

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7 for calendar year 2004. Ten million dollars of the state ceiling for calendar year 2005 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

Sec. 4. Allocation to Maine Educational Loan Authority. No portion of the state ceiling for calendar year 2004 was previously allocated to the Maine Educational Loan Authority. Ten million dollars of the state ceiling for calendar year 2005 is allocated to the Maine Educational Loan Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8.

Sec. 5. Allocation to Maine State Housing Authority. The \$40,000,000 of the state ceiling for calendar year 2004 previously allocated to the Maine State Housing Authority remains allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4 for calendar year 2004. Forty million dollars of the state ceiling for calendar year 2005 is allocated to the Maine State Housing Authority to be used or reallocated in accordance with Title 10, section 363, subsection 4 for calendar year 2005.

Sec. 6. Unallocated state ceiling. The amount of \$153,795,000 of the state ceiling for calendar year 2004 is unallocated and must be reserved for future allocation in accordance with applicable laws. The amount of \$143,795,000 of the state ceiling for calendar year 2005 is unallocated and must be reserved for future allocation in accordance with applicable laws.

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

Effective March 17, 2004.

CHAPTER 39

H.P. 1248 - L.D. 1672

**An Act Concerning the Charter of
the Dover and Foxcroft Water
District**

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

Whereas, this legislation increases the number of trustees of the Dover and Foxcroft Water District from 3 to 5; and

Whereas, the trustees are to be elected at the district's annual meeting, which is held in February; 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:

PART A

Sec. A-1. P&SL 1985, c. 107, Pt. B, §2-A is enacted to read:

Sec. 2-A. Particular rights and franchise. The district has all the rights, privileges, franchise and property of the former Dover and Foxcroft Village Fire Company the same as though originally granted or conveyed to the district, and all liabilities and obligations of the former Dover and Foxcroft Village Fire Company are the liabilities and obligations of the district, the same as if incurred by the district, and all suits brought by or against the company must be in the name of the district whether the cause of action accrued before or after the change of the name of the Dover and Foxcroft Village Fire Company to the Dover and Foxcroft Water District pursuant to Private and Special Law 1903, chapter 11.

Sec. A-2. P&SL 1985, c. 107, Pt. B, §3 is repealed.

Sec. A-3. P&SL 1985, c. 107, Pt. B, §3-A is enacted to read:

Sec. 3-A. Territorial limits; corporate name. That part of the Town of Dover-Foxcroft described as follows: beginning at the point of intersection of 45 degrees, 12 minutes, 30 seconds north latitude and 69 degrees, 11 minutes, 26 seconds west longitude; thence due south to 45 degrees, 11 minutes, 29 seconds north latitude; thence due west to 69 degrees, 12 minutes, 12 seconds west longitude; thence south to 45 degrees, 10 minutes, 30 seconds north latitude; thence west to 69 degrees, 16 minutes, 00 seconds west longitude; thence north to 45 degrees, 11 minutes, 28 seconds north latitude; thence west 69 degrees, 18 minutes, 18 seconds west longitude; thence north to 45 degrees, 12 minutes, 00 seconds north latitude; thence east to 69 degrees, 13 minutes, 45 seconds west longitude; thence north to 45 degrees, 12 minutes, 30 seconds north longitude; thence east to the point of the beginning; and its inhabitants constitute a standard water district under the name "Dover and Foxcroft Water District," referred to in this Act as "the district."

Sec. A-4. P&SL 1985, c. 107, Pt. B, §5-A is enacted to read:

Sec. 5-A. Powers; authority; duties. Except as otherwise specifically provided in this Act, the district has all the powers and authority and is subject to all requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64.

Sec. A-5. P&SL 1985, c. 107, Pt. B, §6, as amended by P&SL 1999, c. 27, §§3 and 4 and affected by §9, is repealed.

Sec. A-6. P&SL 1985, c. 107, Pt. B, §6-A is enacted to read:

Sec. 6-A. Trustees. The board of trustees of the district is composed of 5 trustees, elected in accordance with the Maine Revised Statutes, Title 35-A, section 6410. A trustee must be a resident of the Town of Dover-Foxcroft.

Notwithstanding Title 35-A, section 6410, subsection 7, the trustees are entitled to compensation for their services as determined by the trustees.

Sec. A-7. P&SL 1985, c. 107, Pt. B, §7, as amended by P&SL 1999, c. 27, §5 and affected by §9, is repealed.

Sec. A-8. P&SL 1985, c. 107, Pt. B, §8, as amended by P&SL 1999, c. 27, §6 and affected by §9, is repealed.

Sec. A-9. P&SL 1985, c. 107, Pt. B, §§10, 11 and 12 are repealed.

Sec. A-10. P&SL 1985, c. 107, Pt. B, §§12-A and 12-B are enacted to read:

Sec. 12-A. Refinancing authorized. For the purpose of financing certain capital improvements to the district's water system, the board of trustees of the district, without a district vote or the provision of notice to the voters or ratepayers of the district or the holding of a special district meeting for the purpose of collecting testimony from the public concerning the purpose and amount of debt authorized, may issue and sell to the Maine Municipal Bond Bank revenue bonds or notes of the district for the purpose of refinancing certain revenue bonds dated June 28, 1988, in the aggregate principal amount of \$2,115,500, that were issued to the United States of America acting through the Farmers Home Administration. The bonds authorized by this Act are payable over a term not to exceed the term remaining on the bonds dated June 28, 1988 and must be signed by the treasurer of the Dover and Foxcroft Water District and countersigned by the chair of the district board of trustees. The district may sell the bonds authorized by this Act to the Maine Municipal Bond Bank upon such terms and conditions

as the board of trustees of the district and the Maine Municipal Bond Bank may approve.

