

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

nate of N=623891.455, E=3078350.753, in the traveled area of Kennedy Memorial Drive; thence N 38°19'20"E, a distance of 105.00 feet to a 4 inch x 4 inch granite monument with a 2 1/2 inch bronze disk, having a Maine State Plane West Zone coordinate of N=623973.831, E=3078415.862, northerly of the center of Kennedy Memorial Drive; thence continuing N 38°19'20"E, a distance of 2,490.70 feet to a 1/2 inch iron rebar with a 2 inch bronze cap, on the westerly line of Interstate 95, having a Maine State Plane West Zone coordinate of N=625927.880, E=3079960.301; thence continuing N 38°19'20"E, an additional distance of 886.38 feet to a 1/2 inch iron rebar with a 2 inch bronze cap on the easterly line of Interstate 95, having a Maine State Plane West Zone coordinate of N=626623.277, E=3080509.928; thence continuing N 38°19'20"E, an additional distance of 1,853.63 feet to a 4 inch x 4 inch granite monument with a 2 1/2 inch bronze disk, having a Maine State Plane West Zone coordinate of N=628077.518, E=3081659.330, westerly of the center of Washington Street; thence N 35°55'31"E, a distance of 1,071.50 feet to a 1/2 inch iron rebar with a 2 inch bronze cap, having a Maine State Plane West Zone coordinate of N=628945.200, E=3082288.011, westerly of the center of Washington Street; thence continuing N 35°55'31"E, an additional distance of 100.00 feet to a point, having a Maine State Plane Zone West coordinate of 629026.178, E=3082346.684, in the traveled area of Washington Street; thence N 11°25'31"E, a distance of 100.00 feet to a 1/2 inch iron rebar with a 2 inch bronze cap, having a Maine State Plane West Zone coordinate of N=629124.196, E=3082366.493, westerly of the center of Washington Street; thence continuing N 11°25'31"E, an additional distance of 1,187.00 feet to a 1/2 inch iron rebar with a 2 inch bronze cap, having a Maine State Plane West Zone coordinate, of N=630287.675, E=3082601.625, westerly of the center of Washington Street; thence N 21°25'31"E, a distance of 1,003.00 feet to a 1/2 inch iron rebar with a 2 inch bronze cap, having a Maine State Plane West Zone coordinate of N=631221.362, E=3082968.008, westerly of the center of Washington Street; thence continuing N 21°25'31"E, an additional distance of 20.00 feet to a point, having a Maine State Plane West Zone coordinate of N=631239.980, E=3082975.314, westerly of the center of Washington Street; thence N 00°34'29"W, a distance of 20.00 feet to a 1/2 inch iron rebar with a 2 inch bronze cap, having a Maine State Plane Zone West coordinate of N=631259.979, E=3082975.113, westerly of the center of Washington Street; thence continuing N 00°34'29"W, an additional distance of 601.91 feet to a point, having a Maine State Plane West Zone coordinate of N=631861.858, E=3082969.076, in the traveled area of Washington Street; thence N 62°21'56"W, a distance of 151.40 feet to a 4 inch x 4 inch granite monument with a 2 1/2 inch bronze disk, having a Maine State Plane West Zone coordinate of N=631932.081, E=3082834.948,

southerly of the center of the Rice Rips Road; thence N 80°06'01"W, a distance of 165.00 feet to a 4 inch x 4 inch granite monument with a 2 1/2 inch bronze disk, having a Maine State Plane West Zone coordinate of N=631960.449, E=3082672.404, southerly of the center of the Rice Rips Road; thence N 84°13'35"W, a distance of 676.65 feet to a 7 inch x 16 inch granite stone monument, flush with the ground, having a Maine State Plane West Zone coordinate of N=632028.520, E=3081999.189, southerly of the center of the Rice Rips Road.

Bearings are referenced to Grid True North - Maine State Plane West Zone.

See title page for effective date.

CHAPTER 3

H.P. 358 - L.D. 513

An Act To Update the Casco Bay Island Transit District Enabling Law

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

Sec. 1. P&SL 1981, c. 22, §1, 3rd sentence is amended to read:

The district so formed ~~shall be~~ is a body politic and corporate; and may sue and be sued, plead and be impleaded, adopt a name, adopt and alter a common seal, and do things necessary to furnish waterborne transportation in this area, including incidental tour and charter service and providing for parking, for public purposes in the interest of public health, safety, comfort and convenience of the inhabitants of the islands comprising the district and other passengers served by the district.

