

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
FIRST REGULAR SESSION
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

depreciable assets of the district determined as of the close of the preceding fiscal year, which must be turned into a sinking fund and used to provide for repairs, replacements and improvements to the district's offices and operations, including any facilities of the district that use natural gas to cogenerate electric power and other useful energy; and

4. To provide and accumulate from year to year reasonable surplus funds to carry out the general purposes of the district, as may be necessary or desirable in the sole discretion of the board. At the option of the board, any accumulated surplus may be deposited in the sinking fund under this section.

Sec. 12. Subject to other laws. Nothing contained in this Act is intended to repeal nor may be construed as repealing any existing statute.

Sec. 13. Superintendent appointment; removal. The board may appoint a superintendent of the district. The superintendent is selected solely on the basis of the superintendent's administrative qualifications with special preference to actual experience in or knowledge of energy matters. The board shall determine the superintendent's compensation.

The superintendent holds office for an indefinite term unless otherwise specified by contract. The superintendent may be removed or suspended for cause by the board in accordance with the following procedures.

1. The board shall prepare a written preliminary resolution for the board action setting forth the specific reasons for the proposed removal, a copy of which must be delivered to the superintendent within 10 days of its completion.

2. The superintendent may, within 20 days of receiving the resolution, reply in writing and may request a public or private hearing.

3. Upon receiving a request for a hearing, the board shall hold a hearing not earlier than 10 days and not later than 30 days after the request is filed.

4. After the hearing or at the expiration of the time permitted the superintendent to request a hearing, if no request is made, the board may adopt or reject the resolution.

5. The board may suspend the superintendent from duty in the preliminary resolution, but the superintendent's salary may not be affected until the final resolution has been adopted.

Sec. 14. Procedure to join district. A town eligible to be included with the district pursuant to section 1 may be included with the district if the town votes by a majority vote at a meeting legally called and held to join the district. The town meeting must be called, advertised and conducted according to the law relating to municipal elections, except that the

registrar of voters is not required to prepare, nor the clerk to post, a new list of voters, and for the purpose of registration of voters the registrar of voters must be in session on the secular day next preceding the regular or special meeting. The municipal clerk shall prepare the ballots on which the following question must appear:

"Do you favor the Town of (insert name of town) being included within the Kennebec Regional Gas District?"

The voters shall indicate their choice by a cross or check mark placed below the word "Yes" or "No."

The town is included in the district immediately upon its acceptance by a vote of 2/3 of the voters voting in the election, as long as the total number of votes cast equals or exceeds 15% of the total votes cast for all candidates for Governor in the town at the preceding gubernatorial election. Failure of approval by the necessary percentage of voters at any meeting does not prevent a subsequent meeting or meetings from being held for the same purpose. The result of the vote must be declared by the municipal officers of the town, and due certification must be filed by the town clerk with the Secretary of State.

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

Effective June 29, 2013.

CHAPTER 18

H.P. 25 - L.D. 27

An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. Annexation. The Town of Livermore Falls is removed from Androscoggin County and annexed to and made part of Franklin County.

Sec. 2. Obligations to Androscoggin County. The existing bonded indebtedness of the Town of Livermore Falls to Androscoggin County must be determined in a just and equitable manner by

the commissioners of Androscoggin County and the municipal officers of Livermore Falls upon the effective date of this Act.

Sec. 3. Obligations to Franklin County. All obligations of the Town of Livermore Falls to Franklin County begin and must be prorated as of the effective date of this Act.

Sec. 4. County seat. The Town of Farmington remains the county seat of Franklin County.

Sec. 5. County commissioner district. Upon the removal from Androscoggin County and the annexation to Franklin County, the Town of Livermore Falls becomes part of Franklin County Commissioner District No. 1.

Sec. 6. Referendum. This Act takes effect only for the purpose of submitting this Act to the legal voters of the Town of Livermore Falls at the regular town meeting in 2013 or at a special town meeting called for the purpose within 90 days of the approval of this Act. That special town meeting must be called, advertised and conducted according to the law relating to municipal elections except that the municipal officers of the town may not be required to prepare for posting, nor the town clerk to post, a new list of voters and for the purpose of registration of voters the registrar of voters must be in session on the secular day next preceding the special election. The town clerk shall prepare the required ballots, on which the clerk shall reduce the subject matter of this Act to the following question:

"Do you favor the removal of the Town of Livermore Falls from Androscoggin County and its annexation to Franklin County?"

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

If the question is accepted by a majority of the legal voters voting at the town meeting called for the purpose of approving this Act and if the total number of votes cast for and against the acceptance of this question equals or exceeds 20% of the total vote for all candidates for Governor cast in the town at the most recent gubernatorial election, the Act must be submitted to the legal voters of Franklin County and to the legal voters of Androscoggin County at elections in Franklin County and Androscoggin County called for that purpose no later than June 2014.

The Franklin County Clerk and Androscoggin County Clerk shall prepare the required ballots, on which the clerk shall reduce the subject matter of this Act to the following question:

"Do you favor the annexation of the Town of Livermore Falls by Franklin County?"

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

This Act takes effect if it is accepted by a majority of the legal voters voting at the election in both Franklin County and Androscoggin County and if the total number of votes cast for and against the acceptance of this Act equals or exceeds 20% of the total vote for all candidates for Governor cast in each of the counties at the most recent gubernatorial election.

The result of the vote in Franklin County must be declared by the commissioners of Franklin County and due certificate must be filed by the county clerk with the Secretary of State. The result of the vote in Androscoggin County must be declared by the commissioners of Androscoggin County and due certificate must be filed by the county clerk with the Secretary of State.

If the Town of Livermore Falls and Franklin County and Androscoggin County approve this Act, the Act takes effect July 1, 2014.

Effective July 1, 2014 pending referendum.
