

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**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**  
**2005**

Washington	499,615
<b>TOTAL COUNTY SERVICES</b>	<b>\$4,609,742</b>
<b>TOTAL REQUIREMENTS</b>	<b>\$17,899,461</b>
<b>COMPUTATION OF ASSESSMENT</b>	
Requirements	\$17,899,461
Less Deductions:	
General -	
State Revenue Sharing	\$290,000
Homestead Reimbursement	100,000
Miscellaneous Revenues	50,000
Transfer from Undesignated Fund Balance	2,300,000
<b>TOTAL</b>	<b>\$2,740,000</b>
Educational -	
Lands Reserve Trust	\$100,000
Tuition - Travel	250,000
Miscellaneous	5,000
Special - Teacher Retirement	200,000
<b>TOTAL</b>	<b>\$555,000</b>
<b>TOTAL DEDUCTIONS</b>	<b>(\$3,295,000)</b>
<b>TAX ASSESSMENT</b>	<b>\$14,604,461</b>

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

Effective May 12, 2005.

## CHAPTER 10

H.P. 1177 - L.D. 1668

### An Act To Establish a Cost-sharing Formula for the Five Town Community School 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 needs to take effect before the expiration of the 90-day period to enable the voters of the Five Town Community School District to vote on a budget that is based on the cost-sharing formula established in this legislation; 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 1993, c. 64, §10, sub-§1,** as amended by P&SL 1993, c. 87, §1, is repealed.

**Sec. 2. P&SL 1993, c. 64, §10, sub-§§1-A and 1-B,** as enacted by P&SL 1993, c. 87, §2, are repealed.

**Sec. 3. P&SL 1993, c. 64, §10, sub-§1-C** is enacted to read:

**1-C. Cost-sharing formula.** Beginning July 1, 2005, the community school district shall share its costs, including additional local funds, among the member municipalities in proportion to each municipality's required contribution to the total cost of funding education as described in the Essential Programs and Services Funding Act in the Maine Revised Statutes, Title 20-A, chapter 606-B.

**Sec. 4. P&SL 1993, c. 64, §10, sub-§2,** as amended by P&SL 1993, c. 87, §3, is repealed.

**Sec. 5. P&SL 1993, c. 64, §10, sub-§3** is amended to read:

**3. Amendment of formula.** The cost-sharing formula applicable to the community school district's additional local funds may be amended pursuant to the Maine Revised Statutes, Title 20-A, section 1704.

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

Effective May 12, 2005.

## CHAPTER 11

H.P. 291 - L.D. 389

### An Act To Amend the Waldoboro Utility District

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

**Whereas,** it is necessary that this legislation be enacted as an emergency so that the trustees of the Waldoboro Utility District may establish reserve accounts 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 1963, c. 146, §7,** as amended by P&SL 1997, c. 18, §1, is repealed and the following enacted in its place:

**Sec. 7. Procedure for connection of sewer.**

A person may enter that person's private sewer into a sewer of the district upon obtaining a permit in writing from the trustees and upon paying entrance charges as established by the district.

**Sec. 2. P&SL 1963, c. 146, §14, 3rd ¶, 3rd sentence,** as repealed and replaced by P&SL 1989, c. 2, §1, is amended to read:

Each voter who signs a nomination paper shall add the ~~candidate's~~ voter's place of residence with the street and number, if any.

**Sec. 3. P&SL 1963, c. 146, §14, 3rd ¶ from the end,** as amended by P&SL 1993, c. 33, §1, is further amended to read:

Members of the board of trustees are eligible to any office under the board. The trustees are entitled to receive as compensation for their services an amount to be determined by them ~~not to exceed \$300 each per year, but if they fail to determine a salary they are entitled to receive \$10 each for each meeting of the board that they attend~~ and approved by the municipal officers as required by the Maine Revised Statutes, Title 38, section 1252, subsection 5. The treasurer may be allowed such compensation as the trustees determine.

