

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

**CHAPTER 39
S.P. 864 - L.D. 2234**

**An Act To Validate Certain
Proceedings Authorizing the
Issuance of Bonds and Notes by
the City of Brewer High School
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, the City of Brewer High School District is authorized pursuant to state law to purchase land and to erect, equip, repair, renovate and maintain schools within the City of Brewer; and

Whereas, pursuant to Private and Special Law 2005, chapter 42, the Legislature approved an increase in the debt limit of the City of Brewer High School District from \$5,000,000 to 7.5% of the most recent state valuation of the City of Brewer subject to approval at a referendum in the City of Brewer; and

Whereas, the State Board of Education has granted concept approval and design and funding approval for a school construction project to construct and equip a new prekindergarten to grade 8 elementary school in the City of Brewer High School District; and

Whereas, at a district referendum held on December 4, 2007, the voters of the City of Brewer voted to increase the debt limit of the City of Brewer High School District from \$5,000,000 to 7.5% of the most recent state valuation of the City of Brewer and also voted to authorize the trustees of the City of Brewer High School District to issue bonds or notes for school construction purposes for the project; and

Whereas, an architect and engineers have been retained to draft plans for the project; and

Whereas, specimen ballots for the referendum were not published in any newspapers as required by the Brewer City Charter; and

Whereas, the failure to publish the specimen ballots has created a legal technicality that could affect the marketability of the bonds or notes to be issued by the City of Brewer High School District in connection with the project; 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. Validation and authorization. Notwithstanding any other provision of law, the City of Brewer High School District school construction referendum conducted on December 4, 2007 and the proceedings related to that referendum are validated and made effective. The debt limit of the City of Brewer High School District is increased from \$5,000,000 to 7.5% of the most recent state valuation of the City of Brewer as set forth in Question 1 of the warrant and ballots for the referendum; the City of Brewer High School District is authorized to enter into contracts and to issue bonds or notes of the district for school construction purposes in an amount not to exceed \$39,487,883 to construct and equip a prekindergarten to grade 8 school, all as set forth in Question 2 and Question 3 of the warrant and ballots for the referendum; and the City of Brewer High School District is authorized to accept gifts for the project as set forth in Question 4 of the warrant and ballots for the referendum.

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

Effective March 28, 2008.

**CHAPTER 40
H.P. 1409 - L.D. 2025**

**An Act To Provide Degree-
granting Authority to the
Landing School of
Boatbuilding and Design**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, authorization by the Legislature is required for any institution of higher education to confer academic, educational, literary or professional degrees, upon the recommendation of the State Board of Education; and

Whereas, the Landing School of Boatbuilding and Design has applied to the State Board of Education and received a recommendation for approval of degree-granting authority; and

Whereas, it is necessary for the Legislature to grant this authority in order that the Landing School may begin offering degree programs for students beginning in the fall of 2008; and

Whereas, the Landing School cannot apply for national accreditation by the Accrediting Commission of Career Schools and Colleges of Technology, a private independent accrediting agency recognized by the

United States Department of Education, until authorized by the Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Degree. The Landing School of Boatbuilding and Design, of Arundel, is authorized to confer upon all who successfully complete its prescribed course of study the degree of Associate Degree in Applied Science as is usually conferred by like institutions of higher learning.

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

Effective March 31, 2008.

CHAPTER 41

S.P. 843 - L.D. 2185

An Act To Provide for the 2008 and 2009 Allocations of the State Ceiling on Private Activity Bonds

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 Maine Revised Statutes, Title 10, section 363 and Private and Special Law 2007, chapter 18 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 2008, but leave a portion of the state ceiling unallocated and do not provide sufficient allocations for certain types of private activity bonds that may require an allocation prior to the effective date of this Act if not enacted on an emergency basis; and

Whereas, if these bond issues must be delayed due to lack of available state ceiling, the rates and terms under which these bonds may be issued may be adversely affected, resulting in increased costs to beneficiaries or even unavailability of financing for certain projects; 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. Allocation to the Treasurer of State. The \$5,000,000 of the state ceiling for calendar year 2008 previously allocated to the Treasurer of State remains allocated to the Treasurer of State to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5 for calendar year 2008. Five million dollars of the state ceiling for calendar year 2009 is allocated to the Treasurer of State to be used or reallocated in accordance with Title 10, section 363, subsection 5.

Sec. 2. Allocation to the Finance Authority of Maine. The state ceiling or private activity bonds allocated to the Finance Authority of Maine are:

1. The \$45,000,000 of the state ceiling for calendar year 2008 previously allocated to the Finance Authority of Maine remains allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6 for calendar year 2008. Fifteen million dollars of the previously unallocated state ceiling for calendar year 2008 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6 for calendar year 2008. Forty million dollars of the state ceiling for calendar year 2009 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

2. The \$50,000,000 of the state ceiling for calendar year 2008 previously allocated to the Finance Authority of Maine remains allocated to the Finance Authority of Maine, the entity designated pursuant to Title 20-A, section 11407, to be used or reallocated in accordance with Title 10, section 363, subsection 8-A. Fifty million dollars of the state ceiling for calendar year 2009 is allocated to the Finance Authority of Maine, the entity designated pursuant to Title 20-A, section 11407, to be used in accordance with Title 10, section 363, subsection 8-A.

Sec. 3. Allocation to the Maine Municipal Bond Bank. The \$10,000,000 of the state ceiling for calendar year 2008 previously allocated to the Maine Municipal Bond Bank remains allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7 for calendar year 2008. Ten million dollars of the state ceiling for calendar year 2009 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

Sec. 4. Allocation to the Maine Educational Loan Authority. The \$20,000,000 of the state ceiling for calendar year 2008 previously allocated to the Maine Educational Loan Authority remains allocated to the Maine Educational Loan Au-