

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

B. Commissioner District Number 2, in the County of Franklin, consists of the minor civil divisions of Chesterville, Farmington and New Sharon.

C. Commissioner District Number 3, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Avon, Carrabassett Valley, Coplin, Dallas, East Central Franklin, Eustis, Industry, Kingfield, New Vineyard, North Franklin, Phillips, Rangeley, Rangeley Plantation, Sandy River, Strong, Weld, West Central Franklin and Wyman Township.

2. Plan for 5 districts. The apportionment plan dividing Franklin County into 5 districts must align as closely as practicable with the following.

A. Commissioner District Number 1, in the County of Franklin, consists of the minor civil divisions of Temple and Wilton. The term of office of the commissioner from this district expires in 2028 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Franklin, consists of Farmington. The term of office of the commissioner from this district expires in 2028 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Avon, Carthage, Coplin, Eustis, North Franklin, Phillips, Rangeley, Rangeley Plantation, Sandy River, South Franklin, Strong, Weld and West Central Franklin. The term of office of the commissioner from this district expires in 2028 and every 4 years thereafter.

D. Commissioner District Number 4, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Carrabassett Valley, Dallas, East Central Franklin, Industry, Kingfield, New Sharon, New Vineyard and Wyman Township. The term of office of the commissioner from this district expires in 2026 and every 4 years thereafter.

E. Commissioner District Number 5, in the County of Franklin, consists of the minor civil divisions of Chesterville and Jay. The term of office of the commissioner from this district expires in 2026 and every 4 years thereafter.

Sec. 2. Apportionment of Franklin County if referendum question passes; term of office. If the referendum question submitted to the legal voters of Franklin County in accordance with section 4 passes by majority vote, the apportionment commission shall submit a plan dividing Franklin County into 3 commissioner districts until the election in November 2024 and thereafter dividing Franklin County into 5 districts aligned as closely as practicable to the apportionment described in section 1. The plan must ensure that the terms of office for the 3 commissioners expire in 2024.

Sec. 3. Apportionment of Franklin County if referendum question fails. If the referendum question submitted to the legal voters of Franklin County in accordance with section 4 fails to pass by majority vote, the apportionment commission shall submit a plan dividing Franklin County into 3 commissioner districts with terms of office for the commissioners following the terms established in the Maine Revised Statutes, Title 30-A, section 66-B, subsection 4.

Sec. 4. Referendum. The county commissioners of Franklin County shall submit the following question to the legal voters of the county by ballot at the referendum election to be held in November 2021. The method of voting and the conduct of the referendum are governed by the Maine Revised Statutes, Title 21-A, and the county commissioners or county administrators shall perform the duties of the Secretary of State prescribed by Title 21-A in the same manner as the county commissioners are required to do in the case of a county bond referendum election held pursuant to Title 30-A, section 938. The subject matter of this Act must be reduced to the following question:

"Do you favor increasing the number of Franklin County commissioner districts from 3 to 5 and staggering the terms of the 5 county commissioners beginning in 2024 following redistricting conducted pursuant to the Constitution of Maine in 2021?"

The voters shall indicate their opinion on this question by a cross or check mark placed against the word "Yes" or "No." The question must be approved by a majority of the legal voters casting ballots at the referendum election.

The results of the referendum must be declared by the county commissioners or county administrator and due certificate filed with the Secretary of State within 10 days after the date of the election.

Effective pending referendum.

CHAPTER 9

H.P. 1209 - L.D. 1625

An Act To Increase the Number of Lincolnville Sewer District Trustees from 3 to 5

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

Sec. 1. P&SL 2009, c. 32, §5 is amended to read:

Sec. 5. Number of trustees; quorum. The board of trustees of the district is composed of ~~3~~ 5 trustees; notwithstanding any law to the contrary, 2 of the trustees are alternates, and an alternate may vote only if

a quorum has not yet been reached. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection 6, a quorum consists of 2 members of the board. Trustees must be residents and voters of the district.

Sec. 2. P&SL 2009, c. 32, §5-A is enacted to read:

Sec. 5-A. Trustees; alternates. The 2 trustees of the district next elected pursuant to section 5 after the effective date of this section are alternate members who may vote only if a quorum has not yet been reached, and the trustees subsequently elected to those positions are alternates.

See title page for effective date.

CHAPTER 10

H.P. 1278 - L.D. 1723

An Act Regarding Winter Maintenance on Private Roads in the Town of Windham

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 Town of Windham has provided winter maintenance service to approximately 101 private ways in the town for several years; and

Whereas, approximately 1,700 residents live on the private ways maintained in the winter by the Town of Windham and have come to rely on this service; and

Whereas, continuation of this service may expose the Town of Windham to legal liability; and

Whereas, cessation of this service may expose the Town of Windham to legal liability; and

Whereas, the Town of Windham has been unable, despite its best efforts, to find an appropriate resolution to this complicated and long-standing situation and is now asking the Legislature for assistance; and

Whereas, the Legislature recognizes the difficulties facing the Town of Windham and is willing to assist the town for a reasonable period of time; and

Whereas, part of the solution for the Town of Windham involves working with the residents living along the private ways prior to the beginning of the next winter maintenance season; and

Whereas, the span of time between 90 days after adjournment of this Legislature and the beginning of the next winter maintenance season is not sufficient time for the Town of Windham to make sufficient progress working with residents; 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. Definitions. As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Council. "Council" means the town council of the Town of Windham.

2. Designated private way. "Designated private way" means a private way located in the Town of Windham that satisfies the criteria listed in section 3, subsection 1.

3. Private way. "Private way" has the same meaning as in the Maine Revised Statutes, Title 23, section 1903, subsection 10-A.

4. Road association. "Road association" means a road association created pursuant to the Maine Revised Statutes, Title 23, chapter 305, subchapter 2.

5. Road commissioner. "Road commissioner" means the road commissioner, as described by the Maine Revised Statutes, Title 23, section 2701, of the Town of Windham.

6. Town way. "Town way" has the same meaning as in the Maine Revised Statutes, Title 23, section 3021, subsection 3.

7. Winter maintenance. "Winter maintenance" means the snow removal and surface treatment, including sanding and salting, performed on designated private ways.

Sec. 2. Authorization of winter maintenance on designated private ways. The council and the Town of Windham may use public equipment to perform winter maintenance on a designated private way, regardless of the existence of a public easement over the designated private way for the purpose of ensuring the health and safety of the residents of the Town of Windham.

Sec. 3. Ordinance; roster; maintenance standards; termination. The council may enact an ordinance to provide for the winter maintenance of designated private ways according to this section.

1. Identification of designated private ways. The council may identify a private way in the Town of Windham as a designated private way if:

A. The council has evidence that the Town of Windham has performed winter maintenance on the private way for at least 20 years prior to the effective date of this Act; and