

# MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL  
AGENDA

June 8, 1983

- A. Call to Order
- B. Roll Call
- C. Secretary's Report: Minutes from May 18, 20 and 25.
- D. Staff Report
  - 1. Letter from Helen Ginder requesting approval to appoint Assistant Director for the Office of Legislative Assistants (letter has been distributed)
- E. Old Business
- F. New Business
  - 1. Letter from Senator Bustin (attached)
  - 2. Report from Committee on Data and Word Processing
  - 3. After Deadline Requests (attached)
  - 4. Requests for Carry Over (attached)
  - 5. Interim and Study Requests (list attached)
  - 6. Assignment of budgets to approved studies (list attached)



State of Maine  
Senate Chamber  
Augusta, Maine 04333

June 7, 1983

Senator Charles P. Pray  
Senate Majority Leader  
State House Station #3  
Augusta, Maine 04333

Dear Charlie:

I would appreciate your support and consideration of my proposal to have all legislation drafted to use gender neutral language, instead of the current use of pronouns such as "him", "he" and "his".

The current system, for example, uses gender specific pronouns, which I feel are confusing: "Either he knows that there is a very high degree of risk that his conduct will cause ...", etc. This non-neutral language could be easily changed without completely revising the existing statutes, or past or present bills.

Using a gender neutral phrase such as "that person" or "the person" would be more appropriate and less confusing.

I feel that the Legislative Research Office and the Legislative Assistants Office could implement these changes without problem.

Thank you for your consideration.

Sincerely,

Beverly Miner Bustin  
State Senator

BMB/cc

AFTER DEADLINE REQUESTS

June 8, 1983

NEW

AN ACT Creating the Wiscasset Water District.  
Rep. Soule of Westport

AN ACT Concerning the Date of Annual Town  
Meetings.  
Rep. Nadeau of Lewiston

Sarah C. Diamond  
Legislative Administrative Director



MAINE STATE LEGISLATURE

Augusta, Maine 04333

June 8, 1983

TO: Legislative Council Members  
FROM: Sally Diamond *Sally*  
RE: Council Agenda: Supplement No. 2

1. After deadling request from Health and Institutional Services Committee
  - . Substantive amendments to L.D. 832 (Recodification of Mental Health and Corrections)
2. Study request from Energy & Natural Resources Committee
  - . Designation of additional rivers for inclusion under protective legislation.
3. Resume for Haven Whiteside.

SCD/c  
Attachments

SENATE

BEVERLY MINER BUSTIN, KENNEBEC, CHAIR  
MICHAEL E. CARPENTER, AROOSTOOK  
BARBARA A. GILL, CUMBERLAND  
CHRISTINE HOLDEN, LEGISLATIVE ASSISTANT  
GLORIA TARDIF-RANSLOW, COMMITTEE CLERK



HOUSE

MERLE NELSON, PORTLAND, CHAIR  
ALFRED L. BRODEUR, AUBURN  
PETER J. MANNING, PORTLAND  
ALEXANDER RICHARD, MADISON  
DONNELL P. CARROLL, GRAY  
RITA B. MELENDY, ROCKLAND  
SUSAN J. PINES, LIMESTONE  
CHARLES M. WEBSTER, FARMINGTON  
MARY-ELLEN MAYBURY, BREWER  
H. STEDMAN SEAVEY, KENNEBUNKPORT

STATE OF MAINE

ONE HUNDRED AND ELEVENTH LEGISLATURE

COMMITTEE ON HEALTH AND INSTITUTIONAL SERVICES

June 7, 1983

Senator Charles Pray  
Chair, Legislative Council

Dear Senator Pray:

We should like to request permission to submit 2 bills from our Committee, incorporating the substantive amendments to the recodification of the laws dealing with the Departments of Mental Health and Mental Retardation, and Corrections.

As you know, we have completed our work on L.D. 832, the Title 34 recodification bill, and it is now on the floor. That bill contains no substantive changes, merely grammatical and stylistic ones to bring it into conformity with other statutes, and a few sentences inadvertently omitted from the recodification. It also incorporates other bills passed this session which affected Title 34.

The substantive changes are ones which each department feels necessary to carry out their responsibilities. We studied these amendments as they were presented to us, held public hearings on each department's proposals, and made copies available to the public. As a result of the Committee discussions and suggestions from interested parties, there have been some minor changes in these substantive amendments. We are now ready to request that they be submitted as bills.

The 2 bills cannot actually be printed until L.D. 832 is signed by the Governor, since they will be amending this public law. That date will of course depend on the speed of L.D. 832's passage.

We also have been asked by the Department of Mental Health & Mental Retardation to submit a 3rd bill, an emergency provision which will incorporate one of the substantive changes, dealing with judicial (now called "involuntary") commitment into the current law. This has been necessitated by a loophole in the current law, which requires the establishment of a causal link between the mental problem and the likelihood that the person poses a serious danger.

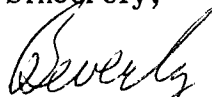
The passage of this emergency bill now will allow the provisions to be used by the Department immediately; it will automatically be repealed with the rest of Title 34 and incorporated into the new Title 34-B because the language is in L.D. 832.

We would be pleased to meet with you to answer any questions.



Merle Nelson  
House Chair

Sincerely,



Beverly M. Bustin  
Senate Chair

cj



HELEN T. GINDER, Director  
JOHN BAILEY  
DAVID ELLIOTT  
MARTHA FREEMAN  
CHRISTOS GIANOPOULOS  
CHRISTINE HOLDEN

STATE OF MAINE  
OFFICE OF LEGISLATIVE ASSISTANTS  
ROOM 101  
STATE HOUSE, STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-2486

SARAH HOOKE  
JULIE JONES  
EDWARD POTTER  
LARS RYDELL  
WILLIAM SAUFLEY  
JOHN SELSER  
HAVEN WHITESIDE

June 3, 1983

TO: Senator Charles Pray, Chairman  
Rep. Libby Mitchell, Vice-Chairwoman  
Members, Legislative Council

FROM: Helen Ginder, Director

RE: Appointment of Haven Whiteside as Assistant Director,  
Office of Legislative Assistants

I am pleased to submit for your approval, the appointment of Haven Whiteside as Assistant Director, Office of Legislative Assistants. Although P.L. 1983, c. 2 authorized me to make that appointment upon my appointment as Director in January, I wanted to give careful consideration to my choice and give the other Legislative Assistants an opportunity to participate in the decision. Haven is a gentleman with many talents and exceptional training and experience. His work with the Office has been exemplary. He is looking forward to increasing his responsibilities and working with you, the staff and the other staff Directors and Assistant Directors. A one step increase of \$20.58 would place him at step B on the salary schedule for Assistant Directors, adopted by the Legislative Council.

