

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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. The road commissioner has determined that the private way cannot meet standards developed or required by generally applicable local ordinances for dedication and acceptance of the private way as a town way pursuant to the Maine Revised Statutes, Title 23, section 3025.

2. Creation and maintenance of designated private way roster and map. The Town of Windham may create and maintain a roster and map of all designated private ways. If a private way is included on the roster and map of designated private ways, no road association or owner of property benefited by the private way may bring a claim asserting that the private way has become a town way by any method or mechanism other than dedication and acceptance pursuant to the Maine Revised Statutes, Title 23, section 3025.

3. Development of basic maintenance standards. The road commissioner may, in consultation with the council, develop basic maintenance standards for designated private ways that the road commissioner may use to determine the necessary maintenance a road association or owners of property benefited by a private way must perform for the private way to be a designated private way.

4. Conditions of suspension and termination. The Town of Windham may suspend or cease to perform winter maintenance on a designated private way as follows.

A. The Town of Windham has no obligation to perform winter maintenance on a designated private way if:

- (1) The council or road commissioner has notified the road association or owners of property benefited by the private way of maintenance necessary to satisfy the road commissioner's basic maintenance standards under subsection 3 and the maintenance is not performed to the road commissioner's satisfaction by September 1st following the date on which notice was given; or
- (2) Owners of property benefited by the private way have not formed a road association within 2 years of the effective date of this Act or before a later date set by the council.

Within 60 days of the creation of the roster and map of designated private ways pursuant to subsection 2, the council may notify the road association or owners of property benefited by a designated private way of the conditions for continued winter maintenance contained in this paragraph.

B. A private way may be removed from the roster and map of designated private ways created pursuant to subsection 2 if:

(1) The council accepts the private way as a town way pursuant to the Maine Revised Statutes, Title 23, section 3025 and any applicable local ordinance; or

(2) The road association of the private way or a majority of the owners of property benefited by the private way present a petition to the council for the removal of the private way from the roster and map.

5. Ordinance. The council may by ordinance establish additional policies and procedures to effectuate the provisions of this Act.

Sec. 4. Town of Windham report. The Town of Windham may submit a report to the Joint Standing Committee on State and Local Government by February 1, 2022. The report, if submitted, must include the following information:

- A. A detailed description of the progress made by the council and the town manager to conform the use of public funds to provide winter maintenance on private ways with applicable constitutional and statutory laws;
- B. An assessment by the Town of Windham fire-rescue chief regarding the use of fire-rescue vehicles on private ways in the town for fire and safety protection;
- C. An assessment by the Town of Windham police chief regarding the use of police vehicles on private ways in the town for public health and safety; and
- D. An assessment of whether winter maintenance by the Town of Windham of its designated private ways has an environmental impact on the surrounding water bodies.

The joint standing committee may report out a bill based on the report to the Second Regular Session of the 130th Legislature.

Sec. 5. Repeal. This Act is repealed June 30, 2022.

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

Effective June 17, 2021.

CHAPTER 11
H.P. 1281 - L.D. 1731

An Act To Create the Belgrade 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, a number of private wells in the Town of Belgrade have evidenced chloride contamination stemming from nearby sand and salt storage facilities, and this poses a serious threat to the health and well-being of the inhabitants of the area; and

Whereas, an adequate supply of pure water is essential to the health and well-being of the inhabitants of the Town of Belgrade; and

Whereas, with an affirmative vote by the inhabitants of the Town of Belgrade, the Department of Transportation will pay the upfront costs to have the distribution system designed, installed and connected to the currently affected properties in order to provide safe water to inhabitants of the Town of Belgrade;

Whereas, the formation of a water district in the Town of Belgrade will ensure the supply of pure water for the town's inhabitants and is necessary in order for the Department of Transportation to transfer the distribution system to the Town of Belgrade; 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. Territorial limits; corporate name. Pursuant to the Maine Revised Statutes, Title 35-A, chapter 64, that part of the Town of Belgrade described, as of June 1, 2021, as tax map 7, lots 34, 35, 42, 43, 44, 45, 47-1, 47-14, 53, 55, 55-A, 55-B, 55-C, 55-D, 55-E, 55-F, 55-G, 56-1, 56-2, 56-3, 56-4, 58, 59, 59-A, 59-B, 60, 61, 61-A, 62, 62-B and 63 and its inhabitants constitute a standard water district under the name "Belgrade Water District," referred to in this Act as "the district."

Sec. 2. Powers; authority; duties. The district has all the powers and authority and is subject to all the requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64, except as otherwise provided by this Act.

Sec. 3. Power to take water. The district is authorized to take, to hold and to convey within the Town of Belgrade and from any part of the town water from any surface or groundwater source within the town.

Sec. 4. Number of trustees. The board of trustees of the district is composed of 3 trustees. A trustee must be a resident of the Town of Belgrade but notwithstanding the Maine Revised Statutes, Title 35-A, section 6410 need not reside in a household to which the district's service is provided. Notwithstanding Title 35-A, section 6410, subsection 3, any municipal officer, as defined in Title 30-A, section 2001, subsection 10, or other elected official is eligible for appointment as a

trustee of the district. At no time may more than 2 municipal officers or elected officials serve as trustees of the district.

Sec. 5. First board. The first board of trustees of the district is appointed by the municipal officers of the Town of Belgrade in accordance with this Act. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410, subsection 4.

Sec. 6. Terms of trustees. After the appointment of the first board of trustees of the district, trustees are appointed to 3-year terms by the municipal officers of the Town of Belgrade pursuant to the Maine Revised Statutes, Title 35-A, section 6410, subsection 2.

Sec. 7. Referendum; effective date. This Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the Town of Belgrade at an election called for that purpose and held within 3 years of the effective date of this Act. The election 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 or the clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The subject matter of this Act is reduced to the following question:

"Do you favor creating the Belgrade Water District?"

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

The results must be declared by the municipal officers of the Town of Belgrade and due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all other purposes immediately upon its approval by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section, as long as the referenda are held within 3 years of the effective date of this Act.

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

Effective pending referendum.
