

# 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**

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.

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## 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

section 7 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 7 are assumed by the district.

**Sec. 10. Approval of Public Utilities Commission.** The sale and transfer by the Island Falls Water 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.

**Sec. 11. 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 Island Falls Water District and permitting it to acquire assets of the Island Falls Water 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 Island Falls 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.

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## CHAPTER 50

### H.P. 1418 - L.D. 2018

#### **An Act To Allow Consolidation of the Winterport Sewerage District and the Winterport Water District To Create Incentives for Consumers To Pay Water Bills**

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

**Whereas,** the Winterport Sewerage District was created by Private and Special Law 1971, chapter 143; and

**Whereas,** the Winterport Water District was created by Private and Special Law 1969, chapter 94; and

**Whereas,** the 2 districts wish to merge their charters in order to reduce management expenses as the result of unified management as one district; and

**Whereas,** it is imperative that action be taken at the earliest possible moment to allow for continuity of services provided by the Winterport Water District and the Winterport Sewerage District; 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 1969, c. 94, §1** is amended to read:

**Sec. 1. Territorial limits; corporate name; purposes.** ~~Subject to the provisions of section 19 hereof, the~~ The inhabitants and territory of the Town of Winterport in the County of Waldo ~~shall~~ constitute a body politic and corporate under the name of Winterport Water District, referred to in this Act as "the district," for the purpose of supplying ~~said the~~ Town of Winterport; and the inhabitants and others of ~~said the~~ district, with pure water for domestic, sanitary, commercial, industrial, agricultural and municipal purposes and for the purpose of supplying the town and inhabitants and others within the territory of the district with sewer services.

**Sec. 2. P&SL 1969, c. 94, §§1-A and 1-B** are enacted to read: