

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

August 21, 1989 to August 22, 1989

(a) The executive director shall prepare, supervise and approve: news releases on general administrative matters; news releases on program and committee activities; and news releases on proposed commission policies and positions.

(b) The executive board shall review and approve news releases on proposed commission policies and positions.

10. Committees. The formation, membership, powers and reports of committees shall be governed as follows.

A. The commission may adopt resolutions creating continuing or permanent committees that shall be known as standing committees. The method of appointment or election of each committee and its chair, the filling of vacancies that occur, provisions for committee members who are members of the public but not commissioners and temporary members, according to paragraph C, may be included in the resolution.

B. Unless otherwise provided in this charter, terms of members of standing committees shall run until the end of the first part of the annual meeting, except that committee members may continue their duties until their successors are chosen. Resolutions creating these committees may provide for their renewal of terms and may limit the number of terms that may be served.

C. The commission may vote to add one or more temporary members to a standing committee, provided that the resolution forming that standing committee provides for the possible addition of temporary members. The temporary members may be added to assist the committee in considering a particular question. The motion adding temporary members shall specify either the names of the proposed members or how those members shall be selected and whether or not those members shall have a vote in the committee.

D. Committees formed to carry out a specified task will cease to exist at the completion of the presentation of their final reports and shall be known as special committees. The representatives may adopt resolutions forming special committees in the same manner in which standing committees are formed in paragraph A, or the chair of the commission, with the consent of the majority of the executive board, may create a special committee and appoint its members.

Terms of members of special committees shall continue through an annual meeting if the committee has yet to present its final report, except that representatives or alternates on a special commit-

tee whose terms on the commission expire at that annual meeting may be replaced by new representatives and alternates in the same manner in which the original appointments were made.

E. The commission may give a standing committee or special committee, by a majority vote of the commission, power to act for the commission on a specific question.

If a standing committee is to have authority to act for the commission on matters of a certain class without specific instructions from the commission, or if all business of a certain class is to be automatically referred to a standing committee, such authority may be granted only by a 2/3 vote of the commission, following previous notice of the motion.

All powers authorized in this paragraph shall expire at the end of the first part of the annual meeting but may be renewed at the 2nd part of the annual meeting in the same manner as originally voted.

F. Standing committees shall present reports at each annual meeting summarizing the work done by the committee during the year.

On their own initiative, standing committees may make reports recommending action to the commission. When a subject or resolution has been referred to a standing committee for study or recommendation, the committee may make progress reports or a final report, when ready or when requested by the commission or its chair, with 20 days' notice.

Except when very brief, reports of committees should be in writing.

11. Parliamentary authority. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the commission in all cases when applicable and when not inconsistent with this charter and any special rule or order the commission may adopt.

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

Effective August 22, 1989.

CHAPTER 90

S.P. 673 - L.D. 1794

**An Act to Authorize General Fund Bond Issues
in the Amounts of \$14,500,000 and \$35,000,000
for Construction and Renovation of
Correctional Facilities**

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 bonds on behalf of the State of Maine to provide funds for construction and renovation of correctional facilities.

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

PART A

Sec. 1. Authorization of bonds to provide for construction and renovation of correctional facilities. 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 \$14,500,000 for the purpose of raising funds to provide for construction and renovation of correctional facilities as authorized by section 6 of this Part. 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 10 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 bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which shall be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the Governor, are appropriated to be used solely for the purposes set forth in Part A of this Act. Any unencumbered balances remaining at the completion of the projects in section 6 of this Part 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 Part A of 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 of this Part shall be expended under the direction and supervision of the Director of Public Improvements in consultation with the Commissioner of Corrections.

Sec. 6. Allocations from General Fund bond issue; correctional facilities. The proceeds of the sale of bonds shall be expended as designated in the following schedule.

