

# 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**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

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,

WELS, in Aroostook County. The date of the submission must be determined by the Aroostook County Board of Commissioners but may not be later than 6 months after adjournment of the First Regular Session of the 124th Legislature. The Aroostook County commissioners are authorized to expend such funds as necessary to implement the referendum.

The county commissioners shall cause the preparation of the required ballots, on which they shall state the subject matter of this Act in the following question:

"Do you favor changing the name of Township 16, Range 4, WELS, to Madawaska Lake?"

The voters shall indicate by a cross or a check mark placed against the words "Yes" or "No" their opinion of the question.

This Act takes effect immediately upon its acceptance by a majority of the legal voters voting at the election.

The result of the election must be declared by the Aroostook County commissioners and due certificate filed with the Secretary of State.

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

Effective April 17, 2009.

## CHAPTER 8

### H.P. 165 - L.D. 200

#### An Act To Amend the Charter of the Caribou Utilities District

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

**Sec. 1. P&SL 1945, c. 83, §1** is amended to read:

**Sec. 1. Territorial limits and corporate name and purposes.** The inhabitants and territory within the ~~town~~ City of Caribou in the ~~county~~ County of Aroostook ~~shall be, and hereby are, constituted~~ constitute a body politic and corporate under the name of the Caribou Utilities District, referred to in this Act as "the district," for the purpose of supplying the ~~town~~ City of Caribou and the inhabitants of ~~said town~~ the city or any part of ~~said town~~ the city with pure water for domestic, commercial, sanitary and municipal purposes, including the extinguishment of fires, and of supplying the ~~town~~ City of Caribou and the inhabitants of ~~said town~~ the city or any part of ~~said town~~ the City with suitable and adequate sewerage facilities.

**Sec. 2. P&SL 1945, c. 83, §2** is amended to read:

**Sec. 2. Powers of Caribou Utilities District.** ~~Said Caribou Utilities District~~ The district is ~~hereby~~ authorized for the purposes ~~aforsaid of this Act~~ to take, collect, store, flow, use, detain, distribute and convey to the ~~town~~ City of Caribou or any part ~~thereof of the city~~ water from any lake, pond, stream, or river and from any surface or underground brook, spring or vein of water in ~~said town~~ the City of Caribou; and is also authorized to locate, construct and maintain aqueducts, pipes, conduits, standpipes, hydrants, pumping stations and other necessary structures and equipment ~~therefore, for the aqueducts, pipes, conduits, standpipes, hydrants and pumping stations~~ and do all things necessary to furnish water, and sewerage and drainage for public purposes and for public health, comfort and convenience of the inhabitants of ~~said~~ the district.

**Sec. 3. P&SL 1945, c. 83, §3** is repealed and the following enacted in its place:

**Sec. 3. Right of eminent domain conferred.** The district is authorized and empowered to acquire and hold real and personal property necessary or convenient for its purposes. The district is granted the right of eminent domain as specified in the Maine Revised Statutes, Title 38, section 1152 with respect to its sewer functions and is granted the right of eminent domain as specified in Title 35-A, section 6408 with respect to its water functions.

**Sec. 4. P&SL 1945, c. 83, §4** is amended to read:

**Sec. 4. Authorized to lay mains, pipes, conduits through public ways and across private lands.** The ~~said~~ district is ~~hereby~~ authorized to lay in and through the streets, roads, ways and highways of the ~~town~~ City of Caribou and other towns served by ~~it~~ the district and across private lands ~~therein, in the city and other towns~~ and to maintain, repair and replace all such pipes, mains, conduits, aqueducts, and fixtures as may be necessary and convenient for its corporate purposes, and whenever ~~said the~~ district ~~shall lay~~ lays any pipes, aqueducts or conduits in any street, roadway or highway, ~~it~~ the district shall cause the same to be done with as little obstruction as practicable to the public travel; and shall at ~~its~~ the district's own expense, without unnecessary delay, cause the earth and pavement removed by ~~it~~ the district to be replaced in proper conditions.

**Sec. 5. P&SL 1945, c. 83, §4-A** is enacted to read:

**Sec. 4-A. Sewer extensions.** Sewer extensions are governed by the Maine Revised Statutes, Title 38, section 1252, subsection 7.