HTG/cj

cc: S. Diamond  
M. Palmer  
R. Lord  
D. Silsby

REQUESTS TO CARRY OVER BILLS

Committee

Bill

Appropriations

L.D. 557 }  
L.D. 1141 } Bond Issues  
L.D. 1457 }  
L.D. 1690 }

Business Legislation

L.D. 1667 AN ACT to Prohibit Insurers  
from Increasing or Adding Insurance  
Coverage to Existing Insurance  
Policies Without the Consent of the  
Insured.

Education

L.D. 1688 AN ACT to Revise the School  
Finance Act.  
  
L.D. 1703, AN ACT Relating to Exceptional  
Children.

SENATE

MARY NAJARIAN, DISTRICT 10, CHAIR  
 LARRY M. BROWN, DISTRICT 29  
 THOMAS R. PERKINS, DISTRICT, 28

T SCHLOSSER, ASSISTANT LEGISLATIVE  
 FINANCE OFFICER-ADVISOR

BETTY F. BARTLETT, SECRETARY



HOUSE

DONALD V. CARTER, WINSLOW, CHAIR  
 LOUIS JALBERT, LEWISTON  
 EDWARD C. KELLEHER, BANGOR  
 LORRAINE N. CHONKO, TOPSHAM  
 LAURENCE E. CONNOLLY, Jr., PORTLAND  
 JOHN LISNIK, PRESQUE ISLE  
 CARL W. SMITH, Sr., MARS HILL  
 NANCY N. MASTERSON, CAPE ELIZABETH  
 RICHARD W. ARMSTRONG, WILTON  
 SUSAN J. BELL, SOUTH PARIS

STATE OF MAINE

ONE HUNDRED AND ELEVENTH LEGISLATURE

COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

June 3, 1983

Hon. Charles P. Pray, Chairman  
 Legislative Council  
 State House  
 Augusta, Maine 04333

Dear Senator Pray:

The Committee on Appropriations and Financial Affairs today voted to ask the Legislative Council for permission to carry the following four (4) bills over to the next legislative session.

- LD 557 AN ACT Authorizing a Bond Issue in the Amount of \$2,700,000
- HP 455 for the Purposes of Stabilizing and Restoring the Unique Historic Structures of the State.
- LD 1141 AN ACT Authorizing a Bond Issue in the Amount of \$3,500,000
- SP 367 for the Purposes of Constructing Additional Facilities at the Maine Correctional Center.
- LD 1457 AN ACT to Authorize Bond Issue in the Amount of \$25,000,000
- HP 1103 to Rehabilitate and Provide an Access Causeway at Portsmouth Naval Prison at Kittery and Establish a Regional Jail Facility for the Northeastern States.
- LD 1690 AN ACT to Authorize a Bond Issue in the Amount of \$3,000,000
- SP 582 for the Elimination of Asbestos Hazards in Public School Buildings.

Thank you for your consideration.

Sincerely,

*Mary Najarian*  
 Mary Najarian  
 Senate Chairman

*Donald V. Carter*  
 Donald V. Carter  
 House Chairman

MJ:DVC/efb

STATE OF MAINE  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
**COMMITTEE ON BUSINESS LEGISLATION**

**SENATE**

NANCY RANDALL CLARK, CUMBERLAND, CHAIR  
RICHARD CHARETTE, ANDROSCOGGIN  
CHARLOTTE Z. SEWALL, LINCOLN

WILLIAM SAUFLEY, LEGISLATIVE ASSISTANT  
BARBARA M. O'CONNOR, COMMITTEE CLERK



**HOUSE**

JOSEPH C. BRANNIGAN, PORTLAND, CHAIR  
HILDA C. MARTIN, VAN BUREN  
ROGER M. POULIOT, LEWISTON  
NORMAN O. RACINE, BIDDEFORD  
ROBERT MURRAY, JR., BANGOR  
PATRICIA STEVENS, BANGOR  
ALFRED W. PERKINS, BROOKSVILLE  
JOHN TELOW, LEWISTON  
LIONEL CONARY, OAKLAND  
MARY H. MACBRIDE, PRESQUE ISLE

June 3, 1983

Sen. Charles P. Pray, Chairman  
Legislative Council  
Augusta, ME

Dear Senator Pray:

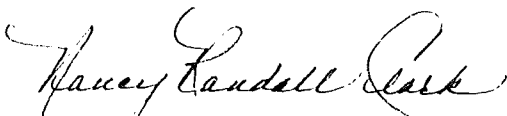
The Joint Standing Committee on Business Legislation has recently had under consideration L.D. 1667, "AN ACT to Prohibit Insurers from Increasing or Adding Insurance Coverage to Existing Insurance Policies without the Consent of the Insured." We would ask that the Council permit this measure to be held for further consideration in the Second Regular Session.

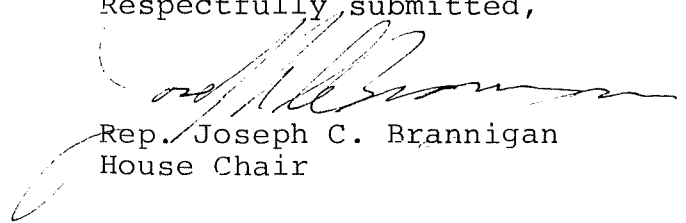
From the date of the public hearing, on May 26, until this date, the committee, with the assistance of the Superintendent of Insurance and members of the industry, has conducted lengthy discussions on the subject of this legislation. Despite our continued efforts, we have been unable to arrive at a measure that would adequately protect consumers without unduly restricting insurance agents or confusing the public.

At the same time, we would prefer not to allow the bill to die in this session, since that would produce complications regarding the ability of the insurance superintendent to continue current efforts to resolve this issue administratively. It might also send the erroneous signal that the Legislature is not concerned with this type of consumer protection and regulation of insurance marketing practices.

Please contact one of us or our staff if we can be of any further help in your considerations. Thank you for your efforts.

Respectfully submitted,

  
Senator Nancy Randall Clark  
Senate Chair

  
Rep. Joseph C. Brannigan  
House Chair

NRC/JCB:wes

SENATE

KENNETH P. HAYES, PENOBSCOT, CHAIR  
NANCY RANDALL CLARK, CUMBERLAND  
WALTER W. HICHENS, YORK

LARS H. RYDELL, LEGISLATIVE ASSISTANT  
PATRICIA A. ROLLINS, COMMITTEE CLERK



HOUSE

STEPHANIE LOCKE, SEBEC, CHAIR  
ADA K. BROWN, GORHAM  
A. MAVOURNEEN THOMPSON, PORTLAND  
STEVEN E. CROUSE, WASHBURN  
FREDERICK F. SOUCY, KITTERY  
KENNETH L. MATTHEWS, CARIBOU  
THOMAS W. MURPHY, JR., KENNEBUNK  
MARY E. SMALL, BATH  
EDWIN C. RANDALL, EAST MACHIAS  
JOHN C. BOTT, ORONO

STATE OF MAINE

ONE HUNDRED AND ELEVENTH LEGISLATURE

COMMITTEE ON EDUCATION

June 1, 1983

Senator Charles Pray  
Legislative Council  
Maine State Legislature  
State House  
Augusta, ME. 04333

Dear Senator Pray:

The Joint Standing Committee on Education requests permission to hold L.D. 1688, "AN ACT to Revise the School Finance Act" over until the Second Session of the 111th Legislature.

