

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2010

CHAPTER 37
H.P. 1250 - L.D. 1756

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

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

Sec. 1. P&SL 1903, c. 82, §16 is enacted to read:

Sec. 16. Purchase water. Notwithstanding the Maine Revised Statutes, Title 22, chapter 601, subchapter 5, the Gardiner Water District is authorized to purchase nonfluoridated water from the Hallowell Water District. The Gardiner Water District shall provide all of its customers that may be affected by the change from fluoridated to nonfluoridated water with written notice of the change. The Gardiner Water District shall also inform the customers that may be affected by the change that if a customer wishes to continue to receive the benefits of fluoride, the customer should contact the customer's dentist or health care provider.

See title page for effective date.

CHAPTER 38
S.P. 690 - L.D. 1783

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

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

Sec. 1. P&SL 1899, c. 200, §1, as repealed and replaced by P&SL 1965, c. 54, is amended to read:

Sec. 1. Incorporation. The territory and people within the City of Waterville, and the ~~Towns~~ Town of Winslow and the Town of Fairfield, shall constitute a body politic and corporate under the name of the Kennebec Water District for the purpose of supplying the inhabitants of ~~said~~ the district and of the ~~Towns~~ Town of Benton and the Town of Vassalboro and all ~~said~~ the municipalities with ~~pure~~ potable water for domestic and all other lawful purposes. ~~The records of the Kennebec Water District are public and meetings of the trustees shall be open. The district is subject to the freedom of access laws under the Maine Revised Statutes, Title 1, chapter 13, subchapter 1.~~

Sec. 2. P&SL 1899, c. 200, §2 is amended to read:

Sec. 2. Take water. ~~Said~~ The district is hereby authorized for the purposes ~~aforsaid,~~ of this Act to take and hold sufficient water of any source located

within the territory of the district and of the Kennebec River, the Messalonskee ~~stream~~ Stream or its tributary lakes, or the Sebasticook ~~river~~ River or its tributary lakes, including China Lake, and may take and hold by purchase or otherwise, any land or real estate necessary for erecting dams, power, or reservoirs or ~~for~~ preserving purity of the water and ~~water shed~~ watershed, and for laying and maintaining aqueducts for conducting, discharging, distributing and disposing of water.

The district is authorized and empowered to exercise the right of eminent domain and to acquire and hold either by purchase or exercise of its right of eminent domain any land, real estate, easements or interests in any land, real estate or easements or water rights or interest in water rights for all the purposes of the district's incorporation.

When the district takes land or easements on land for its use, the district may mark the lines and boundaries of the land or easements by suitable monuments.

Proceedings for condemnation by the district must be commenced by filing in the office of the county commissioners of the county where the property is situated a certificate of taking accompanied by plans and descriptions of the property together with the names of the party or parties who are owners of record of the property and then proceedings must be held for the appraisal of damages as in the case of laying out highways by the county commissioners.

Any appeal of the district's determination of damages must be filed with the county commissioners within 30 days of notice of the district's written decision provided by personal service in hand by an officer duly qualified to serve civil process in this State or by certified mail return receipt requested.

Sec. 3. P&SL 1899, c. 200, §5, as repealed and replaced by P&SL 1995, c. 40, §1 and affected by §4, is amended to read:

Sec. 5. Trustees; how elected. All of the affairs of the district are managed by a board of trustees composed of 10 members, 4 of whom are elected by a plurality of voters of the City of Waterville, 2 of whom are elected by a plurality of voters of the Town of Winslow, 2 of whom are elected by a plurality of voters of the Town of Fairfield, one of whom is elected by a plurality of voters of the Town of Benton and one of whom is elected by a plurality of voters of the Town of Vassalboro. Trustees must be residents of the towns in which they are elected. Nominations and elections must be conducted in accordance with the Maine Revised Statutes, Title 35-A, chapter ~~63~~ 64, except as specifically provided in subsection 3 of this section.

1. Organization; conduct of business. As soon as convenient after the election of trustees, the trustees shall hold a meeting ~~in the city rooms in the City of Waterville~~ at a location within Waterville, Winslow,

Fairfield, Benton or Vassalboro and organize by the election of a president and clerk, adopt a corporate seal and, when necessary, may choose a treasurer and all other necessary officers and agents for the proper conduct and management of the affairs of the district.

