

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

SECOND REGULAR SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

CHAPTER 102

H.P. 1680 - L.D. 2324

An Act to Provide Emergency Fuel Assistance

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

Whereas, supplemental funds are needed to provide emergency fuel assistance to Maine residents in this heating season; and

Whereas, supplemental funds are also needed to provide household heating system improvements; 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. Allocation. The following funds are allocated from the Stripper Well Fund to carry out the purposes of this Act.

1989-90

EXECUTIVE DEPARTMENT

Division of Community Services

Low-Income Home Energy Assistance Program

All Other \$1,300,000

Provides funds to continue the Emergency Crisis Intervention Program, or ECIP, to assist low-income persons with emergency fuel purchases consistent with regulations of the federal Low-Income Heating Assistance Program.

Division of Community Services

Low-Income Home Energy Assistance Program

All Other \$400,000

Provides funds to be used in the Central Heating Improvement Program, or CHIP, for grants to repair or replace

dangerous, inefficient or inoperative heating systems for eligible low-income households.

EXECUTIVE DEPARTMENT

TOTAL \$1,700,000

Sec. 2. Allowance for state administrative purposes. An allowance for the use of funds allotted in this Act, not to exceed 5% of the funds allocated to each program, is available under this Act.

Sec. 3. Unexpended balances carried forward. Any unexpended balances of allocations made in this Act may not lapse on June 30, 1990, but must be carried forward to be used to increase benefit levels in the Low-Income Home Energy Assistance Program in fiscal year 1990-91.

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

Effective February 23, 1990.

CHAPTER 103

H.P. 1334 - L.D. 1851

An Act to Amend the Berwick Sewer District Charter

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

P&SL 1963, c. 154, §5 is amended to read:

Sec. 5. Offenses and penalties. Any person who shall place, discharge or leave any offensive or injurious matter or material on or in the conduits, catch basins or receptacles of said district contrary to its rules or regulations, or shall willfully injure any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by said district for the purposes of this act shall be liable to pay twice the amount of the damages to said district, to be recovered in any proper action; and ~~such~~ any person on conviction of either of the acts of willful injury aforesaid shall be punished by a fine not exceeding ~~\$200~~ \$1,000 per day for each day in violation of the standards and requirements and by imprisonment not exceeding one year, or by both.

Any industrial user who violates the pretreatment standards and requirements of the district shall be subject to a fine of \$1,000 per day for each day the industrial user is in violation of such standards and requirements. The district may seek injunctive relief to ensure compliance with the terms of its pretreatment standards and require-

ments and may seek an award of reasonable attorney's fees in actions brought under this section.

See title page for effective date.

CHAPTER 104

S.P. 703 - L.D. 1841

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 that 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, the voters of the Town of York have approved the renovation of an existing elementary school by the Town of York School District; and

Whereas, a question has arisen concerning the authority of the Town of York School District to issue bonds or notes for the proposed renovation project; and

Whereas, there is an immediate need to proceed with the proposed renovation 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,

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

Sec. 1. P&SL 1951, c. 57, §1, first ¶, 2nd and 3rd sentences, as enacted by P&SL 1987, c. 25, §1, are repealed and the following enacted in their place:

With respect to school property and school facilities located within the Town of York, the Town of York School District is responsible for minor capital costs as defined in the Maine Revised Statutes, Title 20-A, section 15603, subsection 18, financed by the issuance of bonds or notes, whether title to the school property and school facilities is vested in the inhabitants of the Town of York, the Town of York School Committee or the Town of York School District. Minor capital costs not funded by the issuance of bonds or notes and other ongoing maintenance of school property and school facilities within the Town of York are the responsibility of the Town of York School Committee.

Sec. 2. P&SL 1951, c. 57, §2, sub-§2, as enacted by P&SL 1987, c. 25, §2, is amended to read:

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~~ 30-A.

Sec. 3. P&SL 1951, c. 57, §4, 3rd ¶, 4th sentence, as enacted by PL 1987, c. 25, §3, is amended to read:

The district shall be a quasi-municipal corporation within the meaning of the Maine Revised Statutes, Title ~~30~~ 30-A, section ~~5053~~ 5701, and all the provisions of that section shall be applicable to the corporation.

Sec. 4. P&SL 1951, c. 57, §8-A is enacted to read:

Sec. 8-A. Issuance of bonds and notes. In addition to the powers otherwise granted to the trustees to issue bonds and notes for minor capital purposes, and notwithstanding any other provision of law, the trustees of the Town of York School District are authorized to issue bonds or notes in the name of the Town of York School District, for minor capital purposes in an amount not to exceed \$1,697,000, to renovate the existing elementary school on the school lot on the north side of York Street in the Town of York, without a referendum or other vote of the Town of York School District.

Sec. 5. 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 the town clerk 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.