The bill was submitted pursuant to the report of the Joint Select Committee on School Finance. The Select Committee submitted the bill with the recommendation that it be carried over until the second session. The Select Committee's intention with submitting the bill this session was to provide the widest possible dispersion of the proposed revision in order to stimulate a wide discussion over the Summer and Fall. It was their hope that the discussion would lead others to see the merits of their proposal. These include a repackaging of the subsidy formula in a way which provides a clearer basis for explaining the formula at budget meetings and the correction of certain inequities in the present Act.

The Joint Standing Committee on Education found the proposal very interesting but felt that the committee needed more time to study the proposal and that the educational constituency groups also need an opportunity to give it careful examination. For these reasons they did not feel the bill should be recommended for passage this Session and concurred with the Select Committee's request that it be held over until the Second Regular Session.

Sincerely,

*Kenneth P. Hayes*  
Sen. Kenneth Hayes  
Senate Chair

*Stephanie Locke*  
Rep. Stephanie Locke  
House Chair

cj

SENATE

KENNETH P. HAYES, PENOBSCOT, CHAIR  
JANICE RANDALL CLARK, CUMBERLAND  
VALTER W. HICHENS, YORK

LARS H. RYDELL, LEGISLATIVE ASSISTANT  
PATRICIA A. ROLLINS, COMMITTEE CLERK



HOUSE

STEPHANIE LOCKE, SEBEC, CHAIR  
ADA K. BROWN, GORHAM  
A. MAVOURNEEN THOMPSON, PORTLAND  
STEVEN E. CROUSE, WASHBURN  
FREDERICK F. SOUCY, KITTEBY  
KENNETH L. MATTHEWS, CARIBOU  
THOMAS W. MURPHY, JR., KENNEBUNK  
MARY E. SMALL, BATH  
EDWIN C. RANDALL, EAST MACHIAS  
JOHN C. BOTT, ORONO

STATE OF MAINE

ONE HUNDRED AND ELEVENTH LEGISLATURE

COMMITTEE ON EDUCATION

June 3, 1983

Sen. Charles Pray  
Legislative Council  
Maine State Legislature

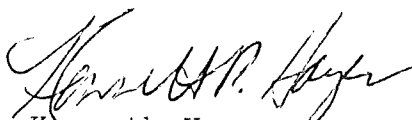
Dear Senator Pray:

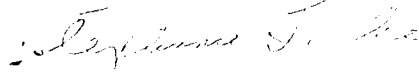
The Joint Standing Committee on Education requests permission to hold over L.D. 1703 "AN ACT Relating to Exceptional Children".

L.D. 1703 was submitted in response to an opinion of the Attorney General defining the school year as July 1 to June 30 for the interpretation of the phrase "start of the school year" in 20-A MRSA, §7001, sub-§2, ¶B. As drafted, the bill would have codified the opinion in statute and extended it to include the definition of the school year for the school entrance age for exceptional students. The testimony received by the Committee indicated that the Attorney General's opinion and the bill may have long-term consequences for defining eligibility to services which warrant careful examination. It was also brought to the Committee's attention that the use of the criteria of "5 by October 15" to determine entrance ages in combination with the criteria, "20 years of age at the start of the school year" creates a situation where students, both regular and exceptional, born between October 15th and the end of the school year have access to 15 years of education before they reach the end of the school year in which they become 20 years of age while those born between the start of the school year and October 16th have access to 18 years of education. This inequity is in the present statute and the application of the extra year is only extended to students born in the summer months by the Attorney General's opinion.

The Education Committee feels the consequences of the Attorney General's opinion and the policy implications of granting certain students access to 16 years of education while others have access to only 15 years should be examined carefully. For both these reasons the Committee requests permission to hold over L.D. 1703.

Sincerely,

  
Kenneth Hayes  
Senate Chair

  
Stephanie Locke  
House Chair

SENATE

CHARLES G. DOW, DISTRICT 15, CHAIR  
CARROLL E. MINKOWSKY, DISTRICT 14  
THOMAS M. TEAGUE, DISTRICT 23

AVID ELLIOTT, LEGISLATIVE ASSISTANT  
CHERYLE OWEN, COMMITTEE CLERK



HOUSE

DANIEL B. HICKEY, AUGUSTA, CHAIR  
FRANCIS J. PERRY, MEXICO  
RAYNOLD THERIAULT, FORT KENT  
JOHN L. TUTTLE, JR., SANFORD  
EDWARD AINSWORTH, YARMOUTH  
GERALD J. LEHOUX, BIDDEFORD  
JAMES H. MAYO, THOMASTON  
DANA P. STEVENSON, UNITY  
W. NORMAN WALKER, SKOWHEGAN  
EUGENE J. PARADIS, OLD TOWN

STATE OF MAINE

ONE HUNDRED AND ELEVENTH LEGISLATURE

COMMITTEE ON AGING, RETIREMENT AND VETERANS

June 8, 1983

Sen. Charles Pray  
Chairman  
Legislative Council

Dear Senator Pray:

The Aging, Retirement and Veterans Committee has dealt with the bills referred to it so far this session.

As you know, the bill, L.D. 1593, AN ACT to Recodify the State Military Laws is currently being considered for passage by the Legislature. There will also be an accompanying bill to make substantive changes which the Committee feels are necessary at this time. The contents of that bill are on the computer; but, the draft cannot be assigned an L.D. number and referred to Committee until recodification bill is enacted and given a Public Law chapter number.

The Committee is holding preliminary meetings to review the provisions of the second bill this week and will be prepared to act quickly once it is referred to Committee. This letter is to alert you of the existence of that second bill and to request your assistance to ensure that the Committee has the opportunity to consider it this Session.

Thank you for your consideration.

Sincerely,

*Charles G. Dow (c.o.)*  
Sen. Charles G. Dow  
Senate Chairman

*Daniel B. Hickey*  
Rep. Daniel B. Hickey  
House Chairman

REQUESTS FOR INTERIM STUDIES

June 8, 1983

TABLED

Committee

Study Request

Agriculture

Use of Peat in Maine

Appropriations and  
Financial Affairs

Office of Energy Resources

NEW

Audit and Program Review

Separation of Powers related  
to Legislative Membership  
on Boards and Commissions

SENATE

G. WILLIAM DIAMOND, DISTRICT 6, CHAIR  
MICHAEL D. PEARSON, DISTRICT 27  
JAMES McBREAIRTY, DISTRICT 31

JANET E. WALDRON, SENIOR PROGRAM ANALYST  
LARS E. LOREN, PROGRAM ANALYST  
JOAN STURMTHAL, COMMITTEE CLERK



HOUSE

NEIL ROLDE, YORK, CHAIR  
HARLAN BAKER, PORTLAND  
CAROL ALLEN, LIBERTY  
RUTH JOSEPH, WATERVILLE  
ROBERT W. NORTON, BIDDEFORD  
HERBERT CLARK, MILLINOCKET  
ORLAND G. McPHERSON, ELIOT  
DOUGLAS E. CURTIS, WALDOBORO  
THOMAS W. MURPHY, JR., KENNEBUNK  
EDWIN C. RANDALL, EAST MACHIAS

STATE OF MAINE

ONE HUNDRED AND ELEVENTH LEGISLATURE

COMMITTEE ON AUDIT AND PROGRAM REVIEW

June 7, 1983

Senator Charles P. Pray  
Chairman  
Legislative Council

Dear Senator Pray and Council Members,

The Committee on Audit and Program Review is requesting approval to study a problem which has emerged during the current legislative session. This concerns the fact that a number of pieces of legislation have been delayed or corrected due to a conflict arising from the inclusion of legislators on boards and commissions causing a constitutional question regarding the separation of powers.

The Committee itself had to correct such an error in our audit bill after it had been enacted. Rather than catch these problems on a hit or miss basis or as a bill is being debated on other unrelated merits, we would like to go through the statutes and sort out all such potential conflicts relating to boards, commissions, and committees.

Given our already established summer work schedule, we feel that this study can be absorbed without any additional meetings. Attached you will find a more detailed description of the proposed study.

Thank you for your consideration in this matter.

Sincerely,

Rep. Neil Rolde  
House Chairman

Sen. G. William Diamond  
Senate Chairman

1. Committee or legislator.

Committee on Audit and Program Review

2. Subject of Study

Title: Separation of Powers Concerning  
Membership on Boards and Commissions

3. Priority number (for committee use)

only study request

4. Completion date (next or subsequent session of the legislature)

Report back to the 2nd session of the 111th Legislature.

5. Analysis of the problem

The Problem: The inclusion of legislators on boards and commissions has been challenged on two grounds: the separation of powers doctrine and dual office holding prohibitions.

Separation of Powers. The separation of powers doctrine holds that the three branches of government have distinct powers and responsibilities. Interpreting this doctrine, the courts have generally ruled that legislators cannot serve as members of boards and commissions that exercise executive authority. Executive duties as defined by the courts include implementing legislative directives, overseeing and managing the daily affairs of administrative departments, setting standards and issuing regulations, and controlling agency expenditures.

Dual Office Holding Prohibitions. The second legal question concerning legislator service on boards and commissions is based on constitutional prohibitions against dual office holding. Courts have generally defined a public office as one in which a person has independent authority to act under the law, either alone or with others of equal authority, to exercise the sovereign powers of the state.

6. Reason for study

During this current session, the question of legislative membership on boards and commissions has been a problem concerning a number of pieces of legislation. For example, because of a clear legal conflict due to the constitutional separation of powers, the Audit Committee had to remove legislative members from the Governor's Committee on Employment of the Handicapped through the errors and inconsistencies act.

The Committee on Audit and Program Review requests approval to study this issue and go through the currently established membership of boards and commissions in light of these questions regarding the separation of powers to determine the extent of the problem. It is our intent to target these before, as has happened during this current session, the legal conflict is realized after or just as a bill is being enacted.

7. Cost.

We expect only minor costs as this study can be absorbed in our current summer process as we don't anticipate any meetings that can't be worked around our present summer schedule.

LEGISLATIVE COUNCIL

ESTIMATED BUDGETS FOR APPROVED INTERIM STUDIES

<u>Committee</u>	<u>Study</u>	<u>Requested</u>		
		<u>Meetings</u>	<u>Amount</u>	
Aging, Retirement & Veterans	Integration of the Maine State Retirement System with the Social Security System	4	\$1,820	
	Early Retirement of State Employees	2	910	
.....				
Agriculture	Development of Food Policy Statement	4 *	1,820	
.....				
Alcoholism Services	Review of Alcoholism Services System	3	1,465	
.....				
Appropriations and Financial Affairs	Catastrophic Illness	3	420	Subcommittee of 4 members
	Advocacy in State Government	3	420	Subcommittee of 4 members
		1	455	Full committee to review all work
.....				
Business Legislation	Motor Vehicle Insurance	3	1,365	
	Regulation of the Financial Services Industry			
.....				
Education	Job Training	6	2,730	
.....				
Election Laws	Recodification of the State Election Laws, Title 21, and consideration of needed substantive Reforms			
	- Recodification Subcommittee	2	350	Estimates based on subcommittee of 5 members
	- Campaign Finance "	6	1,050	
	- Referendum Process "	6	1,050	
	- Full Committee	3	1,365	

<u>Committee</u>	<u>Study</u>	<u>Requested Meetings</u>	<u>Amount</u>	
Energy and Natural Resources	Development of State Policy on Residential Camp Leases on Public Lands	5	2,275	Budget based on combined approach to two studies
	Charging fees for access to Public Lands			
Judiciary	Maine Tort Claims Act	3 *	1,365	
	Maine Domestic Relations Law	3 *	1,365	
	Abandoned Rights of Way	2 *	910	
Local & County Government	Regional Planning Commission		1,435	
Marine Resources	State and Municipal Clams Management	3 *	1,365	
Public Utilities	Feasibility of Public Power	4 *	1,820	
	Telecommunications in Maine			
State Government	Per diem salaries paid to members of Boards, Commissions, Authorities, Committes, Advisory Boards, etc.	5	1,050	Subcommittee of 6
	Office of Public Advocates	5	1,225	Subcommittee of 7
Taxation	Impact of Maine's Tax Structure on Economic Development	5	2,275	Estimates from Committee are designed to cover all 3 studies
	Review of Property Tax Exemptions °			
	Maine Capital Corporation °			

<u>Committee</u>	<u>Study</u>	<u>Requested</u>	
		<u>Meetings</u>	<u>Amount</u>
Transportation	Transportation of Hazardous Material	4	1,820
	Comprehensive Review of Long Term Trailer Legislation Policies and the Use of Agents	3	1,365

\* Staff Estimates

o Required by Statute

Sarah C. Diamond  
Legislative Administrative Director



MAINE STATE LEGISLATURE

Augusta, Maine 04333

June 7, 1983

TO: Legislative Council Members  
FROM: Sally Diamond *Sally*  
RE: Additional Materials for Council Agenda

A few additional requests for interim studies have come in since the agenda was distributed this morning. These include:

RECONSIDERATION OF INTERIM STUDY REQUESTS

Committee

Study

Education

Excellence in Administrators,  
Teachers and Students and  
Creative and Effective  
Schools

Threat to Excellence: Report  
by NBHE

NEW

Energy & Natural  
Resources

Identification of areas requiring  
further protection within the  
Allagash Wilderness Waterway.

