

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

**THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

and the

**FOURTH SPECIAL SESSION**

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

**FIRST REGULAR SESSION**

December 3, 1986 to June 30, 1987

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

**THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

and the

**FOURTH SPECIAL SESSION**

November 28, 1988

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

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Twin City Printery  
Lewiston, Maine  
1989

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**PRIVATE AND  
SPECIAL LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

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Positions	(20)	(20)
Personal Services	\$ 549,143	\$ 572,837
All Other	1,354,240	1,387,783
Capital Expenditures	224,523	73,995
Total	<u>\$2,127,906</u>	<u>\$2,014,615</u>

**Sec. 2. Allocation of Maine Coastal and Inland Surface Clean-up Fund.** Income to the Maine Coastal and Inland Surface Clean-up Fund for the next 2 fiscal years ending June 30, 1988, and June 30, 1989, shall be segregated, apportioned and disbursed as designated in the following schedule:

	<u>1987-88</u>	<u>1988-89</u>
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ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF

Oil and Hazardous Materials Control

Positions	(14)	(14)
Personal Services	\$ 456,611	\$ 473,884
All Other	1,858,503	1,445,965
Capital Expenditures	230,608	164,280
Total	<u>\$2,545,722</u>	<u>\$2,084,129</u>

**Sec. 3. Allocation of Maine Hazardous Waste Fund.** Income to the Maine Hazardous Waste Fund for the next 2 fiscal years ending June 30, 1988, and June 30, 1989, shall be segregated, apportioned and disbursed as designated in the following schedule:

	<u>1987-88</u>	<u>1988-89</u>
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ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF

Oil and Hazardous Materials Control

Positions	(6)	(6)
Personal Services	\$189,474	\$196,175
All Other	195,860	142,464
Capital Expenditures	65,786	68,604
Total	<u>\$411,120</u>	<u>\$407,276</u>

**Sec. 4. Allocation of Radioactive Waste Evaluation Fund.** Income to the Radioactive Waste Evaluation Fund for the next 2 fiscal years ending June 30, 1988, and June 30, 1989, shall be segregated, apportioned and disbursed as designated in the following schedule:

	<u>1987-88</u>	<u>1988-89</u>
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ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF

Technical Studies

Positions	(3)	(3)
Personal Services	\$ 81,549	\$ 84,962
All Other	29,896	26,788
Capital Expenditures	1,910	1,451

Radioactive Waste Evaluation Fund

Personal Services	6,000	6,000
All Other	15,041	15,041
Total	<u>\$194,396</u>	<u>\$194,242</u>

**Sec. 5. Adjustments to allocations.** Allocations made in sections 1 to 4 may be increased or adjusted by the State Budget Officer, with the approval of the Governor, to specifically cover those adjustments determined to be necessary under any salary plan approved by the Legislature, and those reclassifications or range changes which have been approved by the Department of Administration and submitted for legislative review prior to the effective date of this Act.

**Sec. 6. Encumbered balance at year end.** At the end of each fiscal year, all encumbered balances shall not be carried more than once.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect on July 1, 1987.

Effective July 1, 1987.

## CHAPTER 25

H.P. 848 — L.D. 1139

AN ACT Relating to the Town of York School District.

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

Whereas, the present buildings which house the schools of the Town of York are becoming overcrowded and with each new school year will become increasingly overcrowded and inadequate; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve these conditions; and

Whereas, new building construction is vitally necessary; and

Whereas, present borrowing capacity will not allow the Town of York School District to borrow sufficient funds for the necessary construction and equipment; and

Whereas, it is desirable that this matter be acted upon by the voters of the Town of York as soon as possible; 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 1951, c. 57, §1, as amended by P&SL 1975, c. 118, is further amended to read:

**Sec. 1.** Town of York School District, incorporated. Subject to the provisions of this Act, the inhabitants of

and the territory within the Town of York shall constitute a body politic and incorporate under the name of "Town of York School District" for the purpose of acquiring and disposing of property within the said town for school and related athletic and recreational purposes; for the purpose of erecting, enlarging, repairing, and equipping ~~and maintaining~~ on said the property a school building or school buildings and related athletic and recreational facilities; for the purpose of leasing or letting any property of said the district to said the town; for the purpose of receiving, accepting and holding gifts, grants or devices or property, real, personal or mixed, to be used for school and related athletic and recreational purposes; and all for the benefit of the inhabitants of said the district. Upon completion of a school construction project, the district shall be responsible for minor capital costs relating to the project, financed by the issuance of bonds or notes, for such period of time as title to the project shall remain in the district. Minor capital costs not funded by the issuance of bonds or notes and other ongoing maintenance of the school construction project shall be the responsibility of the York School Committee.

