

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

The results must be declared by the municipal officers of the Town of Madison and the Town of Anson 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 of each town voting at the referendum. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section as long as the referenda are held within 2 years after the effective date of this Act.

If after May 1, 2011, referenda on the question specified in this section are held in accordance with this section and a majority of the legal voters of each town voting at the referenda cast votes in favor of the question and due certificate of the results are filed with the Secretary of State, this Act takes effect when approved.

Effective pending referendum.

CHAPTER 7

H.P. 440 - L.D. 557

An Act To Qualify the Port of Eastport as Tax Exempt for Purpose of Bonding

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

Whereas, Private and Special Law 1977, chapter 14 established the Eastport Port Authority to provide vitally needed economic stimulus to the City of Eastport; and

Whereas, Private and Special Law 1979, chapter 8 increased the bonding authority of the Eastport Port Authority to \$6,000,000; and

Whereas, the federal Internal Revenue Service has determined that Eastport Port Authority as currently constituted does not qualify as a "political subdivision" under the Internal Revenue Code for purposes of issuing tax-exempt bonds; and

Whereas, the ability to exercise its current bonding authority on a tax-exempt basis will assist the Eastport Port Authority to improve and expand its facilities and contribute to job creation and economic development in Washington County; 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. P&SL 1977, c. 14, last ¶, as amended by P&SL 1993, c. 82, §1, is further amended to read:

The directors are the administrative officers of the authority and may employ assistants as they may consider necessary to carry out this Act. They shall make plans to obtain title to the wharf or wharves, or locations for the wharf or wharves, and they have the authority to acquire, construct, operate, maintain, repair and replace piers, terminals, industrial parks and transportation and warehouse facilities, roads, railways and other facilities on the land and in the waters within the limits of the City of Eastport, as will in their judgment improve and increase the harbor, docking and warehousing facilities in the City of Eastport and enter into contracts for administration, operations, management and consulting services within and beyond the boundaries of the City of Eastport. ~~With the consent of the Eastport city council, or a vote of a majority of the Eastport city council, the~~ The authority may take or acquire within the limits of the City of Eastport, real property by purchase or otherwise, by gift or grant, or by the exercise of the right of eminent domain, which right is expressly delegated to the Eastport Port Authority, and hold the real property and rights and easements to the real property as the directors may from time to time consider necessary for the purpose of constructing and maintaining the Eastport Port Authority piers, docks and warehouses, highways and other port facilities, and ~~have has~~ the right to construct suitable buildings, filling stations, ~~and~~ restaurants or engage in other business opportunities that are not in direct competition with established businesses, and ~~have has~~ the authority to lease the same, upon the terms as the directors or a majority of the directors may determine to be in the best interests of the authority, the proceeds from leases to accrue to the credit of the Eastport Port Authority. These wharves, buildings and property are exempt from taxation by the City of Eastport, except that this exemption does not exempt any lessee or person in possession, other than the port authority, from taxes or assessments payable under the Maine Revised Statutes, Title 36, section 551. The Port Authority has the right to acquire property without the approval of the city council, except that the property so acquired may not be exempted from taxation. The authority shall render annually, at the end of the fiscal year, an annual report to the city council, showing financial reports, together with recommendations and plans for the improvement and operation of facilities. The board of directors has the power to establish bylaws and all rules and regulations governing the operation and maintenance of facilities under the control of the Eastport Port Authority; charge such fees as may, in their judgment, be necessary for parking, docking and storage privileges; ~~or~~ contract for the construction of the wharf or wharves; ~~or~~ warehouse or

warehouses, and borrow money for these purposes; arrange for its financing; and provide for its protection by insurance against damage by fire, water or wind and for any other casualty ~~which that~~ the directors wish to insure against; and for liability against injury to persons and property. The directors may accept federal, state and private grants and contributions for the purposes of this Act and may enter into partnerships, joint ventures or other business relationships, either directly or through an affiliate corporation owned by the authority.

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

Effective May 19, 2011.

CHAPTER 8

S.P. 448 - L.D. 1441

An Act To Amend the Yarmouth Water District Charter

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

Sec. 1. P&SL 1923, c. 72, §2, first sentence, as amended by P&SL 1993, c. 32, §1, is further amended to read:

For any of the purposes set forth in this Act, or for the preservation and purity of its water, the district is ~~hereby~~ authorized to take and use water from the Royal River, or from any spring, pond, brook or other source of water in the ~~Towns~~ Town of Yarmouth and the Town of New Gloucester, except that the use of any source of water in the Town of New Gloucester by the district will be allowed only after approval by a joint body of equal number of representatives from both the Yarmouth Water District Board of Trustees and the ~~selectmen~~ municipal officers of the Town of New Gloucester, or from any springs, brook, pond or other source of water in the Town of North Yarmouth or the Town of Cumberland, or to purchase from any other water district or company; to conduct water through the Town of Cumberland and to conduct and distribute water into and through the ~~Towns~~ Town of Yarmouth and the Town of North Yarmouth; to survey for, locate, lay, erect and maintain suitable dams, reservoirs and machinery, pipes, aqueducts and fixtures; to carry its pipes or aqueducts under, in and over the Royal River, so called, or under or over any water course or body of water, bridge, street, railroad, highway or other way; and the district is further authorized to enter upon and excavate any highway or other way, in such manner as to ~~to~~ least ~~to~~ disturb that way, and shall leave those ways in as safe and passable condition as before ~~such~~ the excavation; to enter, pass over

and excavate any lands, and to take and hold by purchase or otherwise, any real estate, rights of way or of water, and in general to do any acts necessary, convenient or proper for carrying out any of the purposes specified in this section.

Sec. 2. P&SL 1923, c. 72, §8, as amended by P&SL 1989, c. 111, §3 and affected by §13, is further amended by amending the 11th sentence to read:

Regular meetings of the district ~~shall~~ must be held ~~annually on the third Monday in February at a time and place to be determined by the board of trustees,~~ and special meetings ~~shall~~ must be called at any time by the trustees or any member of ~~said~~ the board of trustees upon a written request of any ~~ten~~ 30 lawful voters of ~~said~~ the district.

See title page for effective date.

CHAPTER 9

S.P. 244 - L.D. 800

An Act To Allow the Town of Surry To Join School Union No. 93

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

Whereas, Public Law 2007, chapter 240, Part XXXX required the reorganization of school administrative units into regional state-approved units of administration and also repealed the provision established in the Maine Revised Statutes, Title 20-A, chapter 107 that authorized the Commissioner of Education to combine a member municipality of one school union with another school union; and

Whereas, prior to the enactment of Public Law 2007, chapter 240, Part XXXX, the Town of Surry was a member of School Union No. 92; and

Whereas, following the enactment of Public Law 2007, chapter 240, Part XXXX, the former member municipalities of School Union No. 92 have either reorganized into Regional School Unit No. 24 or Alternative Organizational Structure No. 91; and

Whereas, the Town of Surry is left with no practical means of satisfying the requirements of Title 20-A, chapter 103-A and is currently contracting with School Union No. 93 for central office services; and

Whereas, compliance with the requirements of Title 20-A, chapter 103-A is not practical for the Town of Surry due to geographic isolation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of