

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

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

Penmor Lithographers

Lewiston, Maine

2006

as a body politic and corporate under the name of the Lewiston and Auburn Railroad Company, and by that name may sue and be sued, plead and be impleaded, and enjoys all proper remedies at law and in equity to secure and protect it in the exercise and use of its rights and privileges and in the performance of its duties; and the corporation is hereby authorized and empowered to locate and construct and finally complete, alter and keep in repair a railroad, with rails or tracks, with all suitable bridges, tunnels, viaducts, sidings, turnouts, culverts, drains and all other necessary appendages, within and from points in the City of Lewiston and the City of Auburn to points on existing railroads; and the corporation is invested with all the powers, privileges and immunities granted by this Act and by the statutes relating to the operation of railroad companies within the State that are or may be necessary to carry into effect the purposes of this Act.

Sec. 2. Capital stock; shares; directors; and organization. Except as otherwise provided in an amendment to or restatement of its corporate charter, effectuated pursuant to the Maine Business Corporation Act, the capital stock of the corporation consists of not less than 1,000 nor more than 3,000 shares, all of which must be municipally owned, and the management of the affairs of the corporation is vested in a board of directors, who must be residents of the municipalities in which the corporation has rails or tracks. Except to the extent inconsistent with the provisions of this Act, in all matters of corporate governance, including the right to amend its charter and adopt bylaws, the corporation is governed in accordance with the Maine Business Corporation Act.

Sec. 3. Bylaws. The shareholders of the corporation have power to make, ordain and establish all necessary bylaws and to establish rights of preemption by an affirmative vote of at least 80% of the shares entitled to vote as provided in the Maine Business Corporation Act.

Sec. 4. Toll. A toll is hereby granted for the benefit of the corporation upon all passengers and property that may be conveyed or transported on and over its railroad, at such rate as may be established by its directors, subject to such laws in relation to railroad companies as are or may from time to time be established by the Legislature.

Sec. 5. Annual meeting, when held. The annual meeting of the shareholders of the corporation is on such day as the bylaws may determine.

Sec. 6. Gauge and connection or road. The corporation is authorized to run on the same gauge and make connections with other railroads on such terms as the corporation may determine proper and to lease its road and property, either before or after

the road has been completed, on such terms as the corporation determines with the other railroads.

Sec. 7. Bonds and amount of. The corporation is authorized to issue its bonds in such amounts as the corporation determines necessary or desirable and to secure the bonds by a mortgage of its road, franchise and property, or in any other manner.

Sec. 8. P&SL 1872, c. 88, as amended by P&SL 1875, c. 159, is repealed.

See title page for effective date.

CHAPTER 31

S.P. 648 - L.D. 1694

An Act To Allow the Towns of Mapleton, Castle Hill and Chapman To Deposit All Tax Revenues, Grant Revenues and Other Income and Revenues into One Depository Account

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 towns of Mapleton, Castle Hill and Chapman to create and maintain a common ownership depository account in the name of the 3 towns; and

Whereas, this arrangement will allow the towns to realize considerable cost savings and increased administrative efficiencies; and

Whereas, it is imperative that legislation take effect as soon as possible in order to maximize these savings and efficiencies; 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. Towns of Mapleton, Castle Hill and Chapman authorized to create and maintain common depository account. The Town of Mapleton, Town of Castle Hill and Town of Chapman entered into an interlocal agreement in 1991 pursuant to the Maine Revised Statutes, Title 30-A, chapter 115. In order for the towns to realize considerable cost savings and increased administrative

efficiencies, the towns may create and maintain a common ownership depository account in the name of the 3 towns for the deposit of all tax revenues, grant revenues and other income and revenues received by the individual towns. This depository account is to be administered and used to pay both individual town and joint town operating expenses and costs.

The records of this depository account must be maintained at all times in such a manner as to allow each town's contributions and deposits into the depository account, along with each town's pro rata share of all income and interest generated by the depository account, to be calculated and determined. Only a specific town's revenues may be used to pay for its operating expenses and costs attributable to that specific town, whether individually or pursuant to the cost-sharing formula, as amended from time to time by the towns, as set out in the 1991 interlocal agreement.

The funds deposited by each town into the depository account and the interest and income attributable to the funds of each town, for all purposes and at all times, remain the property of each individual town and are not, in any manner or for any reason whatsoever, available, attachable or subject to lien for the obligations of any kind, description or nature of the other 2 contributing towns.

All other applicable statutory requirements relating to municipal depository accounts apply to the depository account created pursuant to this Act, and the depository account must be administered and the account records maintained in conformity with generally accepted principles of municipal accounting.

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

Effective March 2, 2006.

CHAPTER 32

S.P. 657 - L.D. 1740

An Act To Establish the Athens Standard Water District

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

Sec. 1. Territorial limits; corporate name.

Pursuant to the Maine Revised Statutes, Title 35-A, chapter 64, that part of the Town of Athens described as follows and its inhabitants constitute a standard district under the name Athens Standard Water District, referred to in this Act as "the district":

Beginning at the point of intersection of the eastern bank of the Wesserunsett Stream and the southern shoulder of Route 150; thence south to the southwestern corner of Lot 74, Map 15, property maps, Town of Athens; thence easterly along the southern border of Lot 74; thence easterly across East Ridge Road; thence southerly along the east side of East Ridge Road, approximately 100 feet; thence easterly along the southern border of Lot 71, Map 15; thence easterly to the intersection of the southeast corner of Lot 71, Map 15 and Route 43; thence easterly across Route 43 to a point of intersection of the east side of Route 43 and Lot 70, Map 15; thence southeasterly along Route 43 to the southwest corner of Lot 5, Map 3; thence northeasterly along Lot 5, Map 3; thence north along the eastern border of Lot 5, Map 3; thence due north to the intersection of Fox Hill Road; thence due north across Fox Hill Road to the northerly side of Fox Hill Road; thence easterly along the north side of Fox Hill Road to the southeast corner of Lot 59, Map 15; thence northerly along the eastern border of Lots 59, 58, 56, the cemetery lot and Lot 28, to the intersection of the northeast corner of Lot 28 and Route 150; thence north across Route 150 to the northerly side of Route 150; thence southwesterly along Route 150 to the eastern border of Lot 9, Map 7; thence northerly along the eastern border of Lot 9, Map 7 to the southern bank of the east branch of the Wesserunsett Stream; thence southwesterly along the east bank of said stream to Route 151; thence across Route 151; thence westerly along the south bank of said stream to the east side of the Wesserunsett Stream; thence southerly along the east bank of said stream to the southernmost corner of Lot 16-11, Map 2; thence across said stream to the west bank of said stream; thence northerly along the west bank of said stream to the northernmost point of Lot 12, Map 15; thence southerly along the western boundary of Lot 12, Map 15 to the intersection of the northern boundary of Lot 9, Map 15; thence westerly and southerly along the western border of Lot 9, Map 15 to the Eaton Corner Road; thence across the Eaton Corner Road to the southern edge of the Eaton Corner Road; thence easterly along the southern edge of the Eaton Corner Road to the point of beginning.

Sec. 2. Powers; authority; duties. The district has all the powers and authority and is subject to all the requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64, except as otherwise provided in this Act.

The management and allocation of a contribution of funds by the State under Title 38, section 1364, subsection 5 and the income from those funds are not subject to investigation or review by the Public Utilities Commission under Title 35-A, section 310, 1302 or 1303, except upon request by the Department of Environmental Protection.