

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

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. Purpose and findings. The Legislature finds that there is current uncertainty as to the effect and effective dates of the county and municipal laws as contained in the Maine Revised Statutes, Title 30 and as contained in Public Law 1987, chapter 737, which had been scheduled to take effect on March 1, 1989. The Legislature further finds that this uncertainty is detrimental to the economic and social well-being of the citizens of the State and that it is necessary to remove any reasonable question as to the effect of these provisions. The purposes of this Act are to clarify the applicability and effective dates of these provisions, to ensure the continuity of the county and municipal laws and to clarify the validity of actions taken pursuant to them.

Sec. 2. PL 1987, c. 737, Pt. C, §106, as amended by PL 1989, c. 6, is further amended to read:

Sec. 106. Retroactivity and effective date. This Act shall take effect on ~~April 15~~ February 28, 1989 and shall be retroactive to that date.

Sec. 3. Transition and savings clause. The following provisions apply to the transition from the Maine Revised Statutes, Title 30 to Title 30-A, and to the transition between Public Law 1989, chapter 6 and this Act.

1. Personnel. This Act does not affect the term or appointment of any officer, official, employee or other personnel of any county, municipality, plantation, village, quasi-municipal corporation or any state agency, department or board governed by the Maine Revised Statutes, Titles 30 and 30-A.

2. Agreements, leases, contracts, authorizations or bonds. All agreements, leases, contracts, authorizations, notes or bonds issued under the Maine Revised Statutes, Titles 30 and 30-A, before the effective date of this Act shall continue to be valid under the terms of issuance until they expire or are rescinded, amended or revoked.

3. Ordinances, rules and regulations. All ordinances, rules and regulations enacted or adopted by any county, municipality, plantation, village, quasi-municipal corporation or any state agency, department or board under the authority of the Maine Revised Statutes, Titles 30 or 30-A shall continue in force until they are repealed, rescinded, amended or revoked.

4. Dedicated revenues. This Act shall not be construed to change the status of any dedicated revenues. All dedicated revenues existing prior to this Act shall not lapse because of this Act, but shall be transferred to the funds of the same name which are created by this Act.

5. Ratification. All acts of any state, county or municipal officer or official and of any governmental, municipal or quasi-municipal entity taken in compliance with the Maine Revised Statutes, Titles 30 and 30-A, between February 28, 1989, and the effective date of this Act are ratified and validated.

Sec. 4. Legislative intent. It is the intent of the Legislature that this Act shall be considered a revision of certain laws concerning state and local government and shall not in any way be considered to change or revise the meaning or intent of those laws. It is the further intent of the Legislature that this Act shall be liberally construed to effectuate the purposes set forth in section 1 of this Act.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 16, 1989.

CHAPTER 10

H.P. 51 - L.D. 72

An Act to Extend the Reporting Deadline on the Casco Bay Ferry Service Study

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

Whereas, it is necessary that this legislation be enacted as an emergency measure in order that the study may be completed in a competent and timely manner and include an adequate opportunity for comments for interested and affected parties; and

Whereas, since information vital to the study was not available until a month before the current reporting deadline; 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:

PL 1987, c. 475, §5, first ¶ is amended to read:

The Department of Transportation, in cooperation with the Public Utilities Commission and the Public Advocate, shall undertake a study of ferry service in Casco Bay and provide to the Governor and Legislature by ~~January 1~~ March 9, 1989, their report presenting joint conclusions and recommendations, including legislative recommendations.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 23, 1989.

CHAPTER 11

H.P. 100 - L.D. 135

An Act to Expand the Eligibility for Participation in the Maine Conservation Corps to Include More Low-income Maine People

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

Whereas, the Maine Conservation Corps, as established by the Maine Revised Statutes, Title 12, section 5151, performs the majority of its work during the summer months; and

Whereas, the Maine Job Training offices recruit Maine Conservation Corps members from April until June; and

Whereas, unless this legislation is enacted as an emergency measure, it will not take effect in time to benefit the 1989 Maine Conservation Corps summer program; and

Whereas, this will result in cancelled and understaffed conservation projects, reduced efficiency and reduced service to the State's low-income families and conservation agencies; 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:

12 MRSA §5152, as amended by PL 1985, c. 709, §2, is further amended to read:

§5152. Participants

Participants in the Maine Conservation Corps shall be economically disadvantaged. Individuals shall be eligible to participate if their family income is 150% or less of the nonfarm income official poverty line as defined by the Federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2. Priority shall be given to those who are economically disadvantaged as defined by the United States Job Training Partnership Act, subchapter II, Public Law 97-300. No one person may be eligible if he that person has left employment or school for the purpose of participating in this program. Corps members may be jointly enrolled in any state or local job training program or human resource development program.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 23, 1989.

CHAPTER 12

H.P. 671 - L.D. 919

An Act Concerning the Authority of Municipal Officers to Refinance Certain Debts

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

Whereas, this legislation is immediately necessary to enable the municipal officers of towns and plantations to continue to be able to refinance certain debts without the necessity of a town meeting; and

Whereas, if this legislation is not enacted immediately, towns will have to incur the additional expense and undergo the unnecessary inconvenience of calling special town meetings to authorize these actions; 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:

30-A MRSA §5705 is enacted to read:

§5705. Refinancing of the United States Farmers Home Administration loans

For the period beginning January 1, 1989, and ending December 31, 1989, the municipal officers of any municipality or plantation may refinance any debt owed to the United States Farmers Home Administration without the approval of the municipality's or plantation's legislative body as long as the refinancing will result in a net savings to the municipality or plantation.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 24, 1989.
