

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

law, the concept approval and the design and funding approvals granted by the State Board of Education to School Administrative District No. 32 for a school construction project to construct and equip a prekindergarten to grade 12 school in the Town of Ashland and the school construction referendum on that project conducted on January 31, 2008 and all subsequent bond anticipation borrowings by the district for that school construction project are validated and the district is authorized to issue bonds or notes in the name of the district for school construction purposes in an amount not to exceed \$21,937,929 to construct and equip that school construction project.

Sec. 2. Retroactivity. This Act applies retroactively to December 12, 2007.

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

Effective April 13, 2009.

CHAPTER 5

H.P. 218 - L.D. 275

An Act To Amend the Charter of the Limestone Water and Sewer District

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 amendments proposed in this bill are necessary for the Limestone Water and Sewer District and the Loring Development Authority of Maine to proceed with the upgrade of the Greater Limestone Wastewater Treatment Facility; and

Whereas, the American Recovery and Reinvestment Act of 2009 was signed by the President on February 17, 2009, and within 120 days of signature the Department of Environmental Protection must obligate 50% of the \$30,000,000 allotted to the State for wastewater projects, such as the proposed upgrade to the Greater Limestone Wastewater Treatment Facility; and

Whereas, priority ranking for the wastewater project funding is a function of the project's readiness to proceed, and the readiness of the Greater Limestone Wastewater Treatment Facility project depends on the amendments contained in this Act; 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 1957, c. 59, §8-A is enacted to read:

Sec. 8-A. Wastewater facility board. If the district acquires title to the Greater Limestone Wastewater Treatment Facility, the board of trustees is expanded to form the Greater Limestone Wastewater Treatment Facility Board, referred to in this section as "the wastewater facility board," when the board of trustees considers those matters pertaining to the management and oversight of the Greater Limestone Wastewater Treatment Facility.

1. Composition of wastewater facility board. The wastewater facility board consists of the 3 members of the board of trustees and 2 appointed members. One appointed member must be appointed by the trustees of the Loring Development Authority of Maine, and one appointed member must be a member of the Limestone Board of Selectpeople appointed by the selectpeople. The 2 appointed members serve without compensation and serve at the pleasure of their appointing entities and may be removed without cause by their appointing entities at any time.

2. Function of wastewater facility board. Whenever the board of trustees takes up matters concerning the management and oversight of the Greater Limestone Wastewater Treatment Facility, the board of trustees shall sit as the wastewater facility board. At such times, the appointed members of the wastewater facility board are entitled to sit with the board of trustees and to speak and vote on those matters specifically relating to the Greater Limestone Wastewater Treatment Facility, including, but not limited to, operation and maintenance of that facility, compliance with environmental regulations applicable to that facility, rate changes and changes in the terms and conditions of wastewater service provided by the district to the Loring Development Authority of Maine.

Sec. 2. P&SL 1957, c. 59, §12, first sentence, as amended by P&SL 1981, c. 40, is further amended to read:

For accomplishing the purposes of this ~~aet~~ Act, ~~said~~ the district, through its trustees, is authorized to borrow money temporarily in an amount not to exceed \$1,500,000 ~~§8,000,000~~, and to issue ~~therefor~~ for the borrowing of money the interest-bearing negotiable notes of the district and for the purpose of refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under this ~~aet~~ Act, including the expenses incurred in the creation of the district, in reimbursing ~~said~~ the town, in acquiring the ~~aforsaid~~ properties, privileges and franchises of the Limestone Water and Sewer Company, its successors

or assigns, by purchase or otherwise, of securing sources of supply, taking water and land, paying damages, laying pipes, constructing and maintaining and operating a water, sewerage and drainage system, and making extensions, additions and improvements to the same, the ~~said~~ district through its trustees may from time to time issue bonds of the district to an amount necessary in the judgment of the trustees ~~therefor~~ for the issuance of bonds, maturing at one time or in uniform or varying installments with or without call provisions and at or without any premium.

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

Effective April 16, 2009.

CHAPTER 6

S.P. 287 - L.D. 740

An Act To Validate the Property Tax Commitments in the Towns That are Members of Community School District No. 9

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 towns of Crystal, Dyer Brook, Island Falls, Merrill, Oakfield and Smyrna are the member towns of Community School District No. 9; and

Whereas, in accordance with the school budget validation process mandated by state law, the voters of Community School District No. 9 repeatedly rejected the school budget as proposed by the district's board of directors during the summer and fall of 2008; and

Whereas, the repeated rejection of the school budget by the voters prevented the member towns of the district from committing their property taxes in a timely manner, which led to the necessary and budgeted expenditures of those communities exceeding their revenues; and

Whereas, the 6 member towns of Community School District No. 9 committed their property taxes on the basis of a reasonably estimated school district budget; 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. Validation and authorization. Notwithstanding any other provision of law, the property taxes committed by the towns of Crystal, Dyer Brook, Island Falls, Merrill, Oakfield and Smyrna in 2008 are validated.

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

Effective April 16, 2009.

CHAPTER 7

H.P. 28 - L.D. 33

An Act To Change the Name of Township 16, Range 4, WELS, to Madawaska Lake

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, this legislation proposes a referendum to ratify changing the name of the unorganized area referred to currently as Township 16, Range 4, WELS, and located in Aroostook County to Madawaska Lake. The proposal results from the desire of residents of the township to preserve the area's identity and to erect signs to indicate this name; 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. Madawaska Lake. Wherever the designation Township 16, Range 4, WELS, appears or reference is made to that unorganized territory, that designation or reference means Madawaska Lake.

Sec. 2. Referendum for ratification. This Act must be submitted to the legal voters residing in the unorganized territory of Township 16, Range 4,