

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

effective date of this Act. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410.

Sec. 5. Terms of trustees. After the appointment of the first board, trustees are elected to 3-year terms in accordance with the Maine Revised Statutes, Title 35-A, section 6410.

Sec. 6. Emergency clause; referendum; effective date. This Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the territory described in section 1 of this Act at an election called and held for that purpose, except that this Act takes effect for all purposes immediately upon its approval if a majority of the legal voters within the territory described in section 1 of this Act voting at a referendum held after January 9, 2012 and prior to approval of this Act vote in favor of the question specified in this section. Even if the municipality has not accepted the secret ballot voting, the election must be called, advertised and conducted according to the law relating to municipal elections, including the Maine Revised Statutes, Title 30-A, section 2528. For the purposes of registration of voters, the registrar of voters must be in session the secular day preceding the election. The subject matter of this Act is reduced to the following question:

"Do you favor creating the New Gloucester Water District?"

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

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

If a referendum is not held after January 9, 2012 and before approval of this Act or a referendum is held between those dates but a majority of the legal voters within the territory described in section 1 of this Act do not vote in favor of the question specified in this section, this Act takes effect for all purposes immediately upon its approval by a majority of the legal voters voting at an election held at a later date. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section.

Effective pending referendum.

CHAPTER 20

H.P. 1264 - L.D. 1712

An Act Regarding the School Fund in the Town of Burlington

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

Sec. 1. School fund allowed to lapse to general fund. Notwithstanding the Maine Revised Statutes, Title 13, chapter 93, subchapter 5, the Town of Burlington is authorized to allow the funds that are in the town's school and ministerial fund to lapse to the town's general fund.

See title page for effective date.

CHAPTER 21

S.P. 595 - L.D. 1736

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2013

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

Sec. 1. Allocation. Gross revenues of the Maine Turnpike Authority for the calendar year ending December 31, 2013 must be segregated, apportioned and disbursed as designated in the following schedule.

MAINE TURNPIKE AUTHORITY	2013
Administration	
Personal Services	\$1,067,749
All Other	1,467,258
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TOTAL	\$2,535,007
Accounts and Controls	
Personal Services	\$2,606,086
All Other	1,090,391
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TOTAL	\$3,696,477
Highway Maintenance	
Personal Services	\$4,346,868
All Other	2,839,417
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TOTAL	\$7,186,285

Equipment Maintenance

Personal Services	\$1,096,290
All Other	1,801,307
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TOTAL	\$2,897,597

Fare Collection

Personal Services	\$9,757,145
All Other	3,933,466
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TOTAL	\$13,690,611

Public Safety and Special Services

Personal Services	\$490,043
All Other	5,983,668
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TOTAL	\$6,473,711

Building Maintenance

Personal Services	\$541,491
All Other	504,455
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TOTAL	\$1,045,946

Subtotal of Line Items Budgeted \$37,525,634

General Contingency - 5% of line items budgeted for 2013 (10% allowed) 1,876,282

MAINE TURNPIKE AUTHORITY
TOTAL REVENUE FUNDS

\$39,401,916

Sec. 2. Transfer of allocations. Any balance of the allocation for "General Contingency" made by the Legislature for the Maine Turnpike Authority may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year. Any balance of any other allocation or subdivision of any other allocation made by the Legislature for the Maine Turnpike Authority that at any time is

not required for the purpose named in the allocation or subdivision may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year subject to review by the joint standing committee of the Legislature having jurisdiction over transportation matters. Financial statements describing the transfer, other than a transfer from "General Contingency," must be submitted by the Maine Turnpike Authority to the Office of Fiscal and Program Review 30 days before the transfer is to be implemented. In the case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, amounts to be transferred, a description of the transfer and a detailed explanation as to why the transfer is needed.

Sec. 3. Encumbered balance at year-end. At the end of each calendar year, encumbered balances may be carried to the next calendar year.

Sec. 4. Supplemental information. As required by the Maine Revised Statutes, Title 23, section 1961, subsection 6, the following statement of the revenues in 2013 that are necessary for capital expenditures and reserves and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority during 2013, including debt service and the maintenance of reserves for debt service and reserve maintenance, is submitted.

Turnpike Revenue Bond 2013
Resolution Adopted April 18, 1991; Issuance of Bonds
Authorized Pursuant to the
Maine Revised Statutes, Title 23,
section 1968, subsections 1 and 2

Debt Service Fund	\$34,370,309
Reserve Maintenance Fund	32,000,000
General Reserve Fund, to be applied as follows:	
Capital Improvements	24,411,531
Debt Service Fund under the General Special Obligation Bond Resolution Adopted May 15, 1996; Issuance of Bonds Authorized Pursuant to the Maine Revised Statutes, Title 23, section 1968, subsection 2-A	2,465,750

TOTAL

\$93,247,590

See title page for effective date.

CHAPTER 22**S.P. 580 - L.D. 1681****An Act To Amend the Charter
of the Lucerne-in-Maine
Village Corporation**

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 makes changes to the qualifications for membership on the Board of Overseers of the Lucerne-in-Maine Village Corporation; and

Whereas, the Board of Overseers of the Lucerne-in-Maine Village Corporation holds its meeting in the summer and the changes made by this legislation may not take effect before the date of the meeting if this legislation is not enacted as an emergency; 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 1927, c. 43, §7-A, first ¶, as enacted by P&SL 1983, c. 42, §7, is amended to read:

Sec. 7-A. Officers; adoption of bylaws; officers to be sworn; treasurer to give bond; budget committee established. The officers of the corporation ~~shall be~~ are a board of 3 overseers, a treasurer, a clerk and such other officers as the bylaws of the corporation may require. The Board of Overseers, when elected as provided ~~below in this section~~, shall ~~forthwith proceed to~~ appoint a treasurer, and a clerk to serve at their pleasure the pleasure of the board. ~~Any nonresident officers shall be permanent residents of an area included within a radius of 25 miles of the fire station at Lucerne in Maine.~~ Officers ~~shall~~ serve until their successors ~~have been~~ are sworn and duly qualified.

Sec. 2. P&SL 1927, c. 43, §7-A, 4th ¶, as enacted by P&SL 1983, c. 42, §7, is repealed.

Sec. 3. P&SL 1927, c. 43, §7-A, 5th ¶, as amended by P&SL 1997, c. 24, §1, is repealed and the following enacted in its place:

Commencing at any summer meeting in 2012 and for each year thereafter, any legal voter of the village corporation may be elected for a 3-year term as an overseer. A person may run for the office of overseer for as many terms as that person is nominated. When a seat becomes vacant, the Board of Overseers shall hold an election for that seat, establishing a term that ensures that one seat expires each calendar year. If an overseer resigns from office prior to the summer meeting, the remaining members of the Board of Overseers shall appoint an overseer to fill the position until the next summer meeting. At the first Board of Overseers' meeting following each summer meeting, the board shall choose a chair for the ensuing year.

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

Effective March 8, 2012.

CHAPTER 23**S.P. 593 - L.D. 1733****An Act To Provide for the 2012
and 2013 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 2012, 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 it is not enacted on an emergency basis; and

Whereas, if these bond issues are 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 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,