All decisions of the board of trustees must be by a majority of those present and voting. A quorum of the board of trustees is 7 trustees.

Trustees are entitled to compensation in accordance with Title 35-A, ~~chapter 63~~ section 6410, subsection 7.

2. Bylaws. The trustees may adopt and establish such bylaws as are necessary for the proper management of the affairs of the district.

3. Election; vacancy. Whenever the term of office of a trustee expires, the trustee's successor must be elected as provided in this section. For the purpose of election, ~~a special~~ an election must be called and held between October 1st and November 30th prior to the expiration of the trustee's term, the election to be called by the municipal officers of the appropriate city or town. The term of the trustee so elected begins on the first Wednesday of January following the election. The trustee so elected shall serve the full term of 3 years.

If any vacancy arises in the membership of the board of trustees, it must be filled by appointment for the unexpired term by the municipal officers of the town from which the trustee was elected.

All special elections held pursuant to this section must be paid for by the district. When any trustee ceases to be a resident of the town or city from which the trustee was elected, the trustee shall vacate the office of trustee and the vacancy must be filled as provided in this section. All trustees are eligible for reelection, except that a person who is serving as a municipal officer in Waterville, Winslow, Fairfield, Benton or Vassalboro is not eligible for nomination or election as trustee ~~and no trustee may serve more than 2 consecutive terms.~~

Sec. 4. P&SL 1899, c. 200, §6 is repealed.

Sec. 5. P&SL 1899, c. 200, §7 is repealed.

Sec. 6. P&SL 1899, c. 200, §8 is repealed.

Sec. 7. P&SL 1899, c. 200, §9 is repealed.

Sec. 8. P&SL 1899, c. 200, §10, as amended by P&SL 1905, c. 152, §§3 and 9, is further amended to read:

Sec. 10. Issue bonds. The trustees of the district may, for the purpose of paying any necessary expenses and liabilities incurred under the provisions of this ~~act~~ Act including the expenses incurred ~~in acquiring the property of the Maine Water Company by purchase or otherwise,~~ in securing sources of supply, taking water and land, paying damages, laying pipes,

constructing, maintaining and operating a water plant, and making renewals, extensions, additions and improvements ~~to the same to the district's facilities,~~ issue from time to time bonds or notes of the district to an amount necessary in the judgment of the trustees ~~therefore. Said~~ The bonds shall be a or notes are legal obligation obligations of said the water district, which is hereby declared to be a quasi municipal corporation within the meaning of section ninety six, chapter forty seven of the revised statutes, and all the provisions of said section shall be applicable thereto.

The district is authorized to fund and refund indebtedness by the issuance of bonds or notes to mature serially, at such times and in such amounts as the trustees determine. The annual installments of each issue may not be less than 2 1/2% of the principal amount of the issue, and the first of such installments is payable not later than 3 years from the date of such bonds or notes and the last of which is payable not later than 40 years from that date.

The district is authorized to refund its indebtedness from time to time in whole or in part as the trustees determine to be in the best interest of the district and to borrow money temporarily for any of the legitimate purposes of the district.

Sec. 9. P&SL 1899, c. 200, §11, as amended by P&SL 1981, c. 41, §2, is further amended to read:

Sec. 11. Rates. All individuals, firms and corporations or other entities, whether private, public or municipal, shall pay to the treasurer of ~~said the~~ district the rates established by ~~said the~~ board of trustees for all water used by them, and ~~said the~~ rates shall must be uniform in their application within the district. ~~Said~~ The rates shall be so are established ~~as~~ to provide revenue for the following purposes:

I 1. To pay the current ~~running~~ operating and expenses for operating and maintaining the water system and provide for such extensions and renewals as may become necessary.

II 2. To provide for payment of principal and interest on the indebtedness of the district.

