

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

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

provisions of section ~~eight hereof~~ 8, the ~~city~~ City of Brewer ~~shall constitute~~ constitutes a body politic and corporate under the name of the City of Brewer High School District for the purpose of erecting, equipping, repairing, renovating and maintaining a high school within ~~said that~~ said district ~~upon land already secured for the purpose and located at the corner of Center and Somerset Streets, as is hereinafter provided, for the benefit of the inhabitants thereof.~~

Sec. 2. P&SL 1925, c. 4, §1-A, first sentence, as repealed and replaced by P&SL 1949, c. 164, §1, is amended to read:

The ~~city~~ City of Brewer High School District is hereby authorized, if in the judgment of its board of trustees it is deemed necessary, to purchase land and to erect, equip, repair, renovate and maintain one or more grammar schools, a junior high school, a high school and a vocational school or any or all of such schools within ~~said that~~ said district for the benefit of the inhabitants of ~~said that~~ said district.

Sec. 3. P&SL 1925, c. 4, §2 is amended to read:

Sec. 2. City authorized to convey to district certain real estate, interests in real estate and other property. The ~~city~~ City of Brewer is hereby expressly authorized to convey to ~~said the~~ said district ~~the land situated at the corner of Center and Somerset streets now owned by it, upon which a foundation for a new high school building is already under construction, together with the plans, for a new building, already contracted for and approved by the city council~~ any real, personal or mixed property owned or held by the City of Brewer.

Sec. 4. P&SL 1925, c. 4, §5, first sentence, as amended by P&SL 2001, c. 27, §1, is further amended to read:

To procure funds for the purposes of this Act and such other expenses as may be necessary to the carrying out of ~~said those~~ purposes, the ~~said~~ district, by its trustees, is hereby authorized to issue notes and bonds, but ~~shall~~ may not incur a total indebtedness exceeding ~~the sum of \$5,000,000~~ 7.5% of the most recent state valuation of the City of Brewer at any one time outstanding.

Sec. 5. P&SL 1925, c. 4, §5, as amended by P&SL 2001, c. 27, §1, is further amended by adding at the end a new sentence to read:

The district is authorized by its trustees to enter into agreements with the Federal Government, the Maine Municipal Bond Bank and others to lend money to the district or otherwise to assist in the financing of projects that the district is authorized to carry out. The district by its trustees may borrow in anticipation of the issuance of the district's bonds and in anticipation

of the receipt of state and federal grants by issuing temporary notes and renewal notes in the name of the district.

Sec. 6. P&SL 1925, c. 4, §6, as amended by P&SL 1941, c. 74, §3, is repealed and the following enacted in its place:

Sec. 6. Sinking fund. If bonds of the district are made to run for a period of years, a sinking fund for their retirement may be established by the trustees in accordance with any applicable requirements of the Internal Revenue Code and regulations adopted under the code.

Sec. 7. P&SL 1925, c. 4, §7, first sentence is amended to read:

The trustees of the ~~city~~ City of Brewer High School District shall determine the sum to be paid annually into ~~the any~~ any sinking fund, ~~established by the Trustees~~ or, if the bonds authorized by this act ~~shall be~~ are issued to mature serially, what amount is required each year to meet the bonds falling due, and what sum is required each year to meet the interest on ~~said the~~ bonds or other obligations, and other necessary expenses in the district, and shall each year thereafter, before the first day of April, issue their warrant in the same form as the warrant of the ~~state treasurer State Treasurer~~ for taxes, with proper changes, to the assessors of the ~~city~~ City of Brewer, requiring them to assess the sum so determined upon the taxable polls and estates within ~~said the~~ said district and to commit their assessment to the constable or collector of ~~said city the~~ the City of Brewer, who ~~shall have~~ has all authority and powers to collect ~~said those~~ taxes as ~~is~~ vested by law to collect state, county and municipal taxes.

Sec. 8. P&SL 1925, c. 4, §8, first sentence, as amended by PL 1941, c. 74, §4, is further amended to read:

~~At such time as the~~ When any high school building and such other buildings the erection of which is authorized in section 1-A ~~herein shall~~ have been completed, equipped, and occupied by pupils of ~~said the~~ said district and the board of trustees of the district ~~shall have~~ has discharged all of its principal obligations and the property of ~~said the~~ said district ~~shall be~~ is free and clear of all indebtedness, the board of trustees ~~shall~~ shall automatically ~~cease~~ ceases to function, and all of the duties, management, care, renovation, repair and maintenance ~~shall~~ shall revert to the school board of the ~~city~~ City of Brewer or such other board as may, at that time, have jurisdiction over similar school property, and the ~~then~~ president and treasurer shall cause to be executed, signed and delivered, a good and sufficient deed of all the property in ~~said the~~ said district, to the ~~city~~ City of Brewer.

Sec. 9. Referendum; effective date. This Act takes effect only for the purpose of permitting its submission to the legal voters within the City of Brewer at a special or regular city election, which must be held in conjunction with a referendum election on a proposed elementary school construction project to be constructed by the City of Brewer High School District. The election must be called, advertised and conducted according to law and must be held prior to December 31, 2008. The city clerk shall prepare the required ballots, on which the city clerk shall reduce the subject matter of this Act to the following question:

"Do you favor increasing the debt limit of the City of Brewer High School District from \$5,000,000 to 7.5% of the most recent state valuation of the City of Brewer?"

The legal voters of the City of Brewer shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No."

The results must be declared by the municipal officers of the City of Brewer and due certificate of the results filed by the city clerk with the Secretary of State.

This Act takes effect upon approval of both a new elementary school construction project and acceptance of this Act by a majority of those voting at the election.

Effective pending referendum.

CHAPTER 43

H.P. 1380 - L.D. 1970

**An Act To Amend the Charter of the
Lisbon Water Department**

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

Whereas, this legislation changes the terms and time of election of the Board of Water Commissioners of the Lisbon Water Department; and

Whereas, the members of the Board of Water Commissioners are to be elected at the annual municipal election, which is held in November; 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 preserva-

tion of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. P&SL 1903, c. 241, §6, as amended by P&SL 1955, c. 34, §6, is repealed and the following enacted in its place:

Sec. 6. Water commissioners; election, tenure, vacancies, restrictions, salaries. For the purpose of carrying out the provisions of this Act, the Town of Lisbon, at a meeting duly called therefore, may as soon as this Act takes effect, if it so elects, or at anytime thereafter elect by ballot 3 water commissioners, whose duty it is to perform all acts for the town as are necessary and convenient for the full operation of this Act and all affairs of the town in connection with or incidental to the management and operation of the water system.

The Board of Water Commissioners consists of 3 water commissioners, all of whom must be residents of the Town of Lisbon and are elected at the annual municipal election for a term of 3 years. The term of a water commissioner elected after July 1, 2006 runs from July 1st of the year following the election to June 30th of the 3rd year following commencement of the term.

Until June 30, 2006, the Board of Selectmen and beginning July 1, 2006, the Town Council of the Town of Lisbon shall fill any vacancy in the Board of Water Commissioners occurring by death, resignation, removal of domicile from the Town of Lisbon or other legal cause. When a member of the Board of Water Commissioners ceases to be a resident of the Town of Lisbon, the water commissioner shall vacate the office of the water commissioner and the vacancy must be filled as provided in this section.

No other elected officer of the Town of Lisbon is eligible to be elected to or appointed to the Board of Water Commissioners. A member of the Board of Water Commissioners is not eligible to be elected to any other office in the Town of Lisbon.

The salary of the members of the Board of Water Commissioners is determined by the Town Council annually by ordinance. Salaries of the water commissioners must be paid from revenues of the Lisbon Water Department.

PART B

Sec. B-1. Existing water commissioners; transition. The members of the Board of Water Commissioners of the Lisbon Water Department