

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 63, bonds, notes or other evidences of indebtedness of the district, in an amount or amounts bearing interest at a rate or rates, selling at par or at a discount or a premium and having such other terms and provisions as the trustees determine, except that loans running for one year or less do not require the Public Utilities Commission's approval.

The bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the trustees determine. Bonds, notes or evidences of indebtedness may be issued with or without provisions for calling the bonds, notes or evidences of indebtedness prior to maturity and, if callable, may be made callable at par or at any premium the trustees determine. All bonds, notes or other evidences of indebtedness must have inscribed on their face the words "Columbia Falls Water District," and be signed by the treasurer and countersigned by the president of the board of trustees of the district. If coupon bonds are issued, the interest coupon attached to the coupon bonds must bear the facsimile signature of the treasurer.

All bonds, notes and evidences of indebtedness so issued by the district, which is declared to be a quasi-municipal corporation, are legal obligations of the district within the meaning of the Maine Revised Statutes, Title 30-A, section 5701.

The district may refund and reissue, from time to time, in one or in separate series, its bonds, notes and other evidences of indebtedness, and each authorized issue constitutes a separate loan. All bonds, notes and evidences of indebtedness issued by the district are legal investments for savings banks in the State and are free from taxation.

Sec. 14. Rates. The rates established pursuant to this section must be sufficient to provide revenue for the purposes of this Act and for all other purposes of the district, without the need for any financial assistance from the Town of Columbia Falls, other than the normal payment of water charges for services rendered and the loan or loans for initial funds as set forth in section 13. Individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer or other designated officer of the district the rates established by the board of trustees for the water used by them. The rates must be established in accordance with the Maine Revised Statutes, Title 35-A, chapter 61, to provide for the purposes set forth in that chapter.

Sec. 15. Existing laws not affected; rights conferred subject to provisions of law. Nothing contained in this Act is intended to repeal, or may be construed as repealing, the whole or any part of any existing law, and all the rights and duties mentioned in this Act must be exercised and performed in accordance with all the applicable provisions and amendatory Acts of the Maine Revised Statutes, Title 35-A to the extent that this Title and its amendments affect the operations of the district.

Sec. 16. Separability clause. If any section or part of a section of this Act is held invalid by a court of competent jurisdiction, the holding does not affect the remainder of this Act, as it is the intention that the remaining portions of this Act stand, notwithstanding the unconstitutionality or invalidity of any section, sentence, clause or phrase.

Sec. 17. Acceptance subject to referendum. This Act must be submitted to the legal voters within the district at an election called for that purpose and held by December 31, 1991. The election must be called, advertised and conducted according to the law relating to municipal elections, provided that the registrar of voters is not required to prepare or the clerk to post a new list of voters and, for this purpose, the registrar of voters shall be in session the 3 secular days preceding the election, of which the first 2 days must be devoted to registration of the voters and the last day to verification of the lists and completion of the records of these sessions by the registrar. The subject matter of this Act is reduced to the following question:

"Shall the Columbia Falls Water District be created?"

The voters shall indicate by a cross [x] or check mark [✓] placed against the words "Yes" or "No" their opinion of the same.

The municipal officers of the Town of Columbia Falls shall declare the results and the clerk shall file the due certificate of the results with the Secretary of State.

This Act takes effect immediately upon its acceptance by a majority of the legal voters within the district voting at the special election. Failure of the approval by the necessary majority of voters at any such election does not prevent the holding of a subsequent election or elections for that purpose.

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

Effective pending referendum.

CHAPTER 119

H.P. 1723 - L.D. 2382

An Act to Deorganize the Plantation of Prentiss in Penobscot County

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

Whereas, the officials for the Plantation of Prentiss need adequate time to prepare for the deorganization of the plantation; and

Whereas, waiting the 90-day period for nonemergency measures will impose a hardship on the plantation officials who will voluntarily remain in office until the deorganization is complete; 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 the Plantation of Prentiss. The Plantation of Prentiss in Penobscot County is deorganized, provided that the corporate existence, powers, duties and liabilities of the plantation 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 such suits, including provisions for the payment of all or any judgments or debts that 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 custody 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, must 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, section 1605.

Sec. 3. Withdrawal from School Administrative District No. 30. Prentiss Plantation is withdrawn from School Administrative District No. 30.

Sec. 4. Assessment of taxes. The State Tax Assessor shall assess the real and personal property taxes in Prentiss Plantation as of April 1, 1990, as provided in Title 36, chapter 115.