III 3. To provide each year a sum necessary to amortize over the life of the bonds or notes of the district the current portion of the ~~bonded~~ indebtedness of the district, but equal to not less than one ~~per cent~~ per cent of the entire indebtedness of the district, which sum shall must be turned into a sinking fund to provide for final extinguishment of the funded debt or applied to the payment of ~~serial bonds~~ indebtedness coming due in that year. The money set aside for the sinking fund shall must be devoted to retirement of the district's obligations or invested in such securities as savings banks are allowed to hold, or deposited at interest in savings banks, commercial banks and savings and loan associations, ~~provided~~ as long as and to the

extent that such deposits are insured by any provisions of federal law.

~~¶~~ 4. If any surplus remains at the end of the year, ~~the~~ the surplus may be transferred to the sinking fund.

Sec. 10. P&SL 1899, c. 200, §12, as amended by P&SL 1911, c. 75, is repealed.

Sec. 11. P&SL 1899, c. 200, §14, as amended by P&SL 1981, c. 41, §3, is repealed.

Sec. 12. P&SL 1899, c. 200, §15 is repealed.

Sec. 13. P&SL 1899, c. 200, §16 is repealed.

Sec. 14. P&SL 1905, c. 152, §4 is repealed.

Sec. 15. P&SL 1905, c. 152, §5 is repealed.

Sec. 16. P&SL 1905, c. 152, §6 is repealed.

Sec. 17. P&SL 1905, c. 152, §7 is repealed.

Sec. 18. P&SL 1905, c. 152, §8 is repealed.

Sec. 19. P&SL 1927, c. 79, §2 is repealed.

Sec. 20. P&SL 1927, c. 79, §3 is repealed.

Sec. 21. P&SL 1981, c. 41, §4 is repealed.

See title page for effective date.

CHAPTER 39

H.P. 1259 - L.D. 1769

An Act To Extend Access to Federal Health Insurance Premium Assistance

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 American Recovery and Reinvestment Act of 2009 provided health insurance premium assistance for a period of 9 months to persons laid off from September 1, 2008 to December 31, 2009 and eligible for continuation of health insurance coverage under state law; and

Whereas, persons eligible for continuation of health insurance coverage under state law must be provided a 2nd election period to qualify for premium assistance through the American Recovery and Reinvestment Act of 2009; and

Whereas, Public Law 2009, chapter 244, Part J, section 1 provided a 2nd election period to conform to federal law; and

Whereas, the federal Department of Defense Appropriations Act, 2010 extends the eligibility period for the premium assistance for an additional 2 months

through February 28, 2010 and extends premium assistance to 15 months; and

Whereas, the federal Temporary Extension Act of 2010 extends the eligibility period for premium assistance for an additional month through March 31, 2010; and

Whereas, immediate enactment of this Act is necessary to allow laid-off employees who receive premium assistance to qualify for the extended premium assistance; 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. Extension of current coverage. Insurers and health maintenance organizations that issued health insurance coverage during a 2nd election period required by Public Law 2009, chapter 244, Part J, section 1 and that included a 9-month coverage limit as required by that section shall extend that coverage by eliminating the 9-month limit. Such coverage may not be terminated except as provided by the Maine Revised Statutes, Title 24-A, section 2809-A, subsection 11, paragraphs F and G.

Sec. 2. Notice requirement. Insurers and health maintenance organizations that provide group health insurance policies subject to the requirements of the Maine Revised Statutes, Title 24-A, section 2809-A, subsection 11 shall provide notice, as required by Sections 3001(a)(7)(A)(ii) and 300(a)(16)(D)(i) of the American Recovery and Reinvestment Act of 2009 as amended by the federal Department of Defense Appropriations Act, 2010, Section 1010 and the federal Temporary Extension Act of 2010, Section 3. The notice must be provided by first-class mail in a form acceptable to the Superintendent of Insurance to eligible employees whose employment terminated between September 1, 2008 and March 31, 2010 and who have elected to continue coverage pursuant to Title 24-A, section 2809-A, subsection 11 and to any eligible employees whose employment terminates after March 31, 2010 who are eligible for premium assistance as provided by that section of this Act relating to future extensions.

Sec. 3. Future extensions. If the Superintendent of Insurance determines that the American Recovery and Reinvestment Act of 2009 is amended to extend premium assistance to individuals whose coverage terminates after March 31, 2010, the requirements of section 2 apply to those individuals.