**Sec. 4. P&SL 1963, c. 146, §18, 3rd ¶** is amended to read:

The sewer rates, tolls, rents and entrance charges ~~shall~~ must be so established as to provide revenue at least sufficient, together with any other available funds, for the following purposes:

**I.** To pay the current expenses for operating and maintaining the sewerage, drainage and treatment ~~system of the district;~~

**II.** To provide for the payment of the principal of, premium, if any, and interest on ~~the indebtedness created~~ all bonds and notes issued by the district as those bonds and notes become due and payable;

**III.** ~~To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness~~

~~created by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness~~ create and maintain any reserves required by any trust agreement or resolution securing bonds and notes and any reserve accounts the trustees may establish, including, but not limited to, capital improvement accounts, capital equipment accounts, credit reserve accounts, sinking fund accounts and capital dedicated reserve accounts. Money set aside for ~~the sinking fund shall be devoted to the retirement of the obligations of said sewer district, and~~ reserve accounts may be invested in such securities as savings banks in this State are allowed to hold;

**IV.** ~~If any surplus remains at the end of the year, it may be turned into the sinking fund. To provide funds for paying the cost of all necessary repairs, replacements and renewals of the sewerage, drainage and treatment systems of the district; and~~

**V.** To pay or provide for any amounts that the district is obligated to pay or provide by law or contract, including any resolution or contract with or for the benefit of the holders of its bonds and notes.

**Sec. 5. P&SL 1963, c. 146, §18,** as amended by P&SL 1971, c. 61, is further amended by adding at the end a new paragraph to read:

The adoption of rate schedules is governed by the requirements of the Maine Revised Statutes, Title 38, section 1252, subsection 1.

**Sec. 6. Emergency clause; referendum; effective date.** In view of the emergency cited in the preamble, this Act takes effect when approved, except that section 4 of this Act takes effect only for the purpose of permitting its submission to the voters of the Town of Waldoboro at an election to be called and held for that purpose by December 31, 2006. 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. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The subject matter of section 4 of this Act is reduced to the following question:

"Do you favor changing the charter of the Waldoboro Utility District to modify the purposes for which its rates are charged to allow for the creation of reserve accounts?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

The results of the election must be declared by the municipal officers of the town and due certificate of the election must be filed by the town clerk with the Secretary of State.

Section 4 of this Act takes effect for all purposes immediately upon acceptance by a majority of the voters of the Town of Waldoboro. Failure to achieve the necessary approval does not prevent subsequent elections held prior to December 31, 2006.

Effective May 13, 2005, unless otherwise indicated.

## CHAPTER 12

H.P. 874 - L.D. 1277

### An Act Regarding Speech-language Pathology Aides

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

**Whereas**, this legislation authorizes the Department of Professional and Financial Regulation, Board of Examiners on Speech-language Pathology and Audiology to issue renewal registrations to speech-language pathology aides who held valid registrations on December 31, 2004, prior to the enactment of new requirements beginning January 1, 2005; and

**Whereas**, if the Board of Examiners on Speech-language Pathology and Audiology is not granted additional authority, it will not be feasible for many speech-language pathology aides to comply with the new requirements for registration and they will therefore be denied an opportunity to continue providing a valuable service to the citizens of the State; 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. Transition provisions.** Notwithstanding the Maine Revised Statutes, Title 32, section 6004, subsection 2, the Department of Professional and Financial Regulation, Board of Examiners on Speech-language Pathology and Audiology is authorized to delay until December 31, 2008 application of the requirements of Title 32, section 6004,

subsection 2 to speech-language pathology aides who held valid registrations on December 31, 2004. This transition is not intended to prevent timely consideration by the Board of Examiners on Speech-language Pathology and Audiology of applications for registration for individuals who have or will have complied with the requirements under Title 32, section 6004, subsection 2.

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

Effective May 20, 2005.

## CHAPTER 13

H.P. 692 - L.D. 982

### An Act To Revise the Charter of the Kennebunk Sewer District

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

**Whereas**, the Kennebunk Sewer District charter should be modified as soon as possible; and

**Whereas**, the next election when the referendum to approve the amended charter could be held is less than 90 days after adjournment of this Legislature; 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. Territorial limits; corporate name; purposes.** The inhabitants and territorial limits within that part of the Town of Kennebunk situated between the Atlantic Ocean and the southeasterly side of the Maine Turnpike and the territory of the Town of Kennebunk situated on the northwesterly side of the Maine Turnpike and described on the October 2004 Town of Kennebunk tax maps as follows: Map 020, Lot 001; P/O Map 020, Lot 002; Map 027, Lot 014; Map 020, Lot 018; P/O 018, Lot 071; P/O 018, Lot 067; Map 018, Lot 072; P/O 028, Lot 005; Map 027, Lot 005; Map 027, Lot 004; Map 027, Lot 011; P/O 029, Lot 010; P/O 021, Lot 098; Map 020, Lot 001; Map 020, Lot 002; Map 027, Lot 022; Map 027, Lot 020; Map 027, Lot 019; Map 020, Lot 003; Map 020, Lot 024 are made and declared to be a public