

# 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.**

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**Augusta, Maine**  
**2011**

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.

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## 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.

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## 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

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. Adjustment to membership of School Union No. 93.** Notwithstanding the Maine Revised Statutes, Title 20-A, chapter 103-A and Public Law 2007, chapter 240, Part XXXX, as amended, the Commissioner of Education, upon the submission of a written plan of organization that has been approved by the school boards involved in School Union No. 93 and the school board of the Surry School Department, is authorized to adjust the grouping of school administrative units in School Union No. 93 to include the Town of Surry.

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

Effective May 31, 2011.

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**CHAPTER 10**

**H.P. 230 - L.D. 286**

**An Act To Allow the Operation of Crematoriums at Oak Grove Cemetery and the Kelley Family Cemetery**

**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 City of Gardiner adopted an ordinance limiting the location of crematoriums to areas zoned as industrial, commercial or rural; and

**Whereas,** Oak Grove Cemetery in Gardiner and other local cemeteries in the greater Gardiner area are nearing capacity for burials; and

**Whereas,** the demand for cremation is increasing significantly as a result of increases in the costs of traditional funerals and burials; and

**Whereas,** there is a need for additional crematoriums in the central and eastern Maine areas to meet current demand; and

**Whereas,** cremation is a more environmentally acceptable practice than traditional burials; 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. Construction of crematoriums.** Notwithstanding the Maine Revised Statutes, Title 13, section 1341, subsection 1 and any other provision of law:

**1. Oak Grove Cemetery.** Oak Grove Cemetery, located in Gardiner, Maine, may construct, own and operate a crematorium on land owned by Oak Grove Cemetery located in an area zoned for industrial or commercial use or zoned as rural in the greater Gardiner area; and

**2. Kelley Family Cemetery.** A Maine nonprofit corporation may construct, own and operate or lease for operation a crematorium on land of the Kelley Family Cemetery located in Steuben, Maine and owned by Dreamkeepers, Inc., as long as the cemetery has been used as a cemetery for at least 2 years prior to construction of the crematorium and contains at least 20 acres during any period when the crematorium will be built and operated and the crematorium meets other requirements of law.

**Sec. 2. Conditions.** The land on which the crematorium under section 1, subsection 1 is constructed may be less than 20 acres, but not less than 3 acres. The site on which the crematorium is constructed does not need to be part of the existing Oak Grove Cemetery, but must be owned by the Oak Grove Cemetery.

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

Effective May 31, 2011.

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**CHAPTER 11**

**S.P. 464 - L.D. 1483**

**An Act To Amend the Charter of the Sanford Sewerage District**

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

**PART A**

**Sec. A-1. P&SL 1947, c. 169, §1, first ¶,** as repealed and replaced by P&SL 1977, c. 90, §1, is amended to read:

**Sec. 1. Territorial limits; corporate name; purposes.** The inhabitants and territory within the Town of Sanford in the County of York shall be, and hereby are, created a body politic under the corporate