Attachments

<u>Committee</u>	<u>Study</u>	<u>Requested</u>	
		<u>Meetings</u>	<u>Amount</u>
Education	Excellence in Administrators Teachers and Students and Creative and Effective Schools	3	\$1,465
	Threat to Excellence: Report by NBHE	2	910

**RECOMMENDED COMMITTEE STUDY**

**1. COMMITTEE:**

Joint Standing Committee on Education

**2. SUBJECT OF STUDY:**

Excellence in administrators, teachers, and students and creative and effective schools.

**3. PRIORITY NUMBER:**

Three (3)

**4. COMPLETION DATE:**

January 1, 1984

**5. ANALYSIS OF THE PROBLEM:**

There is a growing body of literature on developing excellence in schools and on the characteristics of effective and creative schools. Some schools in Maine foster excellence and are effective schools, some are not. The Department of Educational and Cultural Services is in the process of developing grants to local units to stimulate excellence and effective schools.

**6. REASON FOR STUDY:**

The members of the Education Committee need to be aware of the basic issues involved in the excellence and effective schools debate in order to develop, and respond to, legislation which attempts to improve Maine schools.

**7. MEMBERS OF SUBCOMMITTEE:**

(STUDYED3)

**RECOMMENDED COMMITTEE STUDY**

**1. COMMITTEE:**

Joint Standing Committee on Education

**2. SUBJECT OF STUDY:**

Threat to Excellence by NEHE

**3. PRIORITY NUMBER:**

Requested by leadership

**4. COMPLETION DATE:**

January 1, 1984 and on-going

**5. ANALYSIS OF THE PROBLEM:**

Educational resources have expanded dramatically in the Post World War II period. However, there are numerous indications that the quality of education and/or the skills of graduates has dropped in more recent years.

**6. REASON FOR STUDY:**

The New England Board on Higher Education has asked the Committee on Education to take the lead role in Maine in analyzing and helping to implement N.E.B.H.'s report on Excellence.

**7. MEMBERS OF SUBCOMMITTEE:**

RECOMMENDED COMMITTEE STUDY

1. COMMITTEE:

Energy and Natural Resources

2. SUBJECT OF STUDY:

Identification of areas requiring further protection within the Allagash Wilderness Waterway

3. PRIORITY NUMBER:

4

4. COMPLETION DATE:

Second Regular Session of the 111 th Legislature

5. ANALYSIS OF THE PROBLEM:

Timber harvesting is permitted in much of the Allagash Wilderness Waterway. There are specific areas, however, where certain types of timber management activities, particularly clear-cutting, conflict with the natural character and recreational use of the waterway.

6. REASON FOR STUDY:

For this study, the Energy and Natural Resources Committee will study timber harvesting within the Allagash Wilderness Waterway and identify specific areas that may require limited or special harvesting methods because of their natural character, unique habitat, or other resources. The committee will consult with affected landowners, and be assisted by the Bureau of Parks and Recreation.

7. MEMBERS OF SUBCOMMITTEE:

Full committee - 3 meetings



STATE OF MAINE  
DIRECTOR OF LEGISLATIVE RESEARCH  
AUGUSTA, MAINE 04333

AFTER DEADLINE REQUEST

Date June 7, 1983

Submitted by: Rep. Nadeau of Lewiston

AN ACT Concerning the Date of Annual Town Meetings.

LEGISLATIVE COUNCIL

Sen. Michael Carpenter	Yes	No	Abs.
Sen. Samuel Collins	Yes	No	Abs.
Sen. Gerard Conley	Yes	No	Abs.
Rep. Leland Davis	Yes	No	Abs.
Rep. John Diamond	Yes	No	Abs.
Sen. Barbara Gill	Yes	No	Abs.
Rep. Linwood Higgins	Yes	No	Abs.
Rep. John Martin	Yes	No	Abs.
Rep. Elizabeth Mitchell	Yes	No	Abs.
Sen. Charles Pray	Yes	No	Abs.
TOTAL	—	—	—

ACCEPTED

REJECTED

Date:

By:

Referred to:

AN ACT Concerning the Date of Annual Town Meetings

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

30 MRSA §2055, 1st paragraph, is amended as follows:

Each town shall hold an annual meeting on or after April 1,  
at which time the following town officials shall be elected by  
ballot: Moderator, selectmen and school committee.

STATEMENT OF FACT

Current law allows the annual town meeting to be held  
anytime. This bill would require that the meeting be held  
on or after April 1 each year.



STATE OF MAINE  
 DIRECTOR OF LEGISLATIVE RESEARCH  
 AUGUSTA, MAINE 04333

AFTER DEADLINE REQUEST

Date June 7, 1983

Submitted by: Rep. Beaulieu of Portland

AN ACT to Improve the Evaluation of Hearing Loss under the  
 Workers' Compensation Act.

LEGISLATIVE COUNCIL

Sen. Michael Carpenter	Yes	No	Abs.
Sen. Samuel Collins	Yes	No	Abs.
Sen. Gerard Conley	Yes	No	Abs.
Rep. Leland Davis	Yes	No	Abs.
Rep. John Diamond	Yes	No	Abs.
Sen. Barbara Gill	Yes	No	Abs.
Rep. Linwood Higgins	Yes	No	Abs.
Rep. John Martin	Yes	No	Abs.
Rep. Elizabeth Mitchell	Yes	No	Abs.
Sen. Charles Pray	Yes	No	Abs.
TOTAL	_____	_____	_____

ACCEPTED

REJECTED

Date:

By:

Referred to:

SPONSOR  
ST. E

AN ACT to Improve the Evaluation of Hearing  
Loss Under the Workers' Compensation Act.

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

Sec. 1. 39 MRSA § 193, Sub § 3, as amended by PL 1979, c 313, is further amended to read:

3. Determination of hearing loss. The percent of hearing loss, for purposes of the determination of compensation claims for occupational deafness shall be calculated as the average, in decibels, of the thresholds of hearing for the frequencies of 500, 1,000 and 2,000 cycles per second. Hearing levels shall be measured by means of pure-tone air-conduction audiometric instruments calibrated in accordance with American National Standards Institute Standard S3.22-1976, S3.6-1969-R 1973, and S3.13-1972, (ANSI) or American Standards Association Standard Z24.5, 1951 (ASA), and in an area with ambient noise level within the limits specified in American Standards Association-American National Standards Institute Criteria for Background Noise in Audiometric Rooms Standard S3.1, 1960-R 1974. If the losses of hearing average 25 decibels or less (ANSI), or 15 decibels or less (ASA) in the 3 frequencies, such losses of hearing shall not then constitute any compensable hearing disability. If the losses of hearing average 92 decibels or more (ANSI) or, 82 decibels or more (ASA) in the 3 frequencies, then the same shall constitute and be total or 100 percent compensable hearing loss.

