

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

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. Local cost of education; exception for Maine School Administrative District No. 40.

Beginning in fiscal year 2006-07, the provisions of the Maine Revised Statutes, Title 20-A, section 15688, subsection 2 do not apply in determining the local cost of education of member municipalities in Maine School Administrative District No. 40. The cost-sharing formula established between the member municipalities in this school administrative district prior to January 1, 2005 remains in effect until the formula is changed pursuant to Title 20-A, section 1301, subsection 3.

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

Effective March 17, 2006.

CHAPTER 39

H.P. 1291 - L.D. 1851

An Act Relating to the Flanders Bay 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, the Flanders Bay Community School District is composed of the towns of Franklin, Gouldsboro, Sorrento, Sullivan, Steuben and Winter Harbor and provides education for the pupils from those towns in grades 9 to 12; and

Whereas, the governing body of the Flanders Bay Community School District was denominated the "Board of Trustees" of the district when the district was formed in 1950; and

Whereas, the Commissioner of Education approved a reapportionment plan for the governing body of the Flanders Bay Community School District in 1994 that denominated the governing body of the district as the "Board of Directors"; and

Whereas, in recent years the governing body of the district has been denominated the "District School Committee" in the official records of the district; and

Whereas, the original votes in the member municipalities that created the district included limitations on the authority of the district to own property and to incur indebtedness that are inconsistent with the general laws of the State governing community school districts; and

Whereas, these facts have created uncertainty as to the legal existence of the governing body of the Flanders Bay Community School District, its authority and the validity of its past actions; 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. Flanders Bay Community School District. The Flanders Bay Community School District is hereby validated and approved as a legally constituted community school district within the meaning of the Maine Revised Statutes, Title 20-A, chapter 105, responsible for operating grades 9 to 12 for the towns of Franklin, Gouldsboro, Sorrento, Sullivan, Steuben and Winter Harbor.

Sec. 2. District school committee. The governing body of the Flanders Bay Community School District is called the district school committee and shall perform the duties of both the district school committee and the district board of trustees under the Maine Revised Statutes, Title 20-A, chapter 105. The members of the district school committee on the effective date of this Act as appointed by the school committees of the district's member towns continue to serve on the district school committee until their terms expire or until a vacancy is otherwise created.

Sec. 3. District authority. The Flanders Bay Community School District and the district school committee's authority to hold and acquire property, to borrow money and to issue bonds and notes are governed by laws applicable to community school districts and are not subject to any limitations adopted or established by the district prior to January 1, 1965.

Sec. 4. District's costs. The Flanders Bay Community School District's costs must be shared in accordance with the applicable provisions of state law, except that all costs that are subject to local cost-sharing formulas under state law are shared on the basis of the average of the 2 pupil counts for April 1st and October 1st of the most recent calendar year prior to the fiscal year at issue. This cost-sharing formula may be changed in accordance with law.

Sec. 5. Actions; obligations. All actions and obligations of the Flanders Bay Community School District and its governing body, including contracts, notes, bonds and other legal obligations of the district, entered into prior to the effective date of this Act are validated and approved.

Sec. 6. P&SL 1951, c. 203, as amended by P&SL 1967, c. 55, is repealed.

Sec. 7. P&SL 1965, c. 82 is repealed.

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

Effective March 17, 2006.

CHAPTER 40

H.P. 1215 - L.D. 1708

An Act To Allow the Buckfield Village Corporation To Be Dissolved and Combined with the Town of Buckfield

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

Whereas, the Buckfield Village Corporation was created by Private and Special Law 1887, chapter 58; and

Whereas, while the corporation has broader powers, it currently serves only as a water utility; and

Whereas, the corporation wishes to dissolve its charter and transfer its water-related operations to the Town of Buckfield; and

Whereas, it is imperative that action be taken as early as possible to allow for continuity of water-related services provided by the Buckfield Village Corporation; 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. Town of Buckfield's acquisition of property of Buckfield Village Corporation. The Town of Buckfield acquires, under the terms contained in this Act, all of the plant, properties,

assets, franchises, rights and privileges owned by the Buckfield Village Corporation, including, without limitation, lands, buildings, waters, water rights, springs, wells, filtration plants, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, sanitary, commercial, industrial and municipal purposes.

The consideration paid is the assumption by the Town of Buckfield of all of the outstanding debts, obligations and liabilities of the Buckfield Village Corporation, including, without limitation, the assumption by the town of any outstanding notes or bonds of the Buckfield Village Corporation that are due on or after the date of transfer.

Sec. 2. Buckfield Village Corporation required to sell property to town. The Buckfield Village Corporation, a municipal corporation organized and existing pursuant to Private and Special Law 1887, chapter 58, as amended, under the terms contained in this Act shall sell, transfer and convey to the Town of Buckfield by appropriate instruments of conveyance all of the Buckfield Village Corporation's plants, properties, assets, franchises, rights and privileges, including, without limitation, lands, buildings, waters, water rights, springs, wells, filtration plants, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes, in consideration of the assumption by the Town of Buckfield of all of the outstanding debts, obligations and liabilities of the Buckfield Village Corporation, including, without limitation, the assumption of any outstanding notes or bonds of the Buckfield Village Corporation that are due on or after the date of transfer.

Sec. 3. Approval of Public Utilities Commission. The transfer by the Buckfield Village Corporation of its plant, properties, assets, franchises, rights and privileges and the assumption by the Town of Buckfield of all outstanding debts, obligations and liabilities of the Buckfield Village Corporation pursuant to sections 1 and 2 and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the town within the limits of the corporation are subject to the approval of the Public Utilities Commission as may be required by the Maine Revised Statutes, Title 35-A, Part 1.

Sec. 4. Contracts of Buckfield Village Corporation. All contracts between the Buckfield Village Corporation and any person, firm or corporation relating to supplying water service that are in effect on the date of the transfer by the corporation to