

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

All Other	\$3,398,057	\$0
TOTAL ALLOCATIONS	\$10,958,309	\$0

Sec. 2. Attribution of costs. The expenses identified in section 1 are charged to the Maine State Retirement System's participating employers as follows.

MAINE STATE RETIREMENT SYSTEM	2007-08	2008-09
State of Maine	\$8,985,814	\$0
Participating Local Districts	\$1,972,495	\$0
MAINE STATE RETIREMENT SYSTEM TOTAL ATTRIBUTIONS	\$10,958,309	\$0

Sec. 3. Transfers of allocation; year-end balances. Transfers of allocations and carry-forwards of unexpended balances must be carried out in accordance with the Maine Revised Statutes, Title 5, section 17103, subsection 13.

Sec. 4. Collective bargaining agreements approval. The latest collective bargaining agreements previously approved by the Legislature expired on October 31, 2006. Successor bargaining is underway. The allocations made in section 1 of this Act and the attributions made in section 2 of this Act do not include any amounts that might be required to fund the new collective bargaining agreements.

Sec. 5. Authorization to expend unauthorized funds in the Expense Fund. Of the amount authorized to be expended in section 1 of this Act for the administrative operating costs of the Maine State Retirement System, \$600,000 will be provided from the system's Expense Fund established in the Maine Revised Statutes, Title 5, section 17301.

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

Effective May 10, 2007.

CHAPTER 10

H.P. 974 - L.D. 1382

An Act To Create a Utility District in Edgcomb

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

Sec. 1. Territorial limits; corporate name, purpose. The inhabitants and territory of the Town of Edgcomb constitute a body politic and corporate under the name of Edgcomb Utility District, referred to in this Act as "the district," for the purpose of supplying the Town of Edgcomb and the inhabitants and others of 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. Powers and authority as water utility. Except as otherwise expressly provided in this charter, the district, for the purposes of performing the functions of a water utility, has all the powers, rights, privileges and authority and is subject to all the requirements and restrictions of a standard water district under the Maine Revised Statutes, Title 35-A, chapter 64.

Sec. 3. Powers as sewer district. Except as otherwise expressly provided in this charter, the district, for the purposes of supplying the town and inhabitants and others within the territory of the district with sewer services, has all the powers, rights, privileges and authority and is subject to all the requirements and restrictions of a sanitary district formed under the Maine Revised Statutes, Title 38, chapter 11, except that sections 1062, 1101, 1102, 1103, 1104, 1105, 1106 and 1162 do not apply to the district.

Sec. 4. Additional powers. The district has the authority to contract with other water districts, sewer districts and sewer departments for the provision of water service and wastewater treatment.

Sec. 5. Contracts of town. All water and wastewater contracts and leases and any other obligations between the Town of Edgcomb and any person, firm or corporation relating to supplying water or sewer services that are in effect on the date of the transfer pursuant to section 9 by the Town of Edgcomb to the district are assumed and carried out by the district.

Sec. 6. Number of trustees. The board of trustees of the district is composed of 3 trustees. A trustee must be at least 18 years of age and a registered voter of the Town of Edgcomb.

Sec. 7. First board. The first board is appointed by the municipal officers of the Town of Edgcomb in accordance with this Act. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410.

Sec. 8. Terms of trustees. After the appointment of the first board of trustees of the district, trustees are appointed to 3-year terms.

Sec. 9. Acquisition of property of Town of Edgcomb. The district, through its trustees, may

acquire by purchase the water-related and wastewater-related plants, property, assets and franchises owned by the Town of Edgecomb that are used or usable in supplying water and sewer service within the district.

Sec. 10. 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 a town meeting called for that purpose and held by July 1, 2010. The meeting must be called by the municipal officers of the town and be held at the regular voting places. The meeting 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 meeting. The subject matter of this Act is reduced to the following:

"To see if the Town will vote to create the Edgecomb Utility District and permit the district to acquire the water and wastewater assets of the Town of Edgecomb"

The results must be declared by the municipal officers of the Town of Edgecomb 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 acceptance by a majority of the legal voters voting at the town meeting. Failure to achieve the necessary approval by a majority of voters at a town meeting does not prohibit subsequent warrant articles consistent with this section, provided the town meetings are held prior to July 1, 2010.

Effective pending referendum.

CHAPTER 11

H.P. 1165 - L.D. 1656

An Act To Amend the Fryeburg Water District Charter

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

Whereas, the health, safety and convenience of the customers of the Fryeburg Water Company require adequate and affordable water service; 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:

Sec. 1. P&SL 2005, c. 14, §3, first ¶ is amended to read:

Sec. 3. Additional powers. The district is authorized to enter into contracts with appropriate entities to arrange for, or provide, continued service to existing customers of the Fryeburg Water Company who are located outside the territory of the district to the extent permitted under and in accordance with applicable laws and rules. The district is also authorized to provide continued service to existing customers of the Fryeburg Water Company who are located outside the territory of the district. The district is authorized to own transmission mains, distribution pipes, service pipes, pumping equipment and other property pertinent to the operation of a water utility located in East Conway, New Hampshire.

Sec. 2. P&SL 2005, c. 14, §8, first ¶ is amended to read:

Sec. 8. District authorized to acquire property and franchises of Fryeburg Water Company. The district, through its trustees, may acquire by purchase the Fryeburg Water Company and the entire plant, properties, franchises, rights and privileges owned by the Fryeburg Water Company, located within the district and located in East Conway, New Hampshire, including all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants and tools and all apparatus and appliances used or usable in supplying water in the area of the district or in East Conway, New Hampshire. The district is authorized to acquire by purchase the common stock of the Fryeburg Water Company as long as the stock is acquired for the sole purpose of allowing the district to acquire the Fryeburg Water Company. The district may acquire by the exercise of the right of eminent domain, a right expressly delegated to the district for that purpose, the Fryeburg Water Company and the entire plant, properties, franchises, rights and privileges, except cash assets and accounts receivable, owned by the Fryeburg Water Company, including all lands, waters, water rights, dam structures, reservoirs, pipes, machinery, fixtures, hydrants and tools and all apparatus and appliances used or usable in supplying water in the area of the district. Except as otherwise expressly provided in this section and in furtherance of the acquisition of the Fryeburg Water Company pursuant to this section, the district may also acquire by the exercise of the right of eminent domain any tangible or intangible personal property that represents or constitutes an ownership interest in the company by another person or entity.