Sec. 2. 39 MRSA § 193, sub § 5, as enacted by PL 1967, c. 374, § 6, is amended to read:

5. Measurement of hearing impairment. In measuring hearing impairment, the lowest measured losses in each of the 3 frequencies shall be added together and divided by 3 to determine the average decibel loss. For every decibel of loss exceeding 15 decibels (ASA), or 25 decibels (ANSI), an allowance of 1 1/2% shall be made up to the maximum of 100% which is reached at 82 decibels (ASA), or 92 decibels (ANSI).



STATE OF MAINE  
 DIRECTOR OF LEGISLATIVE RESEARCH  
 AUGUSTA, MAINE 04333

AFTER DEADLINE REQUEST

Date June 7, 1983

Submitted by: Rep. Soule of Westport

AN ACT Creating the Wiscasset Water District.

LEGISLATIVE COUNCIL

Sen. Michael Carpenter	Yes	No	Abs.
Sen. Samuel Collins	Yes	No	Abs.
Sen. Gerard Conley	Yes	No	Abs.
Rep. Leland Davis	Yes	No	Abs.
Rep. John Diamond	Yes	No	Abs.
Sen. Barbara Gill	Yes	No	Abs.
Rep. Linwood Higgins	Yes	No	Abs.
Rep. John Martin	Yes	No	Abs.
Rep. Elizabeth Mitchell	Yes	No	Abs.
Sen. Charles Pray	Yes	No	Abs.
TOTAL	—	—	—

ACCEPTED

REJECTED

Date:

By:

Referred to:

AN ACT CREATING THE WISCASSET WATER DISTRICT.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MAINE, AS FOLLOWS:

Sec. 1. Territorial limits; corporate name; purposes. Subject to section 13, the inhabitants and territory within the Town of Wiscasset, shall be and hereby are constituted a public municipal corporation under the name of "Wiscasset Water District" for the purpose of supplying the inhabitants of the district with pure water for domestic, sanitary, manufacturing and municipal purposes.

Sec. 2. Source of supply. The water district, for the purposes of its incorporation, is authorized to take, collect, store, hold, divert, use, flow, detain and distribute water from any lake, pond, stream or river and from any surface or underground brook, spring or vein of water in the Town of Wiscasset and from any other source from which the Maine Water Company, Wiscasset Division is now authorized to take any water, including sources outside of the Town of Wiscasset.

Sec. 3. Right of eminent domain conferred. The district, for the purposes of its incorporation, is authorized to take and hold, as for public uses, by purchase, gift or by exercise of the right of eminent domain, which right is expressly delegated to the water district for those purposes, any lands or interests therein or water rights necessary for erecting and maintaining dams, for flowage, for power, for pumping its water supply through its mains, for reservoirs and standpipes, for preserving the purity of the water and watershed, for laying and maintaining aqueducts, mains and other structures for taking, distributing, purifying, discharging and disposing of water and for rights-of-way or roadways to its sources of supply, dams, power stations, reservoirs, standpipes, mains, aqueducts, structures and lands. Nothing contained in this Act shall be construed as authorizing the water district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty, unless expressly authorized in this Act or by subsequent Act of the Legislature, or as provided in section 7 and section 12.

Sec. 4. Authorized to lay pipes, public ways and across private lands. The district is authorized to lay in and through the streets, roads, ways and highways within the district and across private lands in the district, and to maintain and replace all such pipes, aqueducts, mains and fixtures as may be necessary, and may excavate through any lands when necessary and convenient for its corporate purposes; and whenever the district lays any pipes, aqueducts or mains in any street, road, way or highway, it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall at its own expense

without unnecessary delay cause the earth and pavement removed by it to be replaced in proper condition.

Sec. 5. Authorized to erect and maintain dams, reservoirs, etc. The district is authorized, for the purposes of its incorporation, to erect and maintain all dams, pumping stations, with all necessary appliances required therefor, reservoirs, standpipes and structures necessary and convenient for its corporate purposes.

Sec. 6. Procedure in exercising rights of eminent domain; assessment of damages; appeal procedure. The water district is liable for all damage that is sustained by any person or corporation in his or its property by the taking of any land or interest therein whatsoever, for water, or by flowage, or by excavating through any land for the purpose of laying pipes, aqueducts or mains, building dams or constructing reservoirs or any other construction necessary to the taking, distributing, purifying, discharging and disposing of water for its users.

In exercising any right of eminent domain conferred upon it by law, from time to time, in the taking of lands or interests therein, or water rights, the district shall file in the office of the county commissioners of Lincoln County and record in the registry of deeds in that county plans of the location of all such lands or interests therein or water rights, with an appropriate description and the names of the owners, if known. Notice of the filing shall be sent by mail to the owners at the address appearing on the tax records of the municipality in which the land is located. When for any reason the district fails to acquire the property authorized to be taken, and which is described in that location, or the location recorded is defective or uncertain, it may, at any time, correct and perfect that location and file a new description, and in such case the district is liable in damages only for property which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district is not liable for any acts which would have been justified if the original taking had been lawful. No entry may be made on any private lands, except to make surveys, until the expiration of 10 days from that filing, at which time possession may be had of all lands or interest therein or water rights so taken, but title shall not vest in the district until payment therefor.

If any person or corporation sustains damages by any taking and the water district does not mutually agree upon the sum to be paid therefor, either party, upon petition to the county commissioners of Lincoln County, may have those damages assessed by them; and the procedure and all subsequent proceedings and right of appeal shall be had under the same restrictions, conditions and limitations as are or may be by law prescribed in the case of damages by the laying out of town ways.

Sec. 7. Procedures in crossing of railroads or utility rights-of-way. In case of any crossing of a railroad or the right-of-way occupied by the transmission or distribution lines of an electric company or telephone company, unless consent is given by the company owning or operating that railroad or transmission line, as to place, manner and conditions of the crossing, within 30 days after that consent is requested by the district, the Department of Transportation shall, upon petition setting forth a description of the premises and the reasons for the crossing, after notice given as the commission may prescribe, determine the place, manner and conditions of that crossing; and all work within the limits of that railroad location or right-of-way shall be done under the supervision and to the satisfaction of the railroad company, telephone company or electric company, as the case may be, but at the expense of the district, unless otherwise ordered by the Department of Transportation, which shall award to the railroad, telephone company or electric company any damage suffered by it occasioned by the crossing.

Sec. 8. Board of trustees; appointment; compensation. All of the affairs of the district shall be managed by a board of trustees composed of 5 members of the legal voters of the district from the Town of Wiscasset. Initially the trustees shall be chosen by the municipal officers of Wiscasset. Each trustee shall serve for a term of three years, except that the initial trustees shall serve for one, two or three years. At the first meeting the trustees may determine by agreement, or failing to agree, they shall determine by lot, the term of office of each trustee so that no more than two may retire each year. The term of office of the trustees shall end at the annual town meeting held in March. Whenever the term of office of the trustees expires, a successor is elected by secret ballot at the regular yearly municipal election to serve the full term of three years; in case any other vacancy arises from any cause, it shall be filled in like manner for the unexpired term. When any trustee ceases to be a resident of the town from which he was elected or appointed, he vacates the office of the trustee.

The trustees shall hold a meeting at the town office in Wiscasset and organize by the election of a president and clerk, adopt a corporate seal, and when necessary may choose a treasurer and all other needful officers and agents for the proper conduct and management of the affairs of the district. The trustees may also ordain and establish such bylaws as are necessary for their own convenience and the proper management of the affairs of the district. The trustees may procure an office and incur such expenses as may be necessary. The treasurer shall furnish bond in such sum and with such sureties as they may approve. The voters of the district shall set the salaries of the trustees. The trustees shall also receive reimbursement for all necessary and reasonable expenses, including travel. A quorum of the board of trustees shall be three trustees. All decisions of the board of trustees shall be by a majority of those present and voting. The trustees shall be sworn to the faithful performance of their duties as such

which shall include the duties of any member who shall serve as clerk or clerk protem.

Sec. 9. Temporary loans negotiated; issue of bonds. For accomplishing the purposes of this Act, the water district, through its trustees, is authorized to borrow money temporarily and to issue therefor the negotiable notes of the district, and for the purpose of refunding the indebtedness so created, for paying any necessary expenses and liabilities incurred under the provisions of this Act, including the expenses incurred in the creation of a district, in securing sources of supply, taking water and land, paying damages, taking rights of way or other interests in real estate, by purchase or otherwise, laying pipes, aqueducts and mains, constructing, installing, maintaining and operating reservoirs, standpipes, dams, pumping stations and whatever equipment may be necessary or incidental to the construction and installation of that system of water works and making renewals of or extensions, additions and improvements to the same, the district by votes of its board of trustees, without district vote except as provided in this Act, is also authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in the amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees determine; provided that in the case of a vote by the trustees to authorized bonds or notes to pay for the acquisition of property, for the cost of a water system or part thereof, for renewal or additions or for other improvements in the nature of capital costs, or for renewing or refunding existing indebtedness, notice of the proposed debt and of the general purpose or purposes for which it was authorized shall be given by the clerk by publication at least once in a newspaper having a general circulation in the Town of Wiscasset. No debt may be incurred under the vote of trustees until the expiration of seven full days following the date on which the notice was first published. Prior to the expiration of the period, the trustees may call a special district meeting for the purpose of permitting the voters of the district to express approval or disapproval of the amount of debt so authorized, and the trustees shall call a special district meeting if, within seven days following the publication of the notice, there is filed with the clerk of the district a petition or petitions signed by not less than 50 qualified voters of the district requesting that a special meeting be called. If, at the district meeting, a majority of voters present and voting thereon express disapproval of the amount of debt authorized by the trustees, the debt may not be incurred and the vote of the trustees authorizing the same shall be void and of no effect. The bonds, notes and evidences of indebtedness may be issued to mature serially in annual installments of not less than one percent of the face amount of the issue and beginning not later than two years from the date thereof, or may be issued with equal annual payments, applied first to interest and the balance to principal, or made to run for such periods as the trustees may determine but no issue shall run for a longer period than 40 years from the date of original issue. Bonds, notes or evidences of

indebtedness may be issued with or without provision for calling the same prior to maturity and, if callable, may be made callable at par or at such premium as the trustees may determine. All bonds, notes or other evidences of indebtedness shall have inscribed upon their face the words "Wiscasset Water District," shall be signed by the treasurer and countersigned by the chairman of the board of trustees of the district and, if coupon bonds are issued, the interest coupons attached thereto shall bear the facsimile of the signature of the treasurer. All bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district, which is declared to be a quasi-municipal corporation within the meaning of the Revised Statutes, Title 30, section 5053, and as amended, and all provisions of this section shall be applicable thereto.

The district may, from time to time, issue its bonds, notes and other evidences of indebtedness for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness and each authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by the district shall be legal investments for savings banks in the State and shall be tax exempt. The district is authorized and empowered to enter into agreements with the State or Federal Government, or any agency of either or any corporation, commission or board authorized by the State or Federal Government to grant or loan money to or otherwise assist in the financing of projects, such as the district is authorized to carry out, and to accept grants and borrow money from any government agency, corporation, commission or board as may be necessary or desirable to enforce this Act. All notes and bonds with the maturity of more than one year in connection with the water system may first be approved by the Public Utilities Commission.

Sec. 10. Sinking fund provided for. In case any of the bonds or notes are made to run for a period of years, a sinking fund shall be established by the trustees of the district for the purpose of redeeming the bonds or notes when they become due and a sum equal to not less than one percent and not more than five percent of the aggregate principal of the outstanding bonds or notes except for serial bonds issued on account of or in behalf of the district shall be turned into the sinking fund each year to provide for the final extinguishment of the district funded debt.

The money set aside for the sinking fund shall be devoted to the retirement of the notes and bonds, and shall be used for no other purposes, and shall be invested in such securities as savings banks are allowed to hold.

Whenever any bonds of the district become due or can be purchased by the trustees on favorable terms, the trustees may, if sufficient funds have accumulated in the sinking fund, redeem or purchase the bonds and cancel them. In no case may bonds so canceled or redeemed be reissued.

In case the amount in the sinking fund is not sufficient to pay the total amount of the bonds falling due at any one time, the trustees may issue new bonds sufficient to redeem as many of the bonds as cannot be redeemed from the sinking fund.

In the event that the district, with the approval of bond counsel or a bonding organization, establishes a payment schedule that does not require the use of a sinking fund, the provisions of this section shall not apply.

Sec. 11. Authority to purchase property of Maine Water Company. The Wiscasset Water District may acquire by purchase the entire plant, property, franchises, rights, and privileges of the Maine Water Company located in or serving the Town of Wiscasset, except its cash assets, mortgages, liens, and encumbrances and accounts receivable and payable, including all land, waters, water rights, dams, structures, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances owned by that company, whether the record title thereto is or is not in the Maine Water Company. The company is authorized to sell, transfer and convey its franchises and property to the water district, subject to Public Utilities Commission approval.

