

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. 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

holding office on the effective date of this Act hold office as water commissioners for the terms for which they were elected. The water commissioner whose term expires at the 2006 annual town meeting is eligible for election at the November 2006 municipal election, and that term is extended until June 30, 2007. The water commissioner whose term expires at the 2007 annual town meeting is eligible for election at the November 2007 municipal election, and that term is extended until June 30, 2008. The water commissioner whose term expires at the 2008 annual town meeting is eligible for election at the November 2008 municipal election, and that term is extended to June 30, 2009.

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

Effective March 24, 2006.

CHAPTER 44

S.P. 691 - L.D. 1774

An Act To Improve the Water Quality and Safety of Phillips Lake

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

Whereas, the following legislation is necessary to provide landowners the opportunity to request an adjudicatory hearing to establish a water level regime; and

Whereas, in order to provide for water level regime proceedings in a timely manner, taking into account the seasonal changes in water flow, it is necessary to begin the water level regime process before the usual date for nonemergency legislation; 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 2005, c. 17, §1 is amended to read:

Sec. 1. Lucerne-in-Maine Village Corporation authorized to construct, operate and maintain dam. The Lucerne-in-Maine Village

Corporation in the Town of Dedham, Hancock County is authorized to construct, operate and maintain a dam at the outlet at the north end of Phillips Lake in the Town of Dedham. ~~The~~ Unless a water level regime is established by the Commissioner of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, chapter 5, subchapter 1, article 3-A, subarticle 4, the dam, including any flashboards, must be constructed, operated and maintained at no higher than 227 feet above sea level as established by the National Geodetic Survey and at a width that is no less than the current width of the dam.

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

Effective March 30, 2006.

CHAPTER 45

S.P. 774 - L.D. 2012

An Act Amending and Restating the Charter of The President and Trustees of Colby College

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

Whereas, the changes to the charter of Colby College set forth in this Act must take effect immediately so that the college can appoint or reappoint trustees in time for the annual board meeting held during the college's commencement exercises in May; 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:

PART A

Sec. A-1. Name. The corporation created by Chapter CXXXI, enacted by the Senate and House of Representatives in General Court assembled of the Commonwealth of Massachusetts and approved by the Governor February 27, 1813, entitled "An Act to Establish a Literary Institution in the District of Maine, within this Commonwealth," and now known as "The President and Trustees of Colby College," is hereby continued as a body politic and corporate by that name forever.