

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

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

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 1961, c. 161, §1, as amended by P&SL 1993, c. 59, §1 and affected by §2, is further amended to read:

Sec. 1. Territorial limits; incorporation. The territory; and the inhabitants ~~therein~~, of the Town of Boothbay Harbor in the County of Lincoln and the territory; and the inhabitants ~~therein~~, of that part of the Town of Boothbay; in the County of Lincoln, ~~which is bounded and described as follows: Beginning at a point in the middle of the intersection of Dover Road and State Route 27; thence easterly a distance of 2,000 feet, more or less, to a point; thence southwesterly a distance of 10,000 feet, more or less, to the Boothbay Harbor town line; thence westerly along the town line a distance of 6,000 feet, more or less, to a point; thence northerly a distance of 9,000 feet, more or less, to a point; thence easterly a distance of 5,200 feet, more or less, to the point of beginning; constitute a public sewerage district and a body politic and corporate under the name of "Boothbay Harbor Sewer District."~~ The purpose of this district, subject to the provisions of section 10, is to take over, control, operate and manage the sewers now owned by the Town of Boothbay Harbor with all appurtenances thereto; to extend, increase, enlarge and improve these sewers; to extend the present system or systems so as to furnish sewerage facilities to parts of the district not now served with those facilities; to provide for removal and treatment of sewage when, as and if that treatment becomes necessary; and generally to construct, maintain, operate and provide a system of sewerage, sewage disposal and sewage treatment for public purposes and for the health, welfare, comfort and convenience of the inhabitants of the district.

Sec. 2. P&SL 1961, c. 161, §17, 2nd sentence, as amended by P&SL 1991, c. 81, §1 and affected by §3, is further amended to read:

The total indebtedness of the district at any one time outstanding may not exceed the sum of ~~\$5,500,000~~ \$8,500,000.

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

Effective March 2, 2006.

CHAPTER 35

S.P. 741 - L.D. 1942

An Act To Change the Name of Little Island to Chickering Island

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

Sec. 1. Chickering Island. Wherever the designation Little Island appears or reference is made to that island in Damariscotta Lake, that designation or reference means Chickering Island.

See title page for effective date.

CHAPTER 36

H.P. 1226 - L.D. 1719

An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2007

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Maine State Retirement System will become due and payable before the 90-day period may terminate; 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. Allocation of funds. Administrative operating expenses of the Maine State Retirement System for the fiscal year ending June 30, 2007 must be paid from the system's Expense Fund in accordance with the following schedule.

2006-07

MAINE STATE RETIREMENT SYSTEM