Sec. 12. Procedure in case trustees and Maine Water Company fail to agree on terms of purchase. In case the trustees fail to agree with the Maine Water Company upon the terms of purchase, then the district through its trustees, may take the properties, interest and franchises of the Maine Water Company as set forth in section 11, in the manner provided in this Act, wherein the Maine Water Company and its mortgagees, if any, or those having an interest in any realty which is of record, shall be the parties' defendant. The district, through its trustees, may file a petition in the clerk's office of the Superior Court for the County of Lincoln, addressed to any justice thereof who, after notice to the defendant, shall, after hearing and within 60 days after the filing of the petition, appoint three disinterested appraisers for the purpose of fixing the valuations of the plant, property and franchises of the Maine Water Company described in section 11. The court may order under proper terms the production for inspection by the trustees or the appraisers of all books and papers pertaining to the issue, on petition by the petitioner, unless the same are voluntarily produced. The appraisers shall, after due notice and hearing, fix the valuation, as of the date of filing the petition, of the plants, properties and franchises at what they were fairly and equitably worth so that the company shall receive just compensation for the same. The report of the appraisers or of a majority of them, together with the report of a stenographer certified by the appraisers as correct, shall be filed in the clerk's office within six months after their appointment and any Justice of the Superior Court may, after notice and hearing, confirm or reject the same or recommit it if justice so requires. Upon the confirmation of the report, the court so sitting shall thereupon make final decree upon the entire matter, including the application of the purchase money and

transfer of the property, jurisdiction over which is hereby conferred, and with the power to enforce the decree as in equity cases. All findings of the fact by the court and the appraisers shall be final, but any party aggrieved may take exceptions as to any matters of law, the same to be accompanied by so much of the case as may be necessary to a clear understanding of the question raised. These exceptions shall be claimed on the docket within ten days after the final decree is signed, entered, filed and notice thereof has been given by the clerk to the parties and the exceptions so claimed shall be made up, allowed and filed within that time, unless further time is granted by the court or by agreement of the parties. They shall be entered at the next term of the Law Court to be held after the filing of these exceptions and there heard, unless otherwise agreed, or the Law Court for good cause shall order further time for hearing thereon. On payment or tender by the district of the amount determined by the final decree and the performance of all other terms and conditions imposed by the court, the plant, properties and franchises of Maine Water Company, as described in section 11, shall become vested in this district.

Sec. 13. Property tax exempt. The plant and property of the district within the territorial limits of the district shall be exempt from all taxation in the Town of Wiscasset.

Sec. 14. Water rates. Individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of the district the rates established by the board of trustees for the water used by them; and the rates for water so supplied shall be uniform within the territory supplied by the district whenever the installation and maintenance of mains and the cost of service is substantially uniform, but nothing in this Act shall preclude the district from establishing higher rates than the regular rates in sections where for any reason the cost of construction and maintenance or the cost of service exceeds the average, but these higher rates shall be uniform throughout the sections where they apply. The rates shall be established as to provide revenue for the following purposes:

A. Current expenses. To pay the current expenses for operating and maintaining the water system;

B. Interest payment. To provide for the payment of the interest on any indebtedness created or assumed by the district;

C. Sinking fund. To provide each year a sum equal to not less than one percent and not more than five percent of the entire indebtedness created by the district, which sum shall be used to pay serial bonds or notes when due or be turned into a sinking fund and there kept to provide for extinguishment of the indebtedness. Money set aside for the sinking fund shall be devoted to the retirement of the obligations of the water district and invested in such securities as savings banks in this State are allowed to hold; and

D. Surplus. If any surplus remains at the end of the year, it may be turned into the sinking fund or used for such other purposes of the district as the trustees may determine.

The water rates, tools, charges and rents shall be filed with, and subject to the approval of the Public Utilities Commission as required or permitted by the applicable statutes.

Sec. 15. District and town authorized to make contracts. The district through its trustees is authorized to contract with persons and corporations, including the Town of Wiscasset, and the Town of Wiscasset is authorized to contract with it for the supply of water for municipal purposes.

Sec. 16. Incidental rights and privileges. All incidental rights, powers and privileges necessary to the accomplishment of the main object set forth in this Act are granted to the municipal corporation created by this Act.

Sec. 17. Existing statutes not affected; rights conferred subject to provisions of law. Nothing in this Act is intended to repeal, or shall be construed as repealing, the whole or any part of any existing statute and all the rights and duties mentioned in this Act shall be exercised and performed in accordance with all the applicable provisions of the Revised Statutes, Title 35, and all acts amendatory thereof or additional thereto.

Sec. 18. Certain sections inoperative on failure to acquire Maine Water Company plant. If the water district fails to acquire the plant, property, franchises, rights and privileges owned by the Maine Water Company and used or usable in supplying water to the Town of Wiscasset then this Act shall be inoperative.

Sec. 19. Acceptance subject to referendum. This Act shall take effect when approved by a majority vote of the legal voters within the district voting at an election to be called and held for the purpose within six months of the effective date of this Act. The election shall be called, advertised and conducted according to the law relating to municipal elections, provided that the registrars of voters shall not be required to prepare or the clerks to post a new list of voters, and for this purpose the registrars of voters shall be in session the three secular days preceding the election, of which the first two days will be devoted to registration of the voters and the last day to enable the registrars to verify the lists and to complete the records of these sessions. The subject matter of this Act shall be reduced to the following question:

"Shall the Wiscasset Water District be created?"

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

The results shall be declared by the municipal officers of the Town of Wiscasset and the due certificate thereof filed by the clerk with the Secretary of State.

This Act shall take effect for all the purposes thereof immediately upon its acceptance by a majority of the legal voters within the district voting at the special election. But failure of the approval by the necessary majority of voters at any such election shall not prevent a subsequent election or elections to be held for that purpose.

Sarah C. Diamond  
Legislative Administrative Director



MAINE STATE LEGISLATURE  
Augusta, Maine 04333

June 9, 1983

TO: Chairs, Joint Standing Committees  
FROM: Sally Diamond, Legislative Administrative Director *Sally*  
RE: Carryover and Study Requests: Legislative  
Council Action 8, 1983.

Additional requests to carry over bills and conduct interim studies were reviewed by the Legislative Council at its meeting yesterday, Wednesday, June 8. The Council's action is summarized on the attached lists.

Council action on allocating funds for interim studies was again deferred until the list of approved studies is complete.

SCD/c

Attachments

cc: Council Members  
Directors

LEGISLATIVE COUNCIL ACTION ON  
REQUESTS TO CARRYOVER BILLS

June 8, 1983

<u>Committee</u>	<u>Carryover Request</u>	<u>Council Action</u>
Appropriations and Financial Affairs	L.D. 557	APPROVED
	L.D. 1141	APPROVED
	L.D. 1457	APPROVED
	L.D. 1690	APPROVED
Business Legislation	L.D. 1667	DENIED
Education	L.D. 1688	APPROVED
	L.D. 1703	APPROVED

LEGISLATIVE COUNCIL ACTION ON  
REQUESTS FOR INTERIM STUDIES

June 8, 1983

<u>Committee</u>	<u>Study Request</u>	<u>Council Action</u>
Agriculture	Use of Peat in Maine	TABLED
Appropriations and Financial Affairs	Office of Energy Resources	DENIED
Audit & Program Review	Separation of Powers Related to Legislative Members on Boards and Commissioners	APPROVED