

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

CHAPTER 22
H.P. 959 - L.D. 1369

**An Act To Amend the Charter
of the Clinton Water District**

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

Sec. 1. P&SL 1945, c. 72, §1, 2nd ¶ is repealed and the following enacted in its place:

The area within the district is to be composed of that part of the town of Clinton bounded and described as follows: Beginning at a point where the Clinton-Benton town line crosses the Sebasticook River one mile south of Clinton Village; thence northeast to a point crossing Bellsqueeze Road, 1,000 feet south of Hinkley Road intersection; continuing northwest to a point at Morrison Corner where Town House Hill Road meets Battle Ridge Road to Goodrich Road; thence southeasterly along Goodrich Road to Whitten Road; continuing southeasterly, crossing Mutton Lane Road on the southern side of the I-95 overpass; continuing straight to the Sebasticook River where the Waldo-Kennebec County line crosses the Sebasticook River; following the Sebasticook River to the Benton-Clinton line; thence westerly to the point of beginning.

Sec. 2. P&SL 1945, c. 72, §1, 3rd ¶, as amended by PL 1975, c. 461, §8, is repealed.

Sec. 3. P&SL 1945, c. 72, §8 is amended to read:

Sec. 8. Board of trustees. All the affairs of ~~said the~~ district ~~shall be~~ are managed by a board of 3 trustees, resident ~~therein~~ of the district, who ~~shall be appointed by the municipal officers of the town of Clinton~~ are elected at the annual meeting of the water district. They shall hold office as hereinafter provided in the charter and until their respective successors are appointed elected and qualified. Whenever the term of office of a trustee expires, the municipal officers of the town of Clinton shall appoint a successor to serve the full term of 3 years and in case of any other vacancy arising from any cause, it shall be filled in like manner for the unexpired term. When any trustee ceases to be a resident of said the district, his that trustee's office as trustee shall be is declared vacant. During his term of office no selectman A selectperson of said the town of Clinton shall may not serve as a member of the board of trustees of the district while serving as a selectperson.

Sec. 4. P&SL 1945, c. 72, §9 is amended to read:

Sec. 9. Trustees; how elected; meetings; officers; vacancies filled for the unexpired term. The first board of trustees ~~shall must~~ be appointed within 10 days after the acceptance of this act by the voters of ~~said the~~ district, one to serve until the

first annual meeting of the district, one until the second, and one until the third ~~such annual~~ meeting. Thereafter, one member ~~shall must~~ be appointed elected at the time of each annual meeting to serve for a term of 3 years. As soon as convenient after their appointment, the trustees first appointed shall hold a meeting at some convenient place in the district, to be called by any member ~~thereof of the board~~, in writing, designating the time and place, and delivered in hand to the other ~~two 2~~ members not less than 2 full days before the meeting; ~~provided, however, that they may~~ meet by agreement and waiver without such notice. They shall then organize by the election of a ~~chairman~~ chair and clerk from their own number, adopt a corporate seal and by-laws, and perform any other acts within the powers delegated to them by law. As necessary, they may choose agents and other needful officers who ~~shall~~ serve at their pleasure, and whose compensation ~~shall be is~~ fixed by said the trustees. They shall choose annually a treasurer to serve for a term of ~~± one year; and~~ fix the treasurer's salary, which shall in no case exceed \$200 per year, and fill vacancies in that office. The treasurer shall furnish a bond, issued in such sum by a surety company as the trustees may approve, and the expense of securing the bond is to be borne by the district. Members of the board ~~shall be~~ are eligible to any office under the board, but ~~shall~~ may not receive compensation ~~therefor~~, except as trustee, unless authorized by vote of the municipal officers of the town of Clinton.

The Beginning October 1, 2009, the compensation of the trustees shall not exceed \$50 is \$700 each per year, unless otherwise provided by vote, as above defined. Increases in trustee compensation are governed by the Maine Revised Statutes, Title 35-A, section 6410, subsection 7.

The trustees ~~shall must~~ be sworn to the faithful performance of their duties as such, which ~~shall~~ include the duties of any member as clerk or clerk pro tempore. They shall make and publish an annual report, which ~~shall must~~ also contain a report of the treasurer.

Nominations and elections of trustees and provisions for filling vacancies on the board of trustees are governed by the Maine Revised Statutes, Title 35-A, section 6410, subsection 1.

