

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

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-

mental to those powers or necessary for the performance of the following:

A. To acquire real or personal property or any interest in real or personal property, including rights or easements, on either a temporary or permanent basis, by gift, purchase, transfer, lease or otherwise. The county commissioners may acquire, for the location of the jail facility, any real property within the City of Portland, including property that does not abut existing county buildings, by eminent domain under the procedures established in the Maine Revised Statutes, Title 23, sections 2051 to 2058, provided that Title 23, section 7202, does not apply to any taking of land of any railroad corporation as long as no operating track is taken. Eminent domain proceedings under this paragraph must be initiated within one year of the effective date of this subsection. The county commissioners may improve, hold, sell, with or without public bidding, assign, lease, rent or otherwise dispose of any real or personal property, or any interest in real or personal property in connection with the project;

B. To prepare or cause to be prepared plans, specifications, designs and estimates of cost for the construction and equipment of the project and attendant facilities and by contract or contracts to construct, acquire, alter, repair, maintain and improve, furnish and equip the project or any portion of the project and any attendant facilities;

C. To provide financing or refinancing of indebtedness for the project or any portion of the project, to borrow money, to issue negotiable securities, to provide for the rights, security and remedies of the holders of those securities and to enter into agreements providing for credit enhancement and bond insurance;

D. To make and execute contracts and all other instruments, including trust agreements and other financial documents, and to enter into any necessary or convenient transactions; and

E. To provide by resolution, at one time or from time to time, for the issuance and sale of securities for the purpose of paying the costs or the refinancing of any indebtedness of the project or any part of the project. After issuance, all securities issued pursuant to this Act must be presumed to be fully and duly authorized and issued, and any person or governmental unit is prohibited from questioning their authorization, sale, issuance, execution or delivery. Except as otherwise provided, the manner of execution, the maturities, denominations, interest rate or rates, place of payment, the form and other details of the securities must be determined by the county commissioners.

Sec. 2. P&SL 1989, c. 63, §3, first sentence is amended to read:

To provide funds for the county jail facility costs of the project, the treasurer of Cumberland County, with the approval of the county commissioners, may borrow from time to time upon the full faith and credit of the county such sums, not exceeding in the aggregate \$25,000,000, as may be necessary and may issue bonds therefore which shall bear on their face the words "Cumberland County Capital Improvement Bonds Act of 1989."

Sec. 3. Ratification by voters unnecessary. This Act, including any provisions which authorize the issuance of bonds for any purposes other than construction of a new jail facility, need not be submitted to the legal voters of Cumberland County.

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

Effective April 10, 1990.

CHAPTER 121

S.P. 916 - L.D. 2322

An Act Creating the Long Pond Water District

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

Whereas, the creation of the Long Pond Water District must be voted on in town meetings that will be held before the expiration of the 90-day period; and

Whereas, it is necessary for the Long Pond Water District to undertake construction during the current construction season; 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. Territorial limits; corporate name; purposes. Subject to section 17 of this Act, the inhabitants and territory of those parts of the Town of Sullivan and the Town of Sorrento composed of the area beginning at a point 1,500 feet north of the intake pipe of Long Pond; thence easterly to a point intersecting with the western branch of Flanders Stream; thence in a southerly direction following Flanders Stream until the outlet in Flanders Bay; thence west following Flanders Bay to a point 500 feet east of the transmission main; thence south to the shore of Flanders Bay; thence following this shoreline in a southerly and southwesterly direction; thence northerly around Waukeag Neck; thence easterly to the