

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

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.

Sec. 3. Power to take water. For purposes of its incorporation, the district is authorized to take water from any source in the Town of Athens.

Sec. 4. Number of trustees. The board of trustees of the district is composed of 3 trustees. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, a trustee must be a taxpayer of the Town of Athens and a ratepayer of the district.

Sec. 5. Election of first board. The first board is elected in an election called by the municipal officers of the Town of Athens by the voters in accordance with this Act. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410.

Sec. 6. Terms of trustees. After the election of the first board, trustees are elected to 3-year terms.

Sec. 7. Referendum; effective date. This Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the territory described in section 1 of this Act at an election called for that purpose and held by July 1, 2008. The election must be called by the municipal officers of the town and be held at the regular voting places. 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 this Act is reduced to the following question:

"Do you favor creating the Athens Standard Water District?"

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

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

This Act takes effect for all other purposes immediately upon its approval by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section, provided the referenda are held prior to July 1, 2008.

Effective pending referendum.

CHAPTER 33

H.P. 1273 - L.D. 1833

An Act To Change the Charter of the St. Francis Water District

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

Sec. 1. P&SL 1989, c. 51, §8, first sentence is amended to read:

All the affairs of the district ~~shall be~~ are managed by an elected board of trustees composed of 3 ~~members of the~~ legal voters of the district. One trustee may be a municipal officer of the Town of St. Francis. A trustee who is also a municipal officer shall abstain from any vote of municipal officers on a question relating to compensation of the trustees pursuant to the Maine Revised Statutes, Title 35-A, section 6410, subsection 7.

See title page for effective date.

CHAPTER 34

H.P. 1244 - L.D. 1736

An Act To Amend the Charter of the Boothbay Harbor Sewer District

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, the Boothbay Harbor Sewer District is a quasi-municipal corporation organized and existing under the laws of the State; and

Whereas, certain residences and businesses in the Town of Boothbay have private, on-site sewage disposal systems that are inadequate; and

Whereas, the Town of Boothbay and the Boothbay Harbor Sewer District believe it is in their best interests to extend the territory of the Boothbay Harbor Sewer District to serve the Town of Boothbay; and