property of North Village Water Company. Also beginning at the post office at the center of said North New Portland village along the following roads and streets:

- 1. Southerly on the North Anson Road approximately 4,000 feet to a point opposite home of Charles Collins, Jr.
- 2. Northerly approximately 4,000 feet to the top of Fred Berry Hill, so called, for the location of a future stand pipe or reservoir.
- 3. Westerly approximately 1,500 feet to a junction at Hall Corner, so called, crossing Gilman Stream by an underwater pipe westerly of the highway bridge.
- 4. Thence westerly 500 feet, more or less, to a point opposite Hilda Trudel's residence.

5. Thence southerly from Hall Corner a distance of 2,000 feet, more or less, to a point opposite the residence of Roland Pease.

6. Also including all land 500 feet on either side of the above described roads and all streets in North New Portland village:

shall be and hereby are constituted and surrounding areas described as follows: Beginning at a point where the New Portland-Embden town line intersects with the Lexington town line; thence south along the New Portland-Embden town line to the intersection of 44° 54′ 30″ north latitude; thence west along 44° 54′ 30″ north latitude to the intersection of 70° 04′ 37″ west longitude; thence north along 70° 04′ 37″ west longitude to the Lexington town line; thence east along the Lexington town line to the point of beginning constitute a body politic and corporate under the name of "New Portland Water District" for the purpose of supplying the said district and the inhabitants of said the district with pure water for domestic, commercial, sanitary, industrial, agricultural and municipal purposes.

The authority granted under this chapter shall supersedes supersedes the authority granted the North Village Water Company to serve said area.

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 territory of the New Portland Water District as proposed in this Act 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 town clerk shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

"Do you favor expanding the territory of the New Portland Water District to allow the district to access a new source of water supply?"

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

This Act takes effect immediately upon its acceptance by a majority of the legal voters voting at the

election. Failure of acceptance by a majority of the legal voters does not prohibit subsequent elections held in accordance with this section, provided the elections are held prior to January 1, 2005.

Effective pending referendum.

CHAPTER 29

H.P. 284 - L.D. 364

An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education

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

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

DOWNEAST INSTITUTE FOR APPLIED MARINE RESEARCH AND EDUCATION

Downeast Institute for Applied Marine Research and Education

Initiative: Appropriates funds for the establishment of a grant to the Downeast Institute for Applied Marine Research and Education for operating costs. These are intended to be one-time appropriations for the 2004-2005 fiscal biennium.

General Fund All Other	2003-04 \$15,000	2004-05 \$15,000
General Fund Total	\$15,000	\$15,000

See title page for effective date.

CHAPTER 30

H.P. 1135 - L.D. 1549

An Act To Fund Municipal Collection of Household Hazardous Waste

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

Sec. 1. Study. The Department of Environmental Protection shall conduct a study regarding ongoing sources of funding for municipal collection of hazardous waste. The Department of Environmental Protection shall submit its recommendations to the Joint Standing Committee on Natural Resources no later than January 4, 2004.

- **Sec. 2. Legislation.** The Joint Standing Committee on Natural Resources shall report out legislation during the Second Regular Session of the 121st Legislature concerning ongoing sources of funding for municipal collection of household hazardous waste.
- Sec. 3. Transfer of funds. Notwithstanding any other provision of law, the Finance Authority of Maine shall transfer \$438,820 from the Waste Reduction and Recycling Loan Fund, established in the Maine Revised Statutes, Title 10, section 1023-G, to the Maine Solid Waste Management Fund established under Title 38, section 2201 no later than June 30, 2004. The Finance Authority of Maine shall transfer principal and interest repayments received in the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund within 60 days of receipt. The funds must be transferred from the Maine Solid Waste Management Fund in accordance with the following:
- 1. At least 90% of the funds must be made available as state cost share to municipalities by the Executive Department, State Planning Office as authorized under Title 38, section 2133, subsection 2-B;
- 2. Up to 5% of the funds may be transferred to the Department of Environmental Protection or the Executive Department, State Planning Office to develop and carry out education and outreach activities related to proper management of household hazardous waste; and
- 3. Up to 5% of the funds may be transferred to the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to support achievement of the pesticide use minimization goal of Title 22, section 1471-X.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

State Planning Office 0082

Initiative: Provides funds to administer a state cost share program. This allocation is intended to provide support for the operational costs incurred by municipalities in the management of household hazardous waste.

Other Special Revenue Funds All Other	2003-04 \$436,768	2004-05 \$41,830
Other Special Revenue Funds Total	\$436,768	\$41,830
EXECUTIVE DEPARTMENT DEPARTMENT TOTALS	2003-04	2004-05