

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

**CHAPTER 10
H.P. 1067 - L.D. 1455**

**An Act To Change the Name of
Township 17, Range 3 to
Van Buren Cove**

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.

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 proposes a referendum to ratify changing the name of the unorganized territory referred to currently as Township 17, Range 3, WELS, and located in Aroostook County to Van Buren Cove, and requires the referendum to be held no later than 6 months after adjournment of the First Regular Session of the 129th Legislature; 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. Van Buren Cove. Wherever the designation Township 17, Range 3, WELS, appears or reference is made to that unorganized territory, that designation or reference means Van Buren Cove.

Sec. 2. Referendum for ratification. This Act must be submitted to the legal voters residing in the unorganized territory of Township 17, Range 3, WELS, in Aroostook County. The date of the submission must be determined by the Aroostook County Board of Commissioners but may not be later than 6 months after adjournment of the First Regular Session of the 129th Legislature. The Aroostook County commissioners are authorized to expend such funds as necessary to implement the referendum.

The county commissioners shall cause the preparation of the required ballots, on which they shall state the subject matter of this Act in the following question:

"Do you favor changing the name of Township 17, Range 3, WELS, to Van Buren Cove?"

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

The result of the election must be declared by the Aroostook County commissioners and due certificate filed with the Secretary of State.

Sec. 3. Emergency clause; effective date. In view of the emergency cited in the preamble, this legislation takes effect when approved only for the purpose of submitting it to the legal voters residing in the unorganized territory of Township 17, Range 3, WELS, in Aroostook County no later than 6 months after adjournment of the First Regular Session of the 129th Legislature. The name change in section 1 of this Act takes effect immediately upon its acceptance by a majority of the legal voters voting at the election held pursuant to section 2.

Effective pending referendum.

**CHAPTER 11
H.P. 1248 - L.D. 1753**

**An Act Amending the Charter
of the Boothbay-Boothbay
Harbor Community School
District**

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

Sec. 1. P&SL 1953, c. 156, §4, first ¶ is amended to read:

Sec. 4. Referendum on bond issues. When the trustees ~~shall~~ have authorized the issue of any bonds, an attested copy of the vote of the trustees ~~shall~~ must be forthwith filed with the municipal officers of each of the participating towns and published in a newspaper having a circulation in the district not later than 8 days following the day on which such vote was adopted by the trustees. A vote of the trustees authorizing an issue of bonds in the principal amount of less than \$250,000 under this ~~act shall~~ Act does not become effective before the expiration of a period of ~~15~~ 21 days from the date upon which such vote is adopted. If within said 21-day period a petition, signed by 300 registered voters of the district not less than 100 of whom ~~shall~~ must be from each participating town, ~~shall be~~ is filed with the chairman or the secretary of the board of trustees, asking that the question of whether such bonds should be issued be submitted to the voters of the district, such vote of the trustees ~~shall~~ be is further suspended from becoming effective and the trustees shall immediately reconsider such vote. If such vote is not rescinded by the trustees, the trustees shall submit the question of whether such bonds ~~shall~~ may be issued to the voters of the district at a special

meeting of the qualified voters in the district to be held in said district within 60 days of their vote using the same procedures as set forth herein for an issue of bonds in the principal amount of \$250,000 or greater under this Act. If the trustees vote to authorize an issue of bonds in the principal amount of \$250,000 or greater under this Act, the trustees shall submit the question of whether such bonds may be issued to the voters of the district at a special meeting of the qualified voters in the district to be held in said district within 60 days of their vote. Said special meeting shall must be called and held as provided in section 16 hereof except that the notice shall must set forth the vote of the trustees authorizing said bonds, the approval or disapproval of the issue of which is to be submitted to the voters of the district, together with the proposed form of the ballot to be used at such special meeting. At such special meeting the vote on the question of whether such bonds shall may be issued shall must be by ballot, the form of which shall must be substantially as follows:

Sec. 2. P&SL 1953, c. 156, §9, as amended by P&SL 1969, c. 27, §3 and P&SL 1975, c. 28, is further amended to read:

Sec. 9. Application of general law; certain exceptions. The community schools, for which provision is herein made, when established shall be are considered the official schools of the participating towns to the extent consistent with action taken pursuant to sections 18 and 18-A and all provisions of general law relating to public education shall, so far as applicable, apply to said schools. Teaching positions, special courses and other basis for allocations to towns because of this school, shall must be divided according to the ~~proportional~~ proportional assessment of each participating town for operating expenses as determined in section 13 of this ~~act~~ Act. Unless a specific procurement method is otherwise provided for by state law, a competitive bidding process must be used for any procurement of the district in the amount of \$20,000 or greater, in which bids from competing contractors, suppliers or vendors must be invited by openly advertising the scope, specifications and terms and conditions of the proposed contract as well as the criteria by which the bids will be evaluated. Transportation of pupils shall must be provided by the district as provided by law and the expenditure for transportation shall be is considered an expense of operation of the schools. Tuition charges for pupils from outside the district accepted at this school shall must be determined by the trustees, notwithstanding other provisions in the general law; ~~provided, however, except that such tuition shall may~~ not exceed the average cost per pupil paid by a participating town for the year preceding the year for which the tuition is paid, as determined by the trustees.

Sec. 3. P&SL 1953, c. 156, §12, 2nd sentence is amended to read:

Said voters may determine and include in said capital budget the sum, if any, to be set aside in the current year for a capital reserve fund; ~~provided, however, except that the an amount which may up to \$140,000 for a capital reserve fund must be set aside in any one year shall not exceed \$12,500 for the 2020 fiscal year,~~ which runs from July 1, 2019 to June 30, 2020. For each fiscal year after 2020 the capital reserve fund set-aside amount must equal the greater of the prior year's set-aside amount or the prior year's set-aside amount adjusted by the percentage change in the Consumer Price Index for the most recently concluded calendar year.

See title page for effective date.

CHAPTER 12

H.P. 1247 - L.D. 1752

An Act To Amend the Charter of the Boothbay Harbor Sewer District

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

Sec. 1. P&SL 1961, c. 161, as enacted by P&SL 1961, c. 161; and amended by P&SL 1971, c. 54; P&SL 1991, c. 81, §1; P&SL 1993, c. 59, §1; P&SL 1997, c. 14, §1; and P&SL 2005, c. 34, §§1 and 2, is further amended to read:

Sec. 1. Territorial limits; incorporation. The territory and the inhabitants of the Town of Boothbay Harbor in the County of Lincoln and the territory and the inhabitants of the Town of Boothbay in the County of Lincoln constitute a public sewerage district and a body politic and corporate under the name of "Boothbay Harbor Sewer District." The purpose of this district, subject to the provisions of section 10, is to take over, control, operate and manage the sewers now owned by the Town of Boothbay Harbor with all appurtenances thereto; to extend, increase, enlarge and improve these sewers; to extend the present system or systems so as to furnish sewerage facilities to parts of the district not now served with those facilities; to provide for removal and treatment of sewage when, as and if that treatment becomes necessary; and generally to construct, maintain, operate and provide a system of sewerage, sewage disposal and sewage treatment for public purposes and for the health, welfare, comfort and convenience of the inhabitants of the district.

Sec. 2. Authority to locate, construct and maintain; coordination with municipal planning. Within said territory and the territory of any adjoining municipality, said Boothbay Harbor Sewer District is authorized to lay pipes, drains, sewers and conduits, and to take up, repair and maintain the same