Sec. 5. 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 Territory

All Other	\$190,000
Provides funds for the education costs of the Plantation of	

Prentiss. 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	(\$211,162)
Deappropriates funds no longer required for the Plantation of Prentiss.	

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

TOTAL (\$21,162)

FINANCE, DEPARTMENT OF

Tree Growth Tax Reimbursement

All Other	(\$13,700)
Deappropriates funds no longer required for the Plantation of Prentiss.	

DEPARTMENT OF FINANCE

TOTAL (\$13,700)

TOTAL APPROPRIATIONS (\$34,862)

Sec. 6. Referendum; certificate to Secretary of State. Notwithstanding the provision of the Maine Revised Statutes, Title 30-A, section 7209, the board of assessors of the plantation shall submit this Act to the legal voters of the Plantation of Prentiss, by ballot at a special election to be held on or before May 15, 1990, to approve deorganization prior to November. This election must be called, advertised and conducted according to the Maine Revised Statutes, Title 30-A, sections 2528 and 2532. The plantation clerk shall prepare the required ballots, on which the subject matter of this Act is reduced to the following question:

“Shall the Plantation of Prentiss be deorganized?”

The voters shall indicate their opinion on this question by a cross or check mark placed against the word “Yes” or “No.” Before becoming effective, this Act must be approved by 2/3 of the legal voters voting at the special election, and the total number of votes cast for and against the acceptance of this Act at the election must equal or exceed 50% of the total number of votes cast in the plantation for Governor at the last gubernatorial election.

The board of assessors of the Plantation of Prentiss shall declare the result of the vote. The clerk shall file a

certificate of the election result with the Secretary of State within 10 days from the date of the election.

Emergency clause. In view of the emergency cited in the preamble, section 6 of this Act takes effect when approved. Sections 1 to 5 take effect on June 1, 1990, if deorganization is approved by the voters of Prentiss Plantation under section 6.

Effective pending referendum, unless otherwise indicated.

CHAPTER 120

H.P. 1727 - L.D. 2386

An Act to Amend the Cumberland County Capital Improvement Bonds Act of 1989

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

Whereas, the voters of Cumberland County, by referendum, have approved the issuance of bonds for construction of a new jail facility for Cumberland County pursuant to the Cumberland County Capital Improvement Bonds Act of 1989; and

Whereas, important and much needed development of a new Cumberland County jail facility must begin as soon as possible to avoid cost increases and project delays and serious overcrowding in the current jail facility; and

Whereas, the Cumberland County Commissioners cannot proceed with the new jail facility project without certain clarifications in the law; 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 1989, c. 63, §1 is amended to read:

Sec. 1. To raise money for a jail facility for Cumberland County and to take other actions as authorized in this Act. The county commissioners of the Cumberland County of Cumberland are authorized to ~~may~~ raise and expend a sum not to exceed \$25,000,000 for ~~construction of a county jail facility located in Cumberland County~~ project costs.

1. "Costs" with respect to the project or any portion of the project include, but are not limited to:

A. The purchase price, lease or other acquisition cost;

B. The cost of development, construction, building, alteration, enlargement and improvement;

C. The cost of any labor, materials, machinery and equipment;

D. The cost of all lands, structures, real or personal property, rights, easements, interests and franchises acquired;

E. The cost of all utility extensions, access roads, site development, finance charges, insurance premiums and interest prior to and during construction and for 6 months after construction;

F. The cost of working capital related to the project or any part of the project;

G. The cost of plans and specifications, surveys and estimates of costs and revenues;

H. The cost of engineering, legal and other professional services;

I. The cost of providing reserves for and the costs of issuing bonds and notes, and all costs relating to any credit enhancement or bond insurance, for the project;

J. The cost of all other expenses necessary or incidental to determining the feasibility or practicability of the project or any portion of the project;

K. Administrative and operating expenses; and

L. Any other expenses, financing or refinancing, including the refunding of any outstanding obligations issued, made or given by any person for any of the costs mentioned in this Act.

2. "Project" means the acquisition, construction, improvement, reconstruction or equipping of any structures designed for use as a jail facility in Cumberland County and all reasonably related facilities including, but not limited to, all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, parking lots, parking facilities, rights-of-way, utilities, easements and other interests in land, machinery and equipment and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with the jail facility. The project also includes landscaping, site preparation, furniture, machinery, equipment and other similar items necessary or convenient for the operation of the jail facility.

3. In order to carry out the purposes of this Act, the county commissioners of Cumberland County shall have the following powers with respect to the project or any portion of the project together with all powers inci-