

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

section 2203, subsection 9 and to acquire, lease and sell property in furtherance of its purpose.

ADOPTED this _____ day of _____, 20_____.

[Authorized signature]

A true copy, Attest:

[Town/City/Plantation/Unorganized Territory] Clerk

[Town/City/Plantation/Unorganized Territory] of _____;

B. Must have agreed to make an initial contribution consisting of an amount equal to 110% of the cost of extending the network to and constructing a network in the municipality, the amount of the initial contribution to be determined by the board of trustees in advance of accepting broadband services membership; and

C. Must have agreed to a starting date for broadband services membership that will enable the municipality either to have appropriated the funds to meet its initial contribution or to have made other arrangements satisfactory to the board of trustees to ensure the initial contribution can and will be paid upon acceptance.

The board of trustees may, by majority vote at a public meeting, accept the application of the municipality outright or conditionally upon fulfillment of one or more of the requirements of this subsection. The board of trustees shall, as part of its vote of acceptance, enter an assessment for the municipality for the ensuing year. The assessment for the municipality must be determined by the board of trustees.

9. Withdrawal of municipalities. A municipality may withdraw from its broadband services membership with the district after meeting all of the conditions described in this subsection.

A. The municipality shall make the withdrawal pursuant to the approval of its legislative body.

B. The municipality shall give written notice of its intent to withdraw at least 90 days prior to the commencement of the district's budgetary year.

C. At or prior to the time of withdrawing, the municipality shall pay the entire amount of its outstanding obligations incurred pursuant to this section.

See title page for effective date.

CHAPTER 19

S.P. 704 - L.D. 1967

An Act To Amend the Charter of the Gray Water District

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

Sec. 1. P&SL 1929, c. 33, §§1-A and 1-B are enacted to read:

Sec. 1-A. Powers; New Gloucester. The district is authorized to construct and maintain infrastructure on Depot Road and Intervale Road, Route 231, from the intersection with Depot Road approximately 0.6 miles southerly in the Town of New Gloucester.

Sec. 1-B. Powers; North Yarmouth. The district is authorized to furnish water and fire service in that portion of the Town of North Yarmouth described as follows: domestic water and fire service to be rendered via a conventional water main extension extended along Gray Road, Route 115, from north of the town line between the Town of Gray and the Town of North Yarmouth approximately 460 feet southerly into the Town of North Yarmouth along the easterly side of Gray Road.

Sec. 2. P&SL 1929, c. 33, §9, last ¶, as amended by P&SL 1995, c. 16, §1, is further amended by enacting before the last sentence a new sentence to read:

If a trustee misses more than 2 regular meetings in a calendar year, the treasurer may deduct \$50 per additional missed meeting from the trustee's compensation.

See title page for effective date.

CHAPTER 20

H.P. 1468 - L.D. 1975

An Act Concerning 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 without the intention to establish these private ways as town ways; 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, this Legislature enacted Private and Special Law 2021, chapter 10 to allow the Town of Windham time to work with residents to resolve this situation; and

Whereas, Private and Special Law 2021, chapter 10 is repealed on June 30, 2022, and the Town of Windham has been unable, despite its best efforts, to successfully resolve all aspects of this complicated and long-standing situation; and

Whereas, timely legislation is needed to resolve this situation before Private and Special Law 2021, chapter 10 is repealed; 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 2021, c. 10, is repealed.

Sec. 2. 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.

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

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

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

Sec. 4. Designated private way roster and map. The Town of Windham may create and maintain a roster and map of all designated private ways.

Sec. 5. Authorization of winter maintenance on designated private ways. Until October 1, 2023, 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 public purpose of ensuring the health and safety of the residents of the Town of Windham and minimizing environmental damage to surrounding water bodies.

Sec. 6. Development of basic maintenance standards. The road commissioner may, in consultation with the council, develop basic maintenance standards for designated private ways so that the road commissioner may identify maintenance that must be performed by a road association or property owners benefited by the designated private way for public winter maintenance under section 7.

Sec. 7. Conditions for public winter maintenance. Beginning October 1, 2023, the council and the Town of Windham may use public equipment to perform winter maintenance on a designated private way only if the following conditions are met:

1. The private way is under the purview of a road association or association of property owners with authority to address general maintenance of the designated private way;

2. The council or road commissioner has notified the road association or owners of property benefited by the designated private way of the maintenance that must be performed for the designated private way to meet the basic maintenance standards established in section 6 and the maintenance is performed, to the road commissioner's satisfaction, by September 1st following the date on which notice was given; and

3. At least 67% of the owners of property abutting the designated private way have issued a public easement to the town.

Sec. 8. Notification. If the Town of Windham provides public winter maintenance pursuant to section 7, it shall retain a certificate of mailing showing that written notice to each owner of property abutting the designated private way was mailed within 60 days of the effective date of this Act.

Sec. 9. Ordinance. The council may enact an ordinance to effectuate the provisions of this Act.

Sec. 10. Claim preclusion. If a private way meets the criteria of section 3, 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 or that the Town of Windham has established an ongoing maintenance obligation by any method or mechanism other than dedication and acceptance pursuant to the Maine Revised Statutes, Title 23, section 3025.

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

Effective April 4, 2022.

CHAPTER 21

H.P. 1514 - L.D. 2033

An Act To Raise the Debt Limit of the Eagle Lake Water and Sewer 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 allow for the timely renovation of the Town of Eagle Lake's sewer system; 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 1955, c. 162, §8, as amended by P&SL 2009, c. 28, §1, is further amended to read:

Sec. 8. Authorized to negotiate temporary loans; and to issue notes and bonds; declared a quasi-municipal corporation; notes and bonds

legal investments for savings banks. For accomplishing the purposes of this Act, the district, through its trustees, is authorized to borrow money temporarily, and to issue for the borrowing of money the interest-bearing negotiable notes of the district, and for the purpose of refunding the indebtedness created, of paying any necessary expenses and liabilities incurred under the provisions of this Act, including the expenses incurred in the creation of the district, of securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant and sewerage and drainage system and making extensions, additions and improvements to the same, the district, through its trustees, may from time to time issue bonds of the district to an amount not exceeding ~~\$3,500,000~~ **\$5,000,000**. Said notes and bonds ~~shall be~~ **are** legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of the ~~Maine Revised Statutes of 1964, Title 30 30-A, section 5053~~ **5701**, and all the provisions of said section ~~shall be~~ **are** applicable thereto. The said notes and bonds ~~shall be~~ **are** exempt from taxation, and ~~shall be~~ **are** a legal investment for savings banks.

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

Effective April 14, 2022.

CHAPTER 22

H.P. 129 - L.D. 176

An Act To Facilitate a Grade 9 to 16 School Project

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

Sec. 1. Authorization. The voters of School Administrative District No. 4, School Administrative District No. 41 and School Administrative District No. 46 are authorized to form a community school district under this Act. The community school district is authorized to be formed only if the voters of each of these 3 school administrative districts approve the formation in accordance with section 4. The voters of Regional School Unit No. 64 are also authorized to participate in forming the community school district under this Act in accordance with section 4. If formed, the new community school district is authorized to construct a regional high school integrated with career and technical education and postsecondary educational opportunities that the State Board of Education has placed on the 2017-2018 approved projects list.

Sec. 2. Organization; operation; name. If the community school district authorized under this Act is approved, the community school district: