

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

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 Columbia Falls Village Water District and permitting it to acquire assets of the Allen Water Company?"

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 Columbia 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.

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

Effective pending referendum.

CHAPTER 13

H.P. 945 - L.D. 1336

An Act To Allow the Town of Kennebunk To Adjust the Definition of Original Assessed Value for the Route 1 Municipal Tax Increment Financing District

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

Sec. 1. Authorization to adjust the definition of "original assessed value." Notwithstanding the Maine Revised Statutes, Title 30-A, section 5222, the Town of Kennebunk may define "original assessed value" for the tax increment financing district it designated between April 1, 2003 and March 31,

2004 as the assessed value of the district as of April 1, 2003.

See title page for effective date.

CHAPTER 14

S.P. 369 - L.D. 1117

An Act To Amend the Charter of the Somerset Woods Trustees

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

Sec. 1. P&SL 1927, c. 109, §1 is amended to read:

Sec. 1. Corporators; corporate name; powers; purposes. Louise H. Coburn, George Otis Smith, William Philbrick, Francis H. Friend, Gertrude S. Weston and Ernest C. Butler all of Skowhegan in the county of Somerset and ~~state~~ State of Maine and Joseph C. Smith of Waterville in the county of Kennebec and ~~state~~ State of Maine, their associates, successors and assigns, be and they hereby are constituted a body, politic and corporate, by the name of Somerset Woods Trustees, with power to fill vacancies in their numbers and to increase their number by election of a majority thereof by ballot of other members not to exceed ~~twelve~~ 12 in all for the purpose of acquiring, holding, managing, arranging, maintaining and where practicable, opening to the public under suitable regulations to be established by ~~said~~ the corporation; such tract or tracts of land, easements, licenses or other rights in land, as ~~said~~ the corporation may be able to acquire, whether alone or in common or jointly with others, or to join by corporate action or donations or both with other organizations with purposes consistent with the purposes of this corporation in cooperative ventures for the acquisition of land, easements, licenses or other rights in land, within the county of Somerset, with the right and power to hold such personal property as may be necessary or convenient in the managing of ~~said~~ the tract or tracts of land acquired and held as ~~aforsaid~~, with the powers and privileges and subject to the duties set forth in ~~chapter fifty one of the revised statutes of the state of Maine~~ the Maine Revised Statutes, Title 35-A, chapter 37, and in such other general laws as now are or hereafter may be in force relating to such corporations, ~~providing, however, except that said the corporation shall have no may not have~~ capital stock nor ~~shall it may the~~ corporation pay any compensation to any of its members in lieu of salary or wages.

Sec. 2. P&SL 1927, c. 109, §2, as amended by P&SL 1995, c. 24, §1, is further amended to read:

Sec. 2. Authority to hold property; limit. ~~Said~~ The corporation may acquire and hold by gift, ~~barter~~, grant, devise or purchase, real estate, ~~such as it the corporation may deem~~ determine worthy of preservation for the enjoyment of the public directly or indirectly, with the right to sell, ~~barter~~ and convey any part of ~~said~~ the real estate, ~~if in the changing conditions it seems advisable to sell any part thereof~~ and hold by gift, ~~barter~~, grant, devise or purchase, such other property, both real and personal, as may be necessary or proper to support or promote the objects of the corporation.

Sec. 3. P&SL 1927, c. 109, §4, as amended by P&SL 1995, c. 66, §1, is further amended to read:

Sec. 4. Dividends prohibited; income, how expended. The corporation may not make a dividend or division of or from its property or income among its members, but the net income and proceeds from any part of its property must be expended for public benefits, not supported by taxation, ~~in the town where the land from which the income or proceeds are derived is located.~~ A member, trustee, director or officer of the corporation may not receive any portion of the net earnings or assets of the corporation, and a private individual may not receive any of these earnings or assets except as reasonable compensation for services rendered. In the event of dissolution, all of the remaining net assets of the corporation must be distributed to a governmental entity or to another corporation exempt from federal income taxation under the Internal Revenue Code, Section 501(c)(3).

See title page for effective date.

CHAPTER 15

S.P. 393 - L.D. 1205

An Act To Amend the Laws Preventing the Pollution of Portland's Water Supply

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

Sec. 1. P&SL 1913, c. 157, §1 is amended to read:

Sec. 1. Trespassing on certain lands near Sebago Lake forbidden; notices must be posted. All persons are forbidden trespassing on the lands purchased, taken or otherwise acquired by the Portland Water District for the purpose of protecting the purity of the waters of Sebago ~~lake~~ Lake. Notices that the lands are ~~so~~ taken and held, ~~shall~~ must be posted in conspicuous places on ~~said~~ the lands and along the shore of ~~said~~ the lake and abutting ~~thereon~~ land and any person trespassing on ~~said~~ the lands ~~shall~~ be is liable to a fine, payable to the ~~state~~ State, of ~~not~~

~~more than twenty dollars~~ \$500 for a first offense, \$1,000 for a second offense and \$2,500 for each subsequent offense.

Sec. 2. P&SL 1913, c. 157, §2, first ¶, as amended by P&SL 1991, c. 12, §5, is further amended to read:

Sec. 2. Bathing, etc., within two miles of intake, forbidden. A person may not ~~bathe in~~ have bodily contact with the waters of Sebago Lake within 2 miles of the intakes of the Portland Water District, nor may any person wash linen or other articles of personal apparel in the waters of the lake. ~~In addition to the foregoing provision, no~~ A person shall may not, within the following described restricted area near the intakes of the Portland Water District, carry on ice fishing, operate any boat or any motorized vehicle, including snowmobiles, or trespass. The Portland Water District is authorized to place buoys in the waters of Sebago Lake and markers on the ice to define this restricted area. Any ~~such~~ buoys placed in the waters of Sebago Lake ~~shall~~ must be plainly marked as required by the Director of the Bureau of Parks and Recreation under the Maine Revised Statutes, Title 38 12, Section 323 section 1894. To the extent that this statute prohibits the operation of a boat or vehicles or the carrying on of ice fishing in an area greater than prohibited by the general laws, the Act ~~shall apply~~ applies as provided in the Maine Revised Statutes, Title 22, Section 2437 section 2648.

Sec. 3. P&SL 1913, c. 157, §2, 3rd ¶, as amended by P&SL 1971, c. 77, is further amended to read:

Any person violating the provisions of this section ~~shall be~~ is liable to a fine, payable to the State, of ~~not more than \$20~~ \$500 for a first offense, \$1,000 for a second offense and \$2,500 for each subsequent offense.

See title page for effective date.

CHAPTER 16

H.P. 622 - L.D. 825

An Act To Allow Special Olympics Maine To Conduct an Open Bass Fishing Tournament

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

Sec. 1. Open bass tournament. Notwithstanding the Maine Revised Statutes, Title 12, section 12505, the private nonprofit corporation Special Olympics Maine or a successor organization may conduct an open bass tournament on Cobscook Lake on the first Sunday in May of each year. Special Olym-