Sec. 2. P&SL 1981, c. 22, §2, 3rd sentence is amended to read:

Three of such directors ~~shall~~ must be residents or property owners of Peaks Island, one director ~~shall~~ must be a resident or property owner of Little Diamond Island, one director ~~shall~~ must be a resident or property owner of Great Diamond Island, one director ~~shall~~ must be a resident or property owner of Long Island, one director ~~shall~~ must be a resident or property owner of Cliff Island, one director ~~shall~~ must be a resident or property owner of Great the Town of Chebeague Island, and two directors ~~shall~~ must be residents or property owners of the State.

Sec. 3. P&SL 1981, c. 22, §7 is amended to read:

Sec. 7. Powers of directors. The directors of the district may take, purchase, hold, maintain, operate, lease, rent, mortgage and convey any and all real

and personal property, or lease or sublease the same, or enter into contracts with private companies, for the purpose of providing public transportation and support services, such as providing for parking, and for such purpose contract with the federal, state and municipal governments for donations, loans, grants, gifts or other assistance and in such contracts agree to be bound by all applicable provisions of federal, state and municipal statutes and regulations as the case may be.

Sec. 4. P&SL 1981, c. 22, §10 is amended to read:

Sec. 10. Powers. The district may acquire by purchase any properties, stock, franchises, rights and privileges of the owners of Casco Bay Lines. For the purpose of providing necessary and convenient transportation to its service area, the district may also purchase other properties necessary for providing transportation and support services such as providing for parking.

See title page for effective date.

CHAPTER 4

H.P. 588 - L.D. 857

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 32

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

Whereas, on December 12, 2007 the State Board of Education granted concept approval to School Administrative District No. 32 for a school construction project to construct and equip a new prekindergarten to grade 12 school in the Town of Ashland and approved \$22,057,929 as the total cost for that project with \$20,217,001 in indebtedness approved for a state and local debt service subsidy and \$1,720,928 in indebtedness approved as local-only debt and the remainder of the project to be financed through a Maine High Performance Schools energy grant not to exceed \$120,000; and

Whereas, on January 31, 2008 at a district referendum the voters of School Administrative District No. 32 approved the school construction project by a vote of 789 in favor and 38 opposed; and

Whereas, on June 11, 2008 the State Board of Education granted site preparation design and funding approval for phase I of the school construction project with a total approved project bonded indebtedness not to exceed \$21,937,929; and

Whereas, on August 12, 2008 the State Board of Education granted design and funding approval for that school construction project with total approved project bonded indebtedness not to exceed \$21,937,929; and

Whereas, pursuant to the Maine Revised Statutes, Title 20-A, section 1311, subsection 6, the aggregate principal amount of outstanding bonds or notes issued by a school administrative district for school construction purposes may not exceed, at any one time, 10% of the total of the last preceding state valuation of all the municipalities within the district, plus an amount not to exceed 4% of that total district valuation set by the State Board of Education at the time of the initial approval of a school construction project; and

Whereas, at the time that the State Board of Education approved the School Administrative District No. 32 school construction project, the total indebtedness authorized for the school construction project exceeded the limits on indebtedness established by the Maine Revised Statutes, Title 20-A, section 1311, subsection 6; and

Whereas, the 2009 state valuation of all municipalities in School Administrative District No. 32 is \$176,750,000; and

Whereas, the total indebtedness authorized by the State Board of Education for the School Administrative District No. 32 school construction project in the amount of \$21,937,929 is within 10% plus 4% of the 2009 state valuation of all municipalities in School Administrative District No. 32; and

Whereas, School Administrative District No. 32 has signed a construction contract and borrowed funds in anticipation of the issuance of permanent bonds to finance the school construction project; and

Whereas, legislative validation of the proceedings of the State Board of Education and the referendum on the school construction project conducted by School Administrative District No. 32 and legislative authorization for School Administrative District No. 32 to issue permanent bonds for the school construction project is required in order for School Administrative District No. 32 to issue bonds in the amount necessary to complete the school construction 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 the Maine Revised Statutes, Title 20-A, section 1311, subsection 6 and any other provision of