

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
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the Town of Buckfield are assumed and must be carried out by the town.

Sec. 5. Dissolution and termination of Buckfield Village Corporation; pledge of revenues. If all debts, obligations and other liabilities of the Buckfield Village Corporation are paid in full and discharged, or the holders or owners of all debts, obligations and other liabilities that have not been paid in full and discharged, have assented to the assumption of the debts, obligations and other liabilities by the Town of Buckfield and to the notation and substitution of the town as obligor in place of the Buckfield Village Corporation, when the transfer of properties pursuant to sections 1 and 2 is complete, the clerk of the Buckfield Village Corporation shall file a certificate to that effect with the Secretary of State and the corporate existence of the Buckfield Village Corporation terminates. After filing the certificate with the Secretary of State, the clerk of the Buckfield Village Corporation shall submit legislation for introduction to the Legislature to repeal Private and Special Law 1887, chapter 58, as amended.

Until the corporate existence of the Buckfield Village Corporation is terminated pursuant to this section, the gross revenues derived by the Town of Buckfield from the sale of water service in the area within the limits of the corporation must be applied first to the payment of expenses and 2nd to payments of debts, obligations and other liabilities of the Buckfield Village Corporation assumed by the town pursuant to this Act.

Sec. 6. Existing laws not affected; rights conferred subject to provisions of law. Nothing in this Act is intended to repeal or may be construed as repealing the whole or any part of any existing law, and all the rights and duties described in this Act must be exercised and performed in accordance with all the applicable provisions of and amendatory acts to the Maine Revised Statutes, Title 35-A to the extent that Title and its amendments affect the operations of the corporation.

Sec. 7. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters of the Town of Buckfield at a special town meeting called and held for the purpose not later than December 31, 2006. The meeting must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters of the Town of Buckfield 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 in the Town of Buckfield must be in session the secular day next preceding the election. The subject

matter of this Act must be reduced to the following question:

"Do you favor the dissolution of the Buckfield Village Corporation and the transfer of the corporation's assets to the Town of Buckfield?"

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 Buckfield and due certificate of the results must be filed by the town clerk with the Secretary of State.

This Act takes effect for all other purposes immediately upon acceptance by a majority of the legal voters voting at the meeting only if the total number of votes cast for and against the acceptance of this Act at the meeting equals or exceeds 15% of the total vote for all candidates for Governor cast in the Town of Buckfield at the next preceding gubernatorial election, but failure of approval by the necessary percentage of voters at any meeting does not prohibit a subsequent meeting or meetings to be held for the same purpose on or before July 1, 2007.

Effective pending referendum.

CHAPTER 41

S.P. 661 - L.D. 1744

An Act To Create the Washburn Water and Sewer District

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

Sec. 1. Territorial limits; corporate name.

The territory and inhabitants of the Town of Washburn constitute a water and sewer district under the name Washburn Water and Sewer District, referred to in this Act as "the district."

Sec. 2. Powers; authority; duties.

The district has all the powers and authorities and is subject to all the requirements and restrictions provided to a water district in the Maine Revised Statutes, Title 35-A, chapter 64. The district has all the powers and authorities and is subject to all limitations and restrictions provided to a sanitary district formed under Title 38, chapter 11, except that sections 1062, 1101, 1102, 1103, 1104, 1105, 1106 and 1162 do not apply to the district and any notice of impending automatic foreclosure issued by the district pursuant to section 1208 must bear the name "Washburn Water and Sewer District" in all appropri-

ate locations. The provisions of Title 38, chapter 12 do not apply to the district.

Sec. 3. Number of trustees. The board of trustees of the district is composed of 3 trustees. A trustee must be a resident of the district and reside in a household to which the district's service is provided.

Sec. 4. First board. The first board of trustees of the district is appointed by the municipal officers of the Town of Washburn. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410.

Sec. 5. Terms of trustees. After the appointment of the first board of trustees of the district, trustees are elected to 3-year terms.

Sec. 6. Acquisition of property of Washburn Water and Sewer Department. The district, through its trustees, may acquire by purchase the plants, properties, assets, franchises, rights and privileges owned by the Washburn Water and Sewer Department, including, without limitation, all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants, tools, treatment systems, treatment facilities and pump stations and all apparatus and appliances used or usable in supplying water and in providing sewer service within the district.

Sec. 7. Assumption of debts. On the date of purchase of the property of the Washburn Water and Sewer Department by the district pursuant to section 6, the district shall assume all of the outstanding debts, obligations and liabilities of the department, including, without limitation, the assumption by the district of any outstanding notes or bonds of the department that are due on or after the date of purchase. If the debt, obligations, liabilities, notes or bonds are not assumable, then the district shall otherwise be obligated for their repayment.

Sec. 8. Transfer of contracts, permits and licenses. All contracts between the Washburn Water and Sewer Department and any person, firm or corporation that are in effect on the date of purchase pursuant to section 6 are assumed and must be carried out by the district. All permits and licenses held by the department that are in effect on the date of purchase pursuant to section 6 are assumed by the district.

Sec. 9. Approval of Public Utilities Commission. The sale and transfer by the Washburn Water and Sewer Department to the district of its plants, properties, assets, franchises, rights and privileges and the assumption by the district of the department's outstanding debts, obligations and liabilities and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the district within the limits of the district are subject

to the approval of the Public Utilities Commission under the Maine Revised Statutes, Title 35-A, Part 1. The requirements of this section only apply to the water utility portion of the Washburn Water and Sewer Department and the district.

Sec. 10. 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 within 2 years of the effective date of this Act. 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 Washburn Water and Sewer District and permitting it to acquire assets of the Washburn Water and Sewer Department?"

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 Washburn 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 within 2 years of the effective date of this Act.

Effective pending referendum.

CHAPTER 42

H.P. 1393 - L.D. 1988

An Act To Raise the Debt Limit of the City of Brewer High School District

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

Sec. 1. P&SL 1925, c. 4, §1, is amended to read:

Sec. 1. City of Brewer High School District incorporated; purposes. Subject to the