

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
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NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

Sec. 1. Department of Agriculture, Conservation and Forestry to release a restriction on former state land in Passadumkeag currently owned by Dale Ross. The provision restricting the use to only agricultural or forestry purposes on the land in Passadumkeag currently owned by Dale Ross as required by Public Law 1993, chapter 335, and stated in a deed from the State of Maine to Dale Ross's predecessor in interest dated February 11, 1994 and recorded in the Penobscot County Registry of Deeds, Book 5564, Page 246, must be released as provided in this section. The Department of Agriculture, Conservation and Forestry shall issue a deed to Dale Ross releasing the restriction of only agricultural or forestry purposes on the land owned by Dale Ross that is subject to the restriction stated in the deed from the State of Maine to Dale Ross's predecessor in interest dated February 11, 1994 and recorded in the Penobscot County Registry of Deeds, Book 5564, Page 246. The restriction of use of the property only for agricultural or forestry purposes on the land owned by Dale Ross may be released only after Dale Ross and the Department of Agriculture, Conservation and Forestry have agreed that the State of Maine must be held harmless regarding any and all claims related to the property and the ownership of the property by the State of Maine and any predecessors in title. The release of the deed restriction and the hold harmless clause must be included in a single document constituting the deed to Dale Ross and bind all successors in title. All legal costs related to the release of the deed restriction and the agreement regarding the hold harmless clause are the responsibility of Dale Ross.

See title page for effective date.

CHAPTER 13

H.P. 467 - L.D. 675

An Act To Amend the Charter of the Veazie Sewer District

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 makes changes to the boundaries of the Veazie Sewer District; and

Whereas, the Veazie Sewer District holds its annual meeting in June and the changes made by this legislation may not take effect before the date of the meeting if this legislation is not enacted as an emergency; 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. P&SL 1951, c. 114, §1, as amended by P&SL 1979, c. 86, §1, is further amended to read:

Sec. 1. Incorporation. The portion of the territory of the town ~~Town~~ of Veazie and the inhabitants within the same, excepting the area in the most northwesterly corner of the town which is bounded by the Veazie Bangor town line, the southeasterly line of Stillwater Avenue, the Veazie Orono town line and a line extending from the intersection of the northeasterly line of Chase road, so called, with said Veazie-Bangor town line to said Veazie Orono town line, and being parallel with said southeasterly line of said Stillwater Avenue, shall constitute that lies between the Penobscot River and Interstate 95 constitutes a body politic and corporate under the name of the "Veazie Sewer District," referred to in this Act as "the district." The purpose of the district shall be to take over, control, manage and operate the sanitary sewers now owned by the Town of Veazie with all appurtenances thereto; to extend, increase, enlarge and improve the drains and sewers; to extend the present system or systems so as to furnish sewerage facilities to portions of the town not now served with such facilities; to provide for removal of sewage; to discharge sewage into the Penobscot River at points most reasonable and convenient for the district; to provide for treatment of sewage in whole or in part before discharging it into the river when, as and if such treatment becomes necessary; and generally to provide a system of sanitary sewerage drainage for public purposes and for the health, comfort and convenience of the inhabitants of the district; ~~provided that as long as nothing contained herein shall in this Act may be construed so as to vest the district with any duty of providing surface or storm water drainage.~~

Sec. 2. P&SL 1951, c. 114, §7, as amended by P&SL 1999, c. 17, §1, is further amended to read:

Sec. 7. Trustees; how elected, tenure of office; organization of board; officers; vacancies; compensation; reports. As soon as may be after the acceptance of this ~~act~~ Act as hereinafter provided, the municipal officers of the ~~town~~ Town of Veazie shall appoint 3 trustees of said district, to hold office as follows respectively: 1 until 2 days after the annual town meeting in 1952, 1 until 2 days after the annual town meeting in 1953 and 1 until 2 days after the annual town meeting in 1954. At each annual meeting of the district, 1 trustee shall be elected ~~by the inhabitants of the district then and there present and voting by the registered voters in the Town of Veazie,~~ for a term of 3 years as successor to the trustee whose term expires that year. All trustees shall serve until their successors are appointed and qualified. No trus-

tee shall be a ~~member of the board of selectmen municipal officer, other municipal official or employee of said town~~ the Town of Veazie. When any trustee ceases to be a resident of said district ~~he~~ the trustee vacates the office of trustee. Any vacancy upon the board of trustees occurring because of change of residence of trustee, resignation, death or any cause except normal expiration of term of office shall be filled by the municipal officers of the ~~town~~ Town of Veazie in the same manner in which the original board was appointed and for the unexpired portion of the term of the vacant office. All trustees shall be eligible for reelection or reappointment.