Sec. 5. P&SL 1945, c. 72, §10 is amended to read:

Sec. 10. Annual meeting of district; qualification of voters of district. After the acceptance of this charter and the organization of the board, the annual meeting of the district ~~shall must~~ be held within the district ~~on the 1st Monday of March~~ at a date selected by the trustees, at such hour and place as may be designated by resolution of the board of trustees as provided in the by-laws. Notice ~~thereof of the annual meeting~~; signed by the ~~chairman~~ chair or clerk of the

board, shall must be conspicuously posted in 2 public places within the district, not less than 7 days before the meeting. Special meetings may be called by the board in like manner at any time, and notice of special meetings shall must state the business to be transacted ~~thereat at the meeting~~. Ten per cent of the voters qualified to vote in such meetings shall constitute constitutes a quorum. ~~If for any reason a legally sufficient annual meeting is not held on the above date, a meeting in lieu thereof may be called in like manner to be held within 2 months from said date.~~

Sec. 6. Transition; trustees in office. Trustees of the Clinton Water District in office on the effective date of this Act may continue in office for the remainder of their terms. When the term of office of a trustee expires, that trustee's successor is elected in accordance with this Act.

See title page for effective date.

CHAPTER 23

H.P. 729 - L.D. 1054

An Act To Promote Economic Development in the Greater Portland Region

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

Sec. 1. P&SL 1945, c. 123, §2, as amended by P&SL 1951, c. 204, §1, is further amended to read:

Sec. 2. Powers. The said corporation ~~shall have~~ has the power, within the confines of Portland ~~and~~, South Portland, Westbrook, Falmouth, Cape Elizabeth and Scarborough, to ~~acquire, manage, operate or lease any business, facility structure, building, machinery or equipment owned by the federal government or any agency thereof, which may hereafter become surplus property and not needed for any function of said federal government, including, but not restricting the power aforesaid, the utilization of shipyards, wharves, trackage, dry docks and any facilities useful or necessary in connection therewith, and shall also have the power to acquire, build, manage, operate, rent or lease, other properties both real and personal, within said confines of Portland and South Portland, and for those purposes to purchase, lease, hold, own, manage, control, sell, mortgage, lease or let land, buildings, real estate and rights in real estate, and all manner of personal property, administer loans and grants to businesses and nonprofits for purposes of stimulating economic growth and revitalization efforts and fostering coordination between economic development entities within the confines of Portland, South Portland, Westbrook, Falmouth, Cape Elizabeth and Scarborough and to accept gifts thereof in trust, or otherwise.~~

Sec. 2. P&SL 1945, c. 123, §5, as amended by P&SL 1951, c. 204, §3, is further amended to read:

Sec. 5. Annual report. The corporation shall ~~have power to fix and receive by private contract or regularly established fees, revenue for the use, occupation or enjoyment of any of its property, and shall devote the same exclusively to the management, repair, replacement, construction, and reconstruction, purchase and general development of its property within the scope of its powers as herein defined, and shall render an account thereof annually to the governor and his council. It shall be the policy of the said corporation to establish as rental for the facilities to be leased by it a sum which will be in parity with comparable facilities established by private enterprises so as to prevent any undue competitive condition which would tend to handicap, destroy or put out of business existing competitive comparable facilities.~~ submit to the Governor, and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, not later than 120 days after the close of the corporation's fiscal year, a complete report on the activities of the corporation. The report must include all of the following for the previous year:

1. A description of the corporation's operations;
2. An accounting of the corporation's receipts, expenditures, assets and liabilities at the end of its fiscal year;
3. A statement of the corporation's proposed and projected activities for the ensuing year; and
4. Recommendations regarding further actions that may be suitable for achieving the purposes of this charter.

Sec. 3. Conduct of business. Notwithstanding Resolve 2007, c. 224, the Greater Portland Public Development Commission may expend funds, incur new liabilities and obligations and conduct current and new business activities in carrying out its powers.

See title page for effective date.

CHAPTER 24

H.P. 774 - L.D. 1119

An Act To Clarify the Municipal Jurisdiction of a Portion of Saco Bay

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

PART A

Sec. A-1. P&SL 1883, c. 248, §1, as amended by P&SL 2005, c. 68, §1, is further amended to read: