

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2006**

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.

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**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.

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**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.

**Sec. A-2. Purposes.** The purposes and objects of the corporation are to educate persons of all ages both within and without the State of Maine and to promote education generally; to compile, present and disseminate knowledge and information through any means of communication; and to establish and maintain in the State of Maine an institution for the purpose of educating youth and others, to be called and known by the name of Colby College.

**Sec. A-3. Powers of corporation.** The corporation has all powers necessary and proper to carry out the foregoing purposes. Without limiting the generality of the foregoing, the corporation has the following powers:

1. To have one common seal, which it may change, break or renew at its pleasure, and all deeds signed and delivered by any officer or other employee of the corporation and sealed with its seal by order of the corporation, when in its corporate name, are considered in law as deeds of the corporation;

2. To have, hold and take in fee simple or any less estate by gift, grant, devise or otherwise any lands, tenements or other estates, real or personal, in an unlimited amount; to act as trustee of real and personal estate; to borrow money and to mortgage and pledge its interest in any property to secure its borrowings; and to purchase, sell, manage, operate, control and otherwise deal in real and personal property of any name or nature;

3. To sue and be sued in all actions real, personal and mixed and to prosecute and defend the same to final judgment and execution by the name of The President and Trustees of Colby College;

4. To determine at what times and places within or without the State of Maine the meetings of the corporation are held and on the manner of calling and of fixing the time and place and notifying the members to convene at such meetings;

5. To elect or appoint a Chair of the Board of Trustees, a President, one or more Vice Presidents, a Treasurer, a Secretary, professors of various grades, tutors, instructors, lecturers and other officers or employees as necessary to fill offices or positions the corporation from time to time may create; to determine the duties, salaries, emoluments and tenures of such offices and positions; and to remove any person from any such office or position;

6. To purchase, construct, erect, maintain, operate, repair, demolish or replace houses, buildings or other structures or scientific or other equipment of any nature as the corporation determines desirable or necessary for carrying out the purposes of the corporation;

7. To make and ordain, as occasion may require, reasonable rules, orders and bylaws, not inconsistent with the laws of this State, with reasonable penalties, for the good government of the corporation or institution and to determine and prescribe the mode of ascertaining the qualifications of the students requisite to their admission;

8. To carry on research and experimentation in all fields of knowledge;

9. To confer such degrees as are usually conferred by universities, colleges or other institutions of learning, including honorary degrees, and to issue or confer such other diplomas, certificates or evidence of progress or accomplishment in any field of education as the corporation may see fit;

10. To receive and hold bequests, gifts and endowments and to invest and reinvest the same and to create and carry out annuity contracts or other arrangements or agreements for the payment of sums of money to or for the support of the donor or other persons in connection with any gift or endowment to be received by the corporation, and all money held by the corporation in all forms of securities or real or personal property and the net income from such investments must be used for the furtherance of the purposes of the corporation; and

11. To delegate to any officer, committee or other person or persons connected with the corporation any of the foregoing powers except the election or removal of trustees, the President, Vice Presidents, Secretary or Treasurer and the making or amending of bylaws or such powers as the bylaws place exclusively in the hands of the corporation.

**Sec. A-4. Members.** The members of the corporation consist of the trustees. The President, for the time being in office, is a trustee ex officio, but no other officer may be an ex officio trustee unless so designated by the bylaws. The number of trustees, exclusive of any ex officio member, may never be greater than 35 nor less than 24. The corporation has full power and authority, from time to time as the corporation determines, to remove any trustee when in its judgment the trustee is rendered incapable of discharging the duties of the trustee's office and to fill all vacancies in the corporation by electing such persons for such terms, except as provided in this Act, as the corporation determines best. The Colby College Alumni Association is entitled to elect not fewer than 6 nor more than 9 of the trustees in such manner, with such conditions of eligibility and for such terms not exceeding 6 years, as the association may determine.

**Sec. A-5. Restrictions.** The corporation may not make or have any rule or bylaw requiring that any member of the trustees be of any particular religious

denomination. A student belonging or who may hereafter belong to the institution, sustaining a fair moral character, may not be deprived of any privileges of the institution, be subjected to the forfeiture of any aid that has been granted by the institution for the purpose of enabling the student to prosecute that student's studies, be denied the usual testimonials on that student's closing studies or be denied admission to the institution on the ground that the student's interpretations of the Scriptures differ from those contained in the articles of faith adopted or to be adopted by the institution.

**Sec. A-6. Reserved powers.** The Legislature of this State has the right to grant any further powers to the corporation or to alter, limit or restrain any of the powers by this Act vested in the corporation as determined necessary to promote the best interests of the corporation. The corporation shall render an account to the Legislature, whenever the Legislature requires, of all the corporation's proceedings and the manner of disposing of the funds of the institution.

## PART B

**Sec. B-1. P&SL 1959, c. 42,** as amended, is repealed.

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

Effective March 30, 2006.

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## CHAPTER 46

### H.P. 1420 - L.D. 2019

#### An Act To Amend the Charter of the Kennebunk Light and Power District

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

**Whereas,** the Kennebunk Light and Power District needs to install a 115/12.47 kV substation and to undertake related work in order to ensure that its facilities remain capable of delivering reliable and adequate supplies of electric power and energy to the consumers it serves; and

**Whereas,** the present borrowing capacity of the district is not large enough to finance the project; and

**Whereas,** it is essential that the work be completed as soon as possible in order to continue to provide safe, reliable and adequate retail electric service to the inhabitants of the district and to protect the present expenditures; 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 1951, c. 53, §17, first and 4th sentences,** as amended by P&SL 1979, c. 1, are further amended to read:

For accomplishing the purposes of this act, and for any other expenses that may be necessary for the carrying out of those purposes, ~~said~~ the district, through its trustees, is authorized from time to time to borrow money temporarily and to issue therefor the interest bearing negotiable notes of the district, not to exceed ~~\$2,000,000~~ \$6,000,000 at any one time outstanding.

For the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses incurred in the creation of the district, and in acquiring those properties and franchises of the ~~town~~ Town of Kennebunk, hitherto known as the Kennebunk Light Department; of taking water and land, paying damages, erecting, constructing, maintaining and operating power plants, dams, reservoirs, buildings, transmission lines and poles, and all other things or apparatus incidental or necessary to the purposes of this act, and making renewals, extensions, additions and improvements to the same, and to cover interest payments during the period of construction, the ~~said~~ district, through its trustees, may from time to time issue bonds of the district to an amount or amounts necessary in the judgment of the trustees therefor, but in no event ~~shall~~ may the amount or amounts of said bonds exceed ~~\$2,000,000~~ \$6,000,000 at any one time outstanding, bearing interest at such a rate or rates and having such terms and provisions as the trustees may determine.

**Sec. 2. P&SL 1951, c. 53, §17,** as amended by P&SL 1979, c. 1 and P&SL 1981, c. 39, §§1 and 2, is further amended by adding at the end 5 new paragraphs to read:

Notwithstanding any other provision of this section, the district, through its trustees, may issue bonds, notes or other evidences of indebtedness at any one time in amounts exceeding the debt limit specified in this section if a greater debt limit is established by referendum in accordance with the following procedures. The trustees shall propose a higher debt limit and submit it for approval in a districtwide referendum. The referendum must be called, advertised and conducted according to the law relating to municipal