CORRECTIONS, DEPARTMENT OF

Construction and Renovation - Maine Correctional Center	\$200,000
Construction and Renovation - Maine State Prison	4,510,000
Construction and Renovation - Charleston Correctional Facility	100,000
Construction and Renovation - Maine Youth Center	5,020,000
Construction - Juvenile Detention Facility in Northern Maine	4,500,000
Construction and Renovation - Downeast Correctional Facility	100,000
Construction and Renovation - Prerelease Centers	70,000

DEPARTMENT OF CORRECTIONS
TOTAL \$14,500,000

Sec. 7. Transfer between items. The amounts listed after the items in section 6 of this Part are to be construed as a guide. Any of the amounts may be exceeded with the approval of the Governor by transfer from one item to another not exceeding 10% in the aggregate.

Sec. 8. Contingent on ratification of bond issue. Sections 1 to 7 of this Part shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in Part A of this Act.

Sec. 9. 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. 10. 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 Part A 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. 11. Referendum for ratification; submission at statewide election; form of question; effective date. Part A of 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 Part A 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 Part A of this Act by voting on the following question:

“Shall a bond issue be authorized in the amount of \$14,500,000 to build and repair correctional facilities, \$9,520,000 of which shall be for juvenile correctional facilities?”

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 Part A of the Act, the Governor shall proclaim that fact without delay, and Part A of 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 Part A of this Act necessary to carry out the purpose of this referendum.

PART B

Sec. 1. Authorization of bonds to provide for construction and renovation of correctional facilities. 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 \$35,000,000 for the purpose of raising funds to provide for construction and renovation of adult correctional facilities as authorized by section 6 of this Part, including the purchase of any residential structures that lie within 1000 feet of any maximum security prison site. 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 bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which shall be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the Governor, are appropriated to be used solely for the purposes set forth in Part B of this Act. Any unencumbered balances remaining at the completion of the projects in section 6 of this Part 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 Part B of 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 of this Part shall be expended under the direction and supervision of the Director of Public Improvements in consultation with the Commissioner of Corrections.

Sec. 6. Allocations from General Fund bond issue; adult correctional facilities. The proceeds of the sale of bonds shall be allocated to the Department of Corrections and expended as deemed necessary for building, repair or renovation of adult correctional facilities.

Sec. 7. Contingent on ratification of bond issue. Sections 1 to 6 of this Part shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in Part B of 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 Part B 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. Referendum for ratification; submission at statewide election; form of question; effective date. Part B of 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 Part B of this Act by voting on the following question:

“Shall a bond issue be authorized in the amount of \$35,000,000 to build, repair or renovate adult correctional facilities?”

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 Part B of the Act, the Governor shall proclaim that fact without delay, and Part B of 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 Part B of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 91

S.P. 669 - L.D. 1783

An Act Relating to Funding for Adult Day Care Services

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

Whereas, this legislation must take effect immediately to correctly direct funds to home-based care programs; and

Whereas, these funds are needed prior to the effective date of Private and Special Law 1989, chapter 79; 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:

P&SL 1989, c. 79 is amended to read:

Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
HUMAN SERVICES, DEPARTMENT OF		
Bureau of Maine's Elderly Long-term Care - Human Services		

All Other	\$100,000	\$100,000
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Provides funds to develop and expand the number of adult day care home-based care programs throughout the State.

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

Effective August 23, 1989.

CHAPTER 92

H.P. 1292 - L.D. 1785

An Act to Clarify the Question to Be Presented to the Voters Concerning the Maine Vocational-Technical Institute System Bonds

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

Whereas, Private and Special Law 1989, chapter 85 was passed on July 12, 1989; and

Whereas, Private and Special Law 1989, chapter 85 required that a question be submitted to the legal voters of the State at a statewide election to be held on the Tuesday following the first Monday of November following passage; and

Whereas, it is necessary that the question be amended to reflect the proposal more accurately; and

Whereas, it is necessary that this legislation be enacted as an emergency in order that the referendum concerning the issuance of bonds may be held in November 1989; 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: