

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. 7. Hold harmless provision. The municipal officers, municipal officials and residents of the Town of Cumberland; the directors and member municipalities of Maine School Administrative District 51; the representatives of the secession territory; the municipal officers, municipal officials and residents of the Town of Chebeague Island; and all their agents are immune from liability for any action taken as a result of this Act.

Sec. 8. Enforcement. The Town of Chebeague Island, the Town of Cumberland or SAD No. 51, or their successors in interest, may enforce this Act by civil action in Superior Court. In any action between the Town of Chebeague Island and SAD No. 51, the court shall award reasonable attorney's fees to the prevailing party.

See title page for effective date.

CHAPTER 48

S.P. 791 - L.D. 2047

An Act To Provide for the 2006 and 2007 Allocations of the State Ceiling on Private Activity Bonds

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

Whereas, the Maine Revised Statutes, Title 10, section 363 and Private and Special Law 2005, chapter 5 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 2006, but leave a portion of the state ceiling unallocated and do not provide sufficient allocations for certain types of private activity bonds that may require an allocation prior to the effective date of this Act if not enacted on an emergency basis; and

Whereas, if these bond issues must be delayed due to lack of available state ceiling, the rates and terms under which these bonds may be issued may be adversely affected, resulting in increased costs to beneficiaries or even unavailability of financing for certain projects; 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. Allocation to Treasurer of State. The \$5,000,000 in state ceiling for calendar year 2006 previously allocated to the Treasurer of State remains allocated to the Treasurer of State to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5. Five million dollars of the state ceiling for calendar year 2007 is allocated to the Treasurer of State to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5.

Sec. 2. Allocation to Finance Authority of Maine. The following amounts are allocated to the Finance Authority of Maine.

1. The \$30,000,000 in state ceiling for calendar year 2006 previously allocated to the Finance Authority of Maine remains allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6 for calendar year 2006. Fifteen million dollars of the state ceiling for calendar year 2006 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6 for calendar year 2006. Forty million dollars of the state ceiling for calendar year 2007 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

2. No portion of the state ceiling for calendar year 2006 was previously allocated to the Finance Authority of Maine to be used in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8-A. Twenty-five million dollars of the state ceiling for calendar year 2006 is allocated to the Finance Authority of Maine, the entity designated pursuant to Title 20-A, section 11407, to use in accordance with Title 10, section 363, subsection 8-A. Forty million dollars of the state ceiling for calendar year 2007 is allocated to the Finance Authority of Maine, the entity designated pursuant to Title 20-A, section 11407, to be used in accordance with Title 10, section 363, subsection 8-A.

Sec. 3. Allocation to Maine Municipal Bond Bank. The \$10,000,000 of the state ceiling for calendar year 2006 previously allocated to the Maine Municipal Bond Bank remains allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7 for calendar year 2006. Ten million dollars of the state ceiling for calendar year 2007 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

Sec. 4. Allocation to Maine Educational Loan Authority. No portion of the state ceiling for calendar year 2006 was previously allocated to the

Maine Educational Loan Authority. Thirty million dollars of previously unallocated state ceiling for calendar year 2006 is allocated to the Maine Educational Loan Authority to be used in accordance with Title 10, section 363, subsection 8. Ten million dollars of the state ceiling for calendar year 2007 is allocated to the Maine Educational Loan Authority to be used in accordance with Title 10, section 363, subsection 8.

Sec. 5. Allocation to Maine State Housing Authority. The \$40,000,000 of the state ceiling for calendar year 2006 previously allocated to the Maine State Housing Authority remains allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4 for calendar year 2006. Forty million dollars of the state ceiling for calendar year 2007 is allocated to the Maine State Housing Authority to be used or reallocated in accordance with Title 10, section 363, subsection 4 in calendar year 2007.

Sec. 6. Unallocated state ceiling. Of the state ceiling for calendar year 2006, \$91,610,000 is unallocated and must be reserved for future allocation in accordance with applicable laws. Of the state ceiling for calendar year 2007, \$101,610,000 is unallocated and must be reserved for future allocation in accordance with applicable laws.

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

Effective April 7, 2006.

CHAPTER 49

H.P. 1470 - L.D. 2078

An Act To Establish the Island Falls Water District

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

Sec. 1. Territorial limits; corporate name. Pursuant to the Maine Revised Statutes, Title 35-A, chapter 64, the inhabitants and that part of the Town of Island Falls constitute a standard district under the name Island Falls Water District, referred to in this Act as "the district," described as follows:

Beginning at a point 46° 0'2.23"N, 68° 16'3.53"W; thence in a northwesterly direction to a point 46° 1'0.93"N, 68° 16'53.87"W; thence in a northeasterly direction to a point 46° 1'11.92"N, 68° 16'34.27"W; thence in a southeasterly direction to a point 46° 0'45.61"N, 68°

15'38.34"W; thence continuing in a southeasterly direction to a point 46° 0'41.58"N, 68° 15'19.55"W; thence in a northeasterly direction to a point 46° 1'1.11"N, 68° 15'0.62"W; thence in a southeasterly direction to a point 46° 0'48.72"N, 68° 14'42.68"W; thence in a southwesterly direction to the point of beginning.

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.

Sec. 3. Power to take water. The district is authorized to take, to hold and to convey within the Town of Island Falls and from any part of the town water from any surface water or groundwater source within the town.

Sec. 4. Number of trustees. The board of trustees of the district is composed of 3 trustees. A trustee must be a resident of the district.

Sec. 5. First board. The first board of trustees of the district is appointed by the municipal officers of the Town of Island Falls. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410.

Sec. 6. Terms of trustees. After the appointment of the first board of trustees of the district, trustees are elected to 3-year terms.

Sec. 7. Acquisition of property of Island Falls Water Department. The district, through its trustees, may acquire by purchase the plants, properties, assets, franchises, rights and privileges owned by the Island Falls Water 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 within the district.

Sec. 8. Assumption of debts. On the date of purchase of the property of the Island Falls Water Department by the district pursuant to section 7, 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. 9. Transfer of contracts, permits and licenses. All contracts between the Island Falls Water Department and any person, firm or corporation that are in effect on the date of purchase pursuant to