

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

the purposes of this Act and for all other purposes of the district, without the need for any financial assistance from the Town of Sorrento and the Town of Sullivan, 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.

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 may not affect the remainder of this Act, it being the intention that the remaining portions of this Act stands, 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 to be 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 in each town are not required to prepare or the clerk in each town to post a new list of voters and, for this purpose, each registrar of voters shall be in session the 3 secular days preceding the election, of which the first 2 days will 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 shall be reduced to the following question:

“Shall the Long Pond 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 results must be declared by the municipal officers of the Town of Sorrento and the Town of Sullivan and the due certificate of the results filed by the clerk with the Secretary of State.

This Act, for all the purposes thereof, 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 a subsequent election or elections to be held for that purpose.

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

Effective pending referendum.

CHAPTER 122

H.P. 1788 - L.D. 2457

An Act Concerning State Education Mandate Waivers

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

Whereas, reductions in school funding increase the property tax burden on local taxpayers; and

Whereas, state mandates can not be implemented without adequate funding; and

Whereas, a hardship is created for local taxpayers when the State imposes mandates for which the State does not provide funding; 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. Educational waivers; informational meetings. The Commissioner of Educational and Cultural Services shall meet with appropriate organizations and professional associations to discuss the availability of educational mandate waivers and to disseminate information on the criteria and procedure for waiving implementation of educational mandates by school administrative units. Among the organizations and associations with whom the commissioner shall meet are the statewide organizations representing school superintendents, secondary and elementary school principals, school boards, teachers and municipal governments.

Sec. 2. Informational letters. Prior to July 1, 1990, the Commissioner of Educational and Cultural Services shall send an informational letter to school superintendents, school boards and municipal officials describing the criteria and procedure for granting waivers of state educational mandates.

Sec. 3. Technical assistance. The Commissioner of Educational and Cultural Services shall provide technical assistance to superintendents, principals and

school boards to determine eligibility for the waiver of educational mandates, to apply for an educational mandate waiver and to plan for coming into compliance with the mandate so that, as soon as possible, the waiver will no longer be necessary.

Sec. 4. Report. By January 1, 1991, the commissioner shall report to the Joint Standing Committee on Education on the status of educational mandate waivers. The report must include the number of waivers requested and granted, the mandates or requirements from which waivers were sought, the reasons for the waiver requests, an evaluation of the waiver program and recommendations on the continued need for educational mandate waivers.

Sec. 5. Repeal. This Act is repealed on July 1, 1991.

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

Effective April 17, 1990.

CHAPTER 123

S.P. 972 - L.D. 2438

An Act Concerning the Authority of the Public Utilities Commission to Order Competitive Bidding

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

Whereas, it is necessary to suspend the operation of any rules conflicting with this act immediately; 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. Suspension of rule. The Public Utilities Commission may not issue any order, adopt any rule or implement any order or rule that requires, or requires the consideration of, competitive bidding or notice to potential competitive bidders for any construction project for interexchange facilities. Any rule or portion of a rule that conflicts with this section is suspended until January 1, 1991. If any portion of a rule is suspended under this section, that suspension does not affect any other portion of a rule that can be given effect.

Sec. 2. Report. The Public Utilities Commission shall review and evaluate the concerns of labor and management regarding the bidding provisions of the Maine Public Utilities Commission Rules, Chapter 280. The commission shall submit a report of its findings together with any recommendations to the Joint Standing Committee on Utilities on or before January 1, 1991. A copy of that report must be forwarded to the Office of the Executive Director of the Legislative Council.

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

Effective April 17, 1990.

CHAPTER 124

S.P. 988 - L.D. 2451

An Act to Ensure the Proper Payment of Property Tax Relief Funds

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

Sec. 1. Study of potential abuse. The State Tax Assessor shall undertake a study of the Maine Residents Property Tax Program, the Maine Revised Statutes, Title 36, chapter 907, regarding its administration, enforcement and interaction with municipal officials. This study must include information about program abuses, real or alleged, and suggest alternatives to correct any abuses or potential abuse situations. The State Tax Assessor may also include any other information about the program that is relevant.

Sec. 2. Reporting date. The State Tax Assessor shall prepare the report specified in section 1 of this Act and present it to the Joint Standing Committee on Taxation and the Office of the Executive Director of the Legislative Council by February 15, 1991. If necessary, the committee shall present any implementing legislation to the First Regular Session of the 115th Legislature by March 1, 1991.

See title page for effective date.

CHAPTER 125

H.P. 1802 - L.D. 2473

An Act to Amend the Charter of the Quantabacook Water District

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