

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.

Twin City Printery
Lewiston, Maine
1989

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

ed from the General Fund to carry out the purposes of this Act.

1987-88

CONSERVATION, DEPARTMENT OF

Maine Geological Survey

All Other \$10,000

These funds are to be used to increase the rate of data collection and amount of geologic information available to public and private sectors concerning hazardous waste disposal, geologic resources and hazards assessments, including radon.

Effective September 29, 1987.

CHAPTER 66

H.P. 1038 — L.D. 1396

AN ACT to Authorize Department of Transportation Bond Issues in the Amount of \$26,500,000 to Match Available Federal Funds for Highway, Bridge and Airport Improvements and to Reduce Ground Water Pollution Resulting from the Storage of State and Municipally-owned Highway Materials.

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of Highway and General Fund bonds on behalf of the State of Maine to provide funds to match available federal funds for highway, bridge and airport improvements and to reduce ground water pollution resulting from the storage of state and municipally-owned highway materials.

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

Sec. 1. Authorization of bonds to provide for highway, bridge and airport improvements and to reduce ground water pollution resulting from the storage of state and municipally-owned highway materials. The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time registered bonds in the name and behalf of the State to an amount not exceeding \$26,500,000 for the purpose of raising funds to match available federal funds for highway, bridge and airport improvements and to reduce ground water pollution from the storage of state and municipally-owned highway materials as authorized by section 6. The bonds shall be deemed a pledge of the full faith and credit of the State. The bonds shall not run for a longer period than 20 years from the date of the original issue of the bonds. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor.

Sec. 2. Records of bonds issued to be kept by the State Auditor and Treasurer of State. The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery of the bonds to the Treasurer of State who shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the same, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no such bond may be loaned, pledged or hypothecated in behalf of the State. The proceeds of the sale of the bonds, which shall be held by the Treasurer of State and paid by him upon warrants drawn by the State Controller, are appropriated to be used solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 shall lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. Interest due or accruing upon any bonds issued under this Act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds set out in section 6 shall be expended under the direction and supervision of the Commissioner of Transportation.

Sec. 6. Allocations and appropriations from Highway Fund and General Fund bond issues — highway, bridge and airport improvements and to reduce pollution from the storage of state and municipally-owned highway materials. The proceeds of the sale of bonds shall be expended as designated in the following schedule.

Summary of Bond Issues

Highway Fund bond issues

Highway and bridge improvements	\$19,000,000
Sand and salt pile covering	3,700,000
DOT Underground Storage Tank Program	2,800,000

Total Highway Fund \$25,500,000

General Fund bond issue

Airport Improvements	1,000,000
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Total Highway Fund and General Fund Bonds	<u>\$26,500,000</u>
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Allocation of Highway Fund bond issue. Receipt of the Highway Fund Bond for the fiscal years, from July 1, 1987, to June 30, 1988, and from July 1, 1988, to June 30, 1989, from the proceeds of the sale of bonds shall be segregated, apportioned and expended as designated in the following schedule.

	1987-88	1988-89
Highway — Highway and Bridge Improvements	\$ 9,500,000	\$ 9,500,000
Sand and salt pile covering and the DOT Underground Storage Tank Program	3,250,000	3,250,000
Total Allocations	<u>\$12,750,000</u>	<u>\$12,750,000</u>

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 8. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 10. Statutory referendum procedure; submission at statewide election; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine at a statewide election to be held on the Tuesday following the first Monday of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Do you favor a \$26,500,000 bond issue for highway, bridge and airport improvements and to reduce ground water pollution resulting from the storage of state and municipally-owned highway materials?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the word “Yes” or “No.” The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 67

H.P. 1073 — L.D. 1456

AN ACT to Appropriate Funds for the Critical Areas Program.

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

Study order. The Maine Critical Areas Advisory Board shall conduct a study of the Critical Areas Program's progress, current work priorities and future work tasks necessary to accomplish the intent of the Act for a State Register of Critical Areas, Title 5, chapter 312. The board shall evaluate whether current staffing and funding levels are adequate to accomplish the program's mandate and shall report back to the Legislature with its findings and recommendations by January 1, 1988.

Effective September 29, 1987.

CHAPTER 68

S.P. 427 — L.D. 1307

AN ACT Establishing the Maine Commission on Outdoor Recreation.

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

Whereas, rapidly changing patterns of land use are threatening traditional recreational resources in the State; and

Whereas, the demand for recreational resources is also increasing rapidly; 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. Commission established. There is created the Maine Commission on Outdoor Recreation.