Sec. 12-B. Issuance of debt; debt limit. In addition to the authority granted under section 12-A, the district may issue debt in accordance with Title 35-A, chapter 64. The board of trustees may not issue any bond, note or other evidence of indebtedness payable within a period of more than 12 months after the date of issuance, excluding debt authorized under section 12-A, unless the total amount of such debt issued by the board is no more than \$1,500,000.

The district may amend the debt limit established in this section in accordance with the provisions of the Maine Revised Statutes, Title 35-A, section 6413.

The district is subject to the provisions of Title 35-A, section 6310.

Sec. A-11. P&SL 1985, c. 107, Pt. B, §13 is repealed.

Sec. A-12. P&SL 1985, c. 107, Pt. B, §13-A is enacted to read:

Sec. 13-A. Pratt's rips. In addition to the authority granted under the Maine Revised Statutes, Title 35-A, chapter 64, the district is authorized to sell or lease for manufacturing purposes any power on the district's dam at Pratt's rips, so-called, at the district's pumping station not used by the district for supplying water for the district's water works system, as long as the sale or lease is subject to a reservation of sufficient power for the district's present or future needs in supplying water to the district's water system and any extension of the water system.

Sec. A-13. P&SL 1985, c. 107, Pt. B, §14 is repealed.

Sec. A-14. P&SL 1985, c. 107, Pt. B, §§14-A and 14-B are enacted to read:

Sec. 14-A. Water rights; eminent domain. In addition to the authority granted under the Maine Revised Statutes, Title 35-A, chapter 64, the district is authorized, for the purposes mentioned in this charter, to take and hold sufficient water from Garland Pond, situated in Dover-Foxcroft and the Town of Sebec, in the county of Piscataquis, and may raise the waters of the pond by a dam at the outlet of the pond to such a height as the district may determine expedient; the district may take and hold by purchase or otherwise any land or real estate necessary for erecting dams, and flowage caused by any dams, power, reservoirs or for preserving the purity of the water and watersheds, and for maintaining a way or ways from the public highways to the pond, and for laying and maintaining aqueducts for conducting, discharging, distributing and disposing of water.

Nothing in this section or section 13-A or 14-B exempts the district from otherwise applicable laws or rules, including, but not limited to, laws relating to the erection or removal of dams, the establishment of water levels, the sale of water power or the exercise of eminent domain.

Sec. 14-B. Power to take water. In addition to the authority granted under the Maine Revised Statutes, Title 35-A, chapter 64, the district is authorized to take, hold, divert, use and distribute water from Salmon Stream Pond situated in the Town of Guilford.

Sec. A-15. P&SL 1985, c. 107, Pt. B, §§15 and 16 are repealed.

Sec. A-16. P&SL 1985, c. 107, Pt. B, §16-A is enacted to read:

Sec. 16-A. Miscellaneous provisions; by-laws. The board of trustees may adopt bylaws as necessary for their own convenience and the proper management of the affairs of the district. This Act does not annul the existing bylaws and ordinances of the district in effect as of the effective date of this section, and those laws and ordinances remain in force until altered, amended or repealed except where in direct conflict with any provision of this Act.

Sec. A-17. P&SL 1985, c. 107, Pt. B, §17 is repealed.

PART B

Sec. B-1. Purpose. This Act is intended to update the charter of the Dover and Foxcroft Water District, to reorganize provisions for clarity and generally to conform the charter to the model standard water district charter that appears in the Maine Revised Statutes, Title 35-A, chapter 64.

Sec. B-2. Existing trustees. The trustees of the Dover and Foxcroft Water District holding office on the effective date of this Act 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 meeting of the district to serve for a term of 3 years. The additional 2 trustees must be elected at the next annual meeting, one for a term of 2 years and one for a term of 3 years. If a vacancy arises, it must be filled for the remainder of the unexpired term.

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

Effective March 24, 2004.

CHAPTER 40

S.P. 722 - L.D. 1874

An Act To Amend the Charter of the South Berwick 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 South Berwick Water District is a public municipal corporation organized and existing under the laws of the State; and

Whereas, the South Berwick Water District desires to update and expand the current water treatment facility, 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, 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 1959, c. 61, §11, first ¶, as amended by P&SL 1989, c. 11, §1, is further amended to read:

For accomplishing the purposes of this Act, and for such other expenses as may be necessary for the carrying out of ~~said those~~ purposes, ~~said the~~ district, through its trustees, without district vote, is authorized to borrow money temporarily and to issue therefor its negotiable notes; and for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under this Act, including organizational and other necessary expenses and liabilities whether incurred by the district or the Town of South Berwick, the district being authorized to reimburse ~~said the~~ Town of South Berwick for any such expense incurred by ~~it the town~~ and in acquiring properties, paying damages, laying pipes, mains, aqueducts and conduits, constructing, maintaining and operating a water plant or system and making renewals, additions, extensions and improvements to the same and to cover interest payments during the period of construction, ~~said the~~ district, through its trustees, without district vote, is also authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in one series, or in separate series, in such amount or