

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

3. An appropriate management structure or entity for the Mackworth Island public trust in terms of a state agency, bureau, independent authority or combination of agencies or bureaus that is best suited to provide long-term management and care for the island consistent with the wishes of Governor Baxter; and

4. Appropriate funding mechanisms and personnel to ensure the long-term management and public enjoyment of the island and its resources.

In carrying out their duties, the Department of Educational and Cultural Services and the Bureau of Public Lands are governed by the terms in the Deed of Gift of Mackworth Island, Private and Special Law 1943, chapter 1, and shall give solemn consideration to other words and writings of Governor Percival Proctor Baxter that refer to Mackworth Island.

Sec. 3. Advisory board. The Mackworth Island Public Trust Advisory Board is established to review the draft management plan and recommendations for the Legislature developed pursuant to section 2 of this Act. The advisory board shall meet as needed to review the options and recommendations developed as part of the draft management plan.

The advisory board consists of:

1. The Director of Baxter State Park or the director's designee;

2. One member of the public, jointly appointed by the President of the Senate and the Speaker of the House of Representatives;

3. One deaf member of the deaf community, not currently affiliated with the Governor Baxter School for the Deaf, appointed by the Governor;

4. One member from a nonprofit conservation organization with a proven concern for conservation, jointly appointed by the President of the Senate and the Speaker of the House of Representatives;

5. One representative of the family of the late Governor Baxter or the representative's designee;

6. One member of the Policy Review Board of the Governor Baxter School for the Deaf, appointed by the Governor; and

7. One member of the Legislature, jointly appointed by the President of the Senate and the Speaker of the House of Representatives.

Appointments must be made by August 1, 1990.

Sec. 4. Advisory board administration. The Director of Baxter State Park or the director's designee shall serve as chair of the advisory board. Minutes of all meetings must be kept and are public records. The

advisory board is not entitled to compensation. The board shall meet as needed to carry out its duties. Four members of the advisory board constitute a quorum.

Sec. 5. Rulemaking. The Department of Educational and Cultural Services may adopt rules subject to the Maine Administrative Procedure Act to manage public use of the island to the extent that it affects students and faculty of the Governor Baxter School for the Deaf.

Sec. 6. Dogs. Dogs are not allowed on the Mackworth Island public trust during the school year of the Governor Baxter School for the Deaf. At other times, the presence of dogs on the island is subject to the Maine Revised Statutes, Title 7, chapter 719.

Sec. 7. Cooperation. On request, state agencies shall cooperate with the Department of Educational and Cultural Services and the Bureau of Public Lands.

Sec. 8. Report. On or before January 10, 1991, the Department of Educational and Cultural Services and the Bureau of Public Lands shall report to the Joint Standing Committee on Energy and Natural Resources and the Office of the Executive Director of the Legislative Council on the draft management plan, findings and recommendations pursuant to this Act, including the recommendations of the advisory board. This report must include recommendations for statutory change.

Sec. 9. Repeal. Sections 5 and 6 of this Act are repealed March 1, 1991.

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

Effective April 6, 1990.

CHAPTER 114

H.P. 1768 - L.D. 2437

An Act to Extend the Deadline for the Solicitation of Funds for a Slain Law Enforcement Officers' Memorial

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

Whereas, most, but not all, of the funds needed to construct a memorial for slain law enforcement officers have been raised through solicitation efforts; and

Whereas, the time allowed for solicitation of funds may expire before sufficient funds are raised; 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 legisla-

tion 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. 47, §1, first sentence is amended to read:

For ~~one year~~ 18 months following the effective date of this Act, the prohibition on solicitation under the Maine Revised Statutes, Title 25, section 3702, ~~shall~~ does not apply to persons authorized under section 2 of this Act to solicit funds for the payment of or to pay for any obligations incurred in the completion, erection and maintenance of one memorial to commemorate law enforcement officers slain in the line of duty, to be erected at a location selected by the Maine Chiefs of Police Association.

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

Effective April 6, 1990.

CHAPTER 115

H.P. 1667 - L.D. 2308

An Act to Deorganize Plantation E in Aroostook County

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

Whereas, the citizens of Plantation E must vote on the deorganization of the plantation before the 90-day period after adjournment has elapsed; 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. Deorganization of Plantation E. Plantation E in Aroostook County is deorganized, provided that the corporate existence, powers, duties and liabilities of the plantation shall survive for the purposes of prosecuting and defending all pending suits to which the plantation is, or may be, a party and all needful process arising out of any suits, including provisions for the payment of all or any judgments or debts which may be rendered against the plantation or exist in favor of any creditor.

Sec. 2. Unexpended school funds. The treasurer of the plantation or any other person who has cus-

tody of the funds of the plantation shall pay to the Treasurer of State all unexpended school funds, which together with the credits due the plantation for school purposes, are to be used by the State Tax Assessor to settle any school obligations contracted by the plantation before deorganization. Any unexpended school funds remaining with the Treasurer of State after all the obligations have been met must be added to the Unorganized Territory Education and Services Fund, as established in the Maine Revised Statutes, Title 36, chapter 115.

Sec. 3. School debt. The plantation treasurer or the person who has custody of the plantation funds shall pay \$18,000 to School Administrative District No. 42 as the plantation's share of the debt service. This amount must be paid within 30 days of the effective date of this section. School Administrative District No. 42 may retain any interest earned on this amount. Any remaining unexpended school funds, together with any credits due the plantation for school purposes, are to be paid to the State Treasurer. These funds, if any, are to be added to the Unorganized Territory Education and Services Fund.

Sec. 4. Withdrawal from School Administrative District No. 42. Plantation E is withdrawn from School Administrative District No. 42.

Sec. 5. Assessment of taxes. The State Tax Assessor shall assess the real and personal property taxes in Plantation E as of April 1, 1990, as provided in Title 36, chapter 115.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF

Education in the Unorganized Territories

All Other \$81,691

Provides funds for the education costs of Plantation E. These additional expenditures will be offset by General Fund revenues collected through the Unorganized Territory Education and Services Fund.

General Purpose Aid for Local Schools

All Other (\$47,132)

Deappropriates funds no longer required for Plantation E.