

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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**

---

---

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:**

## PART A

**Sec. A-1. Costs to the General Fund.** Funds are appropriated in Private and Special Law 1989, chapter 86, Part E, to cover the costs to the General Fund in the amount of \$357,500 for the fiscal year ending June 30, 1990, and in the amount of \$840,500 for the fiscal year ending June 30, 1991, to implement the economic terms of the collective bargaining agreement made by the State and the Maine State Troopers Association for the Maine State Troopers bargaining unit.

**Sec. A-2. Costs to the Highway Fund.** Funds are allocated in Private and Special Law 1989, chapter 86, Part E, to cover the costs to the Highway Fund in the amount of \$357,500 for the fiscal year ending June 30, 1990, and in the amount of \$840,500 for the fiscal year ending June 30, 1991, to fund salary and benefit changes of the collective bargaining agreement made by the State and the Maine State Troopers Association for the Maine State Troopers bargaining unit.

**Sec. A-3. Special account funding.** Funding provided by Private and Special Law 1989, chapter 86, Part E, must be segregated into a special account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor. The funds must include retirement costs. Positions supported from sources of funding other than the General Fund and Highway Fund must be funded whenever possible from those other sources.

**Sec. A-4. Adjustment of salary schedules for fiscal year 1989-90.** Effective at the beginning of the pay week commencing closest to July 1, 1989, the salary schedules for employees in the Maine State Troopers bargaining unit are adjusted by 3% consistent with the terms of the collective bargaining agreement. Effective at the beginning of the pay week commencing closest to April 1, 1990, these salary schedules are again adjusted by 3% consistent with the terms of the collective bargaining agreement.

**Sec. A-5. Adjustments of salary schedules for fiscal year 1990-91.** Effective at the beginning of the pay week commencing closest to October 1, 1990, the salary schedules for employees in the Maine State Troopers bargaining unit are adjusted by 3% consistent with the terms of the collective bargaining agreement. Effective at the beginning of the pay week commencing closest to April 1, 1991, these salary schedules are again adjusted by 3% consistent with the terms of the collective bargaining agreement.

**Sec. A-6. Funding for fiscal year 1991-92.** Funding and implementation of the economic terms of the collective bargaining agreement between the State and the Maine State Troopers Association representing the employees in the Maine State Troopers bargaining unit for the fiscal year ending June 30, 1992, are subject to approval and appropriation of \$1,013,000 from the General Fund and allocation of \$1,013,000 from the Highway Fund by the First Regular Session of the 115th Legislature.

**Sec. A-7. New employees; similar and equitable treatment.** Employees in classifications included in the Maine State Troopers bargaining unit, but who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F, must be given similar and equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreement, except that nonstatus employees in acting capacity, intermittent or project positions are entitled to receive pay increases provided by this Act prospectively only and may not receive any retroactive payment.

## PART B

**Sec. B-1. Carrying clause.** Any balances remaining from special accounts established by this Act may not lapse but must be carried forward to June 30, 1991.

**Sec. B-2. Authorization for reimbursement of costs associated with contract resolution.** The Department of Administration and the Department of Finance may be reimbursed from the special accounts funded by this Act for the costs of contract resolution, administration, and implementation, and other costs required by the process of collective bargaining and by negotiation procedures.

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

Effective April 20, 1990.

---

## CHAPTER 135

S.P. 1009 - L.D. 2504

### An Act to Authorize a General Fund Bond Issue in the Amount of \$4,500,000 for Acquisition of Certain Rail Lines, Rail Trackage Rights or Easements or Ancillary Rights and Interests for the Establishment, Preservation and Operation of a Rail System to Service Maine

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the acquisition of certain rail lines,

rail trackage rights or easements or ancillary rights and interests.

\$4,500,000

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

**Sec. 1. Authorization of bonds to provide for the acquisition of certain rail lines, rail trackage rights or easements or ancillary rights and interests for the establishment, preservation and operation of a rail system to service Maine.** The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time registered bonds in the name and behalf of the State to an amount not exceeding \$4,500,000 for the purpose of raising funds to provide for the acquisition of certain rail lines, rail trackage rights or easements or ancillary rights and interests as authorized by section 6. The bonds shall be deemed a pledge of the full faith and credit of the State. The bonds shall not run for a longer period than 5 years from the date of the original issue of the bonds. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor.

**Sec. 2. Records of bonds issued to be kept by the State Auditor and Treasurer of State.** The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery of the bonds to the Treasurer of State who shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the same, the date of sale and the date when payable.

**Sec. 3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which shall be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated to be used solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the projects in section 6 shall lapse to the debt service account established for the retirement of these bonds.

**Sec. 4. Interest and debt retirement.** Interest due or accruing upon any bonds issued under this Act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State.