The 1st meeting of the board of trustees shall be held as soon as convenient after they have been appointed as above provided. At this original meeting, they shall elect from their membership a ~~chairman~~ chair, a clerk and a treasurer, shall adopt a corporate seal, may ordain and establish such bylaws consistent with the laws of the state as are necessary for their own convenience and the proper management of the affairs of said district, and may do all other acts, matters and things necessary to perfect their organization. ~~Within 2 weeks after~~ At the next meeting of the board of trustees following each annual meeting of the district election, the trustees shall meet for the purpose of electing a ~~chairman~~ chair, clerk and treasurer for the ensuing year and until their successors are elected and qualified. The trustees shall have the right and authority to employ and fix compensation of such officers and agents as they may deem necessary for the proper conduct and management of the affairs of the district. The trustees may also set a schedule for regular meetings.

Notwithstanding the Maine Revised Statutes, Title 38, section 1252, the trustees receive compensation as fixed by the board of trustees, except that the chair of the board of trustees may receive not more than \$500 per year and the other trustees may receive not more than \$400 per year. The treasurer shall give bond to the district in such sum and with such sureties as the trustees may determine, which bond remains in the custody of the chair. ~~The treasurer's salary trustees' salaries, bond premium premiums~~ and all expenses of the district must be paid from funds of the district.

At the close of each fiscal year of said district (which shall coincide with the fiscal year of the ~~town~~ Town of Veazie), the trustees shall make a detailed report of their doings, of the financial condition of said district, of the physical condition of its property, and also of such other matters and things pertaining to said district as shall show ~~the inhabitants thereof~~ how said the trustees are fulfilling the duties and obligations of their trusts. Such report shall be made and filed with the municipal officers of the ~~town~~ Town of Veazie on or before March 1 of each year.

Sec. 3. P&SL 1951, c. 114, §8, as amended by P&SL 1999, c. 71, §§1 and 2 and affected by §3, is further amended to read:

Sec. 8. How financed. To procure funds for the purposes of this Act, and for such other expenses as may be necessary to carry out those purposes, the district, by its trustees, is authorized from time to time to borrow money and to issue its bonds and notes for the money, but shall not incur a total indebtedness exceeding the sum of \$2,000,000 at any one time outstanding, unless a higher debt limit is established pursuant to this section. Each bond and note shall have inscribed upon its face the words "Town of Veazie Sewer District," shall bear interest at such rates as the trustees shall determine, payable semiannually, and shall be subject to such other provisions as the trustees shall determine. Said bonds and notes may be issued to mature serially or made to run for such periods as said trustees may determine, but none of which shall run for a longer period than 30 years from the date of original issue thereof. All bonds and notes issued by said district shall be signed by the treasurer and countersigned by the ~~chairman~~ chair of said district, and if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the ~~chairman~~ chair and treasurer printed thereon. Said bonds and notes shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes of 1944, and all the provisions of said section shall be applicable thereto. The said bonds and notes shall be legal investments for savings banks. The said district is hereby authorized and empowered to enter into such an agreement with the state or federal government, or any agency thereof or any corporation or board authorized by the state or federal government to loan money or otherwise assist in the financing of such projects as this sewer district is authorized to carry out, as may be necessary or desirable to accomplish the purposes of this ~~act~~ Act.

In order to establish a higher debt limit for the district, the trustees shall propose a new debt limit for the district, which the trustees shall submit for approval in a ~~districtwide~~ townwide referendum. The referendum must be called, advertised and conducted according to the law relating to municipal elections, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registering voters, the registrar of voters must be in session on the secular day next preceding the election. The town clerk of the Town of Veazie shall prepare the required ballots with the following question:

"Do you favor changing the debt limit of the Veazie Sewer District from (insert current debt limit) to (insert proposed debt limit)?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion

on the question. The results must be declared by the trustees and entered upon the district's records. Due certificate of the results must be filed by the clerk with the Secretary of State.

A debt limit proposal becomes effective upon its acceptance by a majority of the ~~legal registered voters within the district~~ voting at the referendum. Failure of approval by the majority of voters voting at the referendum does not prevent subsequent referenda from being held for the same purpose. The district may increase its debt limit as often as approved pursuant to this section. The costs of referenda are borne by the district.

Sec. 4. P&SL 1951, c. 114, §11, 3rd and 4th sentences are amended to read:

In case of a failure on the part of the treasurer of the town to pay said sum, or in case of ~~his~~ the treasurer's failure to pay any part thereof on or before said 31st day of December of the year in which said tax is levied, the treasurer of said district may issue ~~him~~ a warrant for the amount of said tax or so much thereof as shall then remain unpaid to the sheriff of Penobscot county, requiring ~~him~~ the sheriff to levy by distress and sale on real and personal property ~~of any of the inhabitants of said~~ within the district, and the sheriff or any of ~~his~~ the sheriff's deputies shall execute said warrant, except as is otherwise provided herein. The same authority as is vested in county officials for the collection of county taxes, under the provisions of the revised statutes, is hereby vested in the trustees of said district in relation to the collection of taxes ~~within said district~~.

Sec. 5. P&SL 1951, c. 114, §12, as amended by P&SL 1999, c. 17, §2, is further amended to read:

Sec. 12. Election of trustees; meetings; qualification of voters of the district. ~~The annual meeting of the district must be held in the district on the date and at the hour and place as may be designated by resolution of the board of trustees. Notice of the meeting, signed by the chair or clerk of the board, must be conspicuously posted in 2 public places within the district, not less than 7 days before the meeting. election of trustees must be held on the same date and time as the regular election of municipal officers of the Town of Veazie. The nomination and election of trustees must follow the same process as required for the municipal officers of the Town of Veazie. New trustees must be sworn in at the district's next meeting following the election. Regular meetings may be held as established by the board. Special meetings may be called by the board in like manner at any time, and notice of special meetings must state the business to be transacted at the special meeting. Eleven persons qualified to vote in these meetings constitute a quorum. Notice of any special meetings, signed by the chair or clerk of the board, must be conspicuously~~

posted in 2 public places within the district, not less than 7 days before the meeting.

Emergency meetings may be called by the board at any time in a manner consistent with the Maine Revised Statutes, Title 1, section 406.

All persons resident ~~Recognizing that all residents of the Town of Veazie support the district by means of the district's assessment upon the Town of Veazie, all registered voters in said district and qualified to vote for governor under the laws of this state shall be the~~ Town of Veazie are entitled to vote in any election or meeting of the district, including the a meeting for acceptance or amendment of this charter.

Sec. 6. P&SL 1951, c. 114, §12-A is enacted to read:

Sec. 12-A. Trustee recall. Any 5 registered voters of the Town of Veazie may begin at any time proceedings to recall a trustee by requesting in writing to the district clerk the appropriate petition blanks. These 5 registered voters are referred to as the recall committee. All papers of the petition must be uniform in size and style and must be assembled as one instrument for filing. The papers must contain or have attached thereto throughout their circulation a statement detailing the reason or reasons for recall and the names of the 5 registered voters or name of the recall committee.

The recall committee has 30 days from the acceptance date of the request by the district clerk to have the petition signed by 25% of the registered voters of the Town of Veazie. The petition must be available only at the district clerk's office during normal business hours and must be signed by registered voters in the presence of the district clerk or the clerk's deputy. Each voter's signature must be followed by the voter's address.