No real property to the value of \$1,000 or more shall may be disposed of by the trustees of the district until authorized by the legal voters of the Town of York, except that the trustees of the district may vote to return ~~unused~~ school property to the town provided the school district has assumed no indebtedness or lease obligation, which is still outstanding, on account of said the property. The trustees of the district are authorized to transfer or lease unused school property to nonprofit organizations for educational, cultural or recreational purposes. The trustees of the district are authorized to lease any unused school buildings for educational, cultural or recreational purposes.

**Sec. 2.** P&SL 1951, c. 57, §2 is amended by adding at the end the following:

Any school construction project or the minor capital costs of a project undertaken by the Town of York School District shall be subject to the Maine Revised Statutes, Title 20-A, chapter 609, provided that:

1. The trustees of the district shall have the powers and responsibilities of a building committee and school board under that chapter for purposes of carrying out such projects; and

2. If a referendum vote authorizing such a project is required by the Maine Revised Statutes, Title 20-A, chapter 609, or if the trustees propose to issue bonds or notes of the district for minor capital costs, a referendum vote shall be conducted by the Town of York by secret ballot in accordance with the appropriate provisions set forth in Title 21-A and Title 30.

**Sec. 3.** P&SL 1951, c. 57, §4, as amended by P&SL 1973, c. 152, is repealed and the following enacted in its place:

Sec. 4. How financed. To procure funds for the purposes of this Act, including school construction projects and minor capital costs, and for such other expenses as may be necessary to carry out those purposes, the trustees are authorized from time to time to borrow money and to issue the district's bonds and notes for those purposes, provided that the aggregate principal amount of outstanding bonds or notes issued by the district shall not exceed at any one time the sum of \$20,000,000. Each bond and note shall have inscribed upon its face the words "Town of York School District," the date it was issued, the amount of the bond or note and the annual interest rate, payable semiannually. Each bond or note shall be in the form and sold in the manner, at public or private sale, as the trustees shall determine. Bonds may not be sold for less than par. Bonds or notes issued by the district shall be signed by the treasurer and countersigned by the president of the district and, if coupon bonds are issued, each coupon shall be attested by the facsimile signatures of the president and treasurer. Each issue of bonds shall mature in substantially equal installments so that the first installment shall be payable not later than 2 years and the last installment not later than 25 years after the date of issue.

Prior to issuing authorized bonds or notes, the trustees of the district may borrow in anticipation of their sale by issuing temporary notes and renewal notes subject to the following.

1. Their total face value amount may not exceed at any one time the authorized outstanding amount of the bonds or notes.

2. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes, the period during which the issue of bonds shall be outstanding plus the period of the loan represented by the temporary notes or renewals shall not exceed 25 years.

3. Temporary notes shall mature not later than 3 years from the date the first temporary note is issued.

4. Temporary notes and renewal notes shall be legal obligations of the district.

Bonds or notes issued on behalf of a district may be made subject to call for redemption, with or without premium, at the election of the trustees before the date fixed for final payment of those bonds or notes. When these bonds or notes are issued, they shall contain provisions setting forth the method by which the option to call may be exercised, the procedure for payment in the event of call and the legal effect of making the call. Notes and bonds, contracts, leases and agreements with the Maine School Building Authority shall be general obligations of the district and shall be tax exempt. The district shall be a quasi-municipal corporation within the meaning of the Maine Revised Statutes, Title 30, section 5053, and all the provisions of that section shall be applicable to the corporation. Bonds and notes of the district shall be legal investments for savings banks.

The district may enter into agreements with the Federal Government or State Government, or any agency of either, or any corporation or board authorized by the Federal Government or State Government to loan money or otherwise assist in the financing of such projects as the district is authorized to carry out, as may be necessary or desirable to accomplish the purposes of this Act.

**Sec. 4.** P&SL 1951, c. 57, §5 is repealed.

**Sec. 5.** P&SL 1951, c. 57, §6, is repealed and the following enacted in its place:

Sec. 6. Assessments authorized to meet indebtedness and necessary expenditures. The trustees of the Town of York School District shall determine what sum is required each year to meet the interest and principal payments on the bonds, notes and other evidences of indebtedness of the district. On or before December 1st of the prior fiscal year or as soon thereafter as possible, the trustees shall certify the sum so determined to the school committee and municipal officers of the Town of York who shall include such sums in the school budget of the Town of York. The municipal officers shall require such sum to be assessed and collected in the manner provided by law for the assessment and collection of taxes provided that the sum to be assessed and collected shall be reduced by the amount of an allocation of funds appropriated by the Legislature to pay the principal and interest owed by the district in a given year as certified to the Town of York by the Commissioner of Educational and Cultural Services. The commissioner shall certify the amount due to the Town of York within 30 days of its appropriation by the Legislature. After this reduction, the remaining sum shall be payable from ad valorem taxes which may be levied without limit as to rate or amount upon all the taxable property within the Town of York. The assessors of the Town of York shall assess the sum so determined upon the taxable estates within the town and shall commit their assessment to the constable or collector of the Town of York, who shall have all authority and power to collect such sum as is vested in them by law to collect state, county and municipal taxes. The school committee, superintendent of schools and municipal officers of the Town of York shall take all actions necessary to enable the treasurer of the Town of York to pay to the treasurer of the district all sums necessary to meet the payments of interest and principal on bonds, notes and other evidences of indebtedness of the district when due. The treasurer of the Town of York shall pay the required sum to the treasurer of the district at least 5 days before each payment of interest and principal is due from the district.

The trustees of the Town of York School District shall also determine what sum is required each year to meet other necessary expenses of the district that year. On or before December 1st of the prior fiscal year or as soon thereafter as possible, the trustees shall certify the sum so determined to the school committee and municipal officers of the Town of York who shall include such sum in the school budget of the Town of York. The assessors

of the Town of York shall assess the sum which the legislative body votes to raise and appropriate for the other necessary expenses of the district upon the taxable estates within the town and shall commit their assessment for this purpose to the constable or collector of the Town of York, who shall have all authority and power to collect such sum as is vested in them by law to collect state, county and municipal taxes. The school committee, superintendent of schools and municipal officers of the Town of York shall take all actions necessary to enable the treasurer of the town to pay, and the treasurer of the town shall pay, such sum to the treasurer of the district on or before December 31st each year, or on the date requested by the treasurer of the district, whichever is earlier.

If the treasurer of the Town of York fails to pay to the district any amount due on the date required, the treasurer of the district may issue a warrant for the unpaid amount to the sheriff of York County, requiring him to levy by distress and sale on the real and personal property of any of the inhabitants of the district. The sheriff or sheriff's deputies shall execute the warrant. Except as is otherwise provided in this section, the trustees shall have the same power as county officials for the collection of county taxes under the Maine Revised Statutes, Title 36, chapter 105, subchapter 9.

**Sec. 6. Emergency clause; referendum; effective date.** In view of the emergency cited in the preamble, this Act shall take effect when approved, only for the purpose of its submission to the legal voters of the Town of York at any regular or special meeting called and held for the purpose not later than 18 months after the approval of this Act. In the event a special election is called for the purpose, it shall be called, advertised and conducted according to the law relating to municipal elections. The town clerk shall prepare the required ballots on which he shall state the subject matter of this Act in the following question:

“Shall the Act relating to the Town of York School District be accepted?”

The voters shall indicate by a cross or a check mark placed against the words “Yes” or “No” their opinion of the same. This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority vote of the legal voters voting at the election; provided that the total number of votes cast for and against the acceptance of this Act at the election equals or exceeds 20% of the total votes for all candidates for Governor in the town at the next previous gubernatorial election. The result in the district shall be declared by the municipal officers of the Town of York and due certificate filed by the town clerk with the Secretary of State.

Effective pending referendum.

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## CHAPTER 26

H.P. 530 — L.D. 714