

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2014 to July 16, 2015**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 15, 2015**

**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**  
**2015**

for the Maine Turnpike Authority that at any time is not required for the purpose named in the allocation or subdivision may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year subject to review by the joint standing committee of the Legislature having jurisdiction over transportation matters. Financial statements describing the transfer, other than a transfer from "General Contingency," must be submitted by the Maine Turnpike Authority to the Office of Fiscal and Program Review 30 days before the transfer is to be implemented. In the case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, amounts to be transferred, a description of the transfer and a detailed explanation as to why the transfer is needed.

### **Sec. 3. Encumbered balance at year-end.**

At the end of each calendar year, encumbered balances may be carried to the next calendar year.

**Sec. 4. Supplemental information.** As required by the Maine Revised Statutes, Title 23, section 1961, subsection 6, the following statement of the revenues in 2016 that are necessary for capital expenditures and reserves and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority during 2016, including debt service and the maintenance of reserves for debt service and reserve maintenance, is submitted.

**Turnpike Revenue Bond Resolution Adopted April 18, 1991;**  
**Issuance of Bonds Authorized Pursuant to the Maine Revised Statutes, Title 23, section 1968, subsection 1 and former subsection 2** **2016**

Debt Service Fund	\$35,089,696
Reserve Maintenance Fund	37,000,000
General Reserve Fund, to be applied as follows:	
Capital Improvements	15,549,815

Debt Service Fund under the General Special Obligation Bond Resolution Adopted May 15, 1996; Issuance of Bonds Authorized Pursuant to the Maine Revised Statutes, Title 23, section 1968, subsection 2-A	3,700,613
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TOTAL	\$91,340,124
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See title page for effective date.

## **CHAPTER 2**

### **S.P. 85 - L.D. 216**

#### **An Act To Amend the Charter of the Hampden Water 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 must take effect before the expiration of the 90-day period to provide for the filling of any vacancies on the board of trustees of the Hampden Water District; 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 1937, c. 34, §8, 4th and 5th ¶¶**, as enacted by P&SL 2001, c. 5, §3, are amended to read:

The terms of trustees of the district are for ~~5~~ 3 years. The trustees must be nominated and elected under the same procedure and at the same time as provided for the town councilors of the town.

The term of office of the trustees begins on the 3rd Thursday of January. In the event a vacancy arises in the membership of the board of trustees, the ~~unexpired term of the vacant office must be filled by the Town Council of the Town of Hampden~~ trustees may call and hold a special election to fill the vacancy in the same manner as elections are called and held for expired terms pursuant to this act or the trustees may appoint a person eligible to fill the vacancy. When any trustee ceases to be a resident of the district, the trustee shall vacate the office of trustee and the vacancy must be filled pursuant to this section. The trus-

tees may establish in bylaws particular circumstances under which a vacancy is deemed to be created, including, but not limited to, a trustee's ceasing to be a resident of the district. All trustees are eligible for reelection, but a person holding the office of town councilor or road commissioner in the Town of Hampden is not eligible for nomination or election as trustee. The trustees may procure an office and incur expenses as may be necessary. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection 7, the compensation of the trustees and the treasurer of the board of trustees is determined by the board of trustees. At the close of each fiscal year, the trustees shall make a detailed report of their doings, of the receipts and expenditures of the water district, of its financial and physical condition and of any other matters and things pertaining to the district that will show the inhabitants of the district how the trustees are fulfilling the duties and obligations of their trust, such report to be made and filed with the Town Council of the Town of Hampden.

**Sec. 2. Transition; modification of current terms.** The terms of trustees of the Hampden Water District serving on the effective date of this Act are modified in accordance with this section. Before the 3rd Thursday of January 2016, the trustees shall determine by agreement or, failing to agree, they shall determine by lot new terms of office of each trustee as follows:

1. One trustee's term ends on the 3rd Thursday of January 2017;
2. Two trustees' terms end on the 3rd Thursday of January 2018; and
3. Two trustees' terms end on the 3rd Thursday of January 2019.

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

Effective April 16, 2015.

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## CHAPTER 3

### H.P. 483 - L.D. 707

#### **An Act To Correct an Error in the Law That Allows a Break in Control of Access on William L. Clarke Drive in the City of Westbrook**

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

**Whereas,** in 2011, the 125th Legislature approved a break in access for a parcel of land in the City of Westbrook; and

**Whereas,** the approved law contained an error that has caused significant delays in the development of this parcel of land; and

**Whereas,** it is important that this error be corrected as soon as possible to prevent further delays; 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 2011, c. 3, §1** is amended to read:

**Sec. 1. Allow an entrance through control of access on William L. Clarke Drive in the City of Westbrook.** At the request of the owner of the parcel on Westbrook Tax Map 32, Lot ~~52~~ 53, the Department of Transportation shall allow an entrance to be built on William L. Clarke Drive in the City of Westbrook on the condition that the owner assume all costs for the repayment of federal funds used by the Department of Transportation to acquire control of access on William L. Clarke Drive in the City of Westbrook and for environmental permitting for the break in control of access to be built on William L. Clarke Drive in the City of Westbrook. The break in control of access must be no more than 75 feet in width and located between station 35+00 and 43+00 on William L. Clarke Drive as shown on the Maine Department of Transportation right-of-way map, S.H.C. File Number 3-189 sheets 6 and 7, September 1968, for the parcel on Westbrook Tax Map 32, Lot ~~52~~ 53. Any break in access must be in accordance with the Department of Transportation's procedures for control of access modifications.

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

Effective April 29, 2015.

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