Within 7 days after the petition circulation period ends, the district clerk shall certify to the board of trustees that the petition has been signed by not less than 25% of the registered voters of the Town of Veazie, that all signatures were affixed in the presence of the district clerk or the clerk's deputy, that the clerk believes the signatures to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity to read the statement detailing the reason or reasons for the recall.

If fewer registered voters than required by this section sign the petition in the specified time, the petition has no further force or effect, and all proceedings thereon must be terminated and a subsequent request for recall may not be accepted by the district clerk until 180 days after the expiration of the previous filing period.

Upon receipt of certification, the board of trustees shall within 30 days hold an election for the purpose of submitting to a vote the question of recall.

Pending action by the voters of the Town of Veazie, a trustee against whom recall proceedings have been initiated may continue to exercise all the privileges of that trustee's office.

The ballot for recall must contain the following question: "Shall (name of trustee being subjected to recall) be recalled from the Board of Trustees of the Veazie Sewer District?" Immediately below the question must appear in the following order the words "Yes" and "No" and to the right of each a square in which the voter may place a cross or check mark to cast a vote.

A trustee is recalled when a majority of those voting thereon have voted in the affirmative. The unexpired portion of the term of a trustee who has been recalled must be filled by the municipal officers of the Town of Veazie in accordance with section 7.

Sec. 7. P&SL 1951, c. 114, §13, first sentence, as amended by P&SL 1979, c. 86, §5 and affected by §6, is further amended to read:

The registrar of voters shall prepare and submit to the trustees a correct list of persons qualified to vote in the district elections and for that purpose may use the list as compiled by the registrar of voters of the legal voters in the Town of Veazie.

Sec. 8. Election of trustees; transition. Notwithstanding the Maine Revised Statutes, Title 30-A, section 2528, subsection 4, for the first election of trustees held following the effective date of this Act, the board of trustees of the Veazie Sewer District may set the date by which nomination papers must be made available to prospective candidates and the date by which completed nomination papers must be filed.

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

Effective May 24, 2013.

CHAPTER 14

H.P. 154 - L.D. 193

**An Act To Authorize
InterCoast Career Institute To
Grant the Degree of Associate
Degree in Applied Science**

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

Sec. 1. Degree. Beginning December 1, 2013, InterCoast Colleges, also known as InterCoast Career

Institute, a corporation organized and existing under the laws of the State of California and registered in the State of Maine, may confer on all students who successfully complete its prescribed course of study the degree of Associate Degree in Applied Science as is usually conferred by like institutions of higher education.

See title page for effective date.

CHAPTER 15

H.P. 920 - L.D. 1293

**An Act To Create the Presque
Isle Utilities District**

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

Sec. 1. Territorial limits and corporate name and purposes. The inhabitants and territory of the City of Presque Isle constitute a quasi-municipal corporation under the name of the Presque Isle Utilities District, referred to in this Act as "the utilities district," for the purpose of supplying the inhabitants of the utilities district with potable water for domestic, commercial, sanitary and municipal purposes and for the purpose of providing in the utilities district a system of public sewerage and drainage for the comfort, convenience and health of the inhabitants of the utilities district.

Sec. 2. Powers of the Presque Isle Utilities District. The utilities district is authorized to take, hold, divert, use and distribute water from any source within the territory of the utilities district, including the Presque Isle Stream in the Town of Mapleton, the Town of Chapman and Township 10, Range 3. The utilities district is also authorized, for the purposes of its incorporation, to locate, construct and maintain pipes, dams, wells, reservoirs, pumping stations, treatment plants and other necessary structures and equipment and to do all things necessary to furnish water, sewerage and drainage for those purposes and for the public health, safety, comfort and convenience of the inhabitants of the utilities district.

Sec. 3. Authorized to lay mains, pipes, conduits and other water conveyances through public ways and across private lands. The utilities district is authorized to lay, maintain, repair and replace pipes, mains and other fixtures and appurtenances in, along and through the streets, roads, ways, highways, bridges, lakes, ponds, rivers and water courses and in, along and through the private lands of any person or corporation within the utilities district. When the utilities district lays, maintains, repairs or replaces pipes, mains and any fixtures or appurtenances in any street, road, way or highway, it shall do so with as little obstruction as practicable to public