**Sec. 5. Disbursement of bond proceeds.** The proceeds of the bonds set out in section 6 shall be expended under the direction and supervision of the Commissioner of Transportation.

**Sec. 6. Allocations from General Fund bond issue.** The proceeds of the sale of bonds shall be expended as follows.

For the acquisition of rail lines, rail trackage rights or easements or ancillary rights and interests, including, without limitation, the following.

**1. Augusta - Brunswick Lower Road:**

Also certain parcels of land and main line (right-of-way), together with, to the extent assignable, all of the seller's right, title and interest in and to all leases, licenses, franchises, easements, joint facilities agreements and other agreements of whatsoever nature which relate to said land and main line (right-of-way), situated in the State of Maine and bounded and described as follows:

The main line of Railroad (right-of-way) running from MP 28.0 in the Town of Brunswick, Maine to MP 63.00 in the City of Augusta, Maine as shown on plans entitled "Right-of-Way and Track Map, Maine Central RR Company, operated by the Maine Central Railroad Company," and dated June 30, 1916, on file in the office of the Chief Engineer of the Maine Central Railroad Company, Iron Horse Park, North Billerica, Massachusetts 01862, Valuation Section I, sheets 23 to 57 inclusive. Said line of railroad being more particularly described as all railroad rights-of-way situated in the Towns and Cities of Brunswick, Topsham, Bowdoinham, Richmond, Gardiner, Farmingdale, Hallowell and Augusta, Counties of Cumberland, Sagadahoc and Kennebec, State of Maine, together with all structures, fixtures, bridges, trackage and all other appurtenances whatsoever situated upon said railroad main line rights-of-way which are used in connection with or are appurtenant to said railroad main line rights-of-way.

**2. Cobbosseecontee Branch:**

Also certain parcels of land and branch line (right-of-way), together with, to the extent assignable, all of the seller's right, title and interest in and to all leases, licenses, franchises, easements, joint facilities agreements and other agreements of whatsoever nature which relate to said land and branch line (right-of-way), situated in the State of Maine and bounded and described as follows:

The branch line of Railroad (right-of-way) running from Valuation Station 0+00 (2626+94 on the Lower Road) to Valuation Station 60+86.1 in the City of Gardiner, as shown on plans entitled "Right-of-Way and Track Map, Maine Central RR, operated by Maine Central Railroad Company" dated June 30, 1916, on file at the office of the Chief Engineer of the Maine Central Railroad Company, Iron Horse Park, North Billerica, Massachusetts 01862, Valuation Section 1A, sheets 1 and 2. Said line of railroad being more particularly described as

all railroad rights-of-way situated in the Town of Gardiner, County of Kennebec, State of Maine together with all structures, fixtures, trackage and all other appurtenances whatsoever situated upon said railroad branch line rights-of-way which are used in connection with or are appurtenant to said railroad branch line rights-of-way.

Also, trackage or haulage rights or easements over certain rail lines situated within the State for overhead freight or nonrevenue operations in order to facilitate rail freight service in the State.

Also, trackage rights or easements over any rail line situated within or outside of the State for the movement of passengers, including, without limitation, rights to locations for stations in the State for boarding and discharging passengers.

The Commissioner of Transportation shall endeavor to acquire such rail lines, rail trackage rights or easements or ancillary rights and interests as the commissioner finds to be necessary or proper for the establishment, preservation and operation of rail services for the State, including those set forth above, to the extent the commissioner determines appropriate.

### 3. Rockland - Augusta Connector Line:

Certain parcels of land and branch line (right-of-way), together with, to the extent assignable, all of the seller's right, title and interest in and to all leases, licenses, franchises, easements, joint facilities agreements and other agreements of whatsoever nature which relate to said land and branch line (right-of-way), situated in the State of Maine and bounded and described as follows:

The branch line of Railroad (right-of-way) running from MP 29.40 in the Town of Brunswick, Maine, to MP 33.79 in the Town of Brunswick, Maine, as shown on plans entitled "Right of Way and Track Map, Maine Central RR, operated by the Maine Central Railroad Company" and dated June 30, 1916, on file in the office of the Chief Engineer of the Maine Central Railroad Company, Iron Horse Park, North Billerica, Massachusetts 01862, Valuation Section 1, sheets 22 and 23 and Valuation Section 6, sheets 1 to 5, inclusive. Said line of railroad being more particularly described as all railroad rights-of-way situated in the Town of Brunswick, Cumberland County, State of Maine, together with all structures, fixtures, bridges, trackage and all other appurtenances whatsoever situated upon said railroad branch line rights-of-way which are used in connection with or are appurtenant to said railroad branch line rights-of-way.

**Sec. 7. State acquisition, lease or rehabilitation of rail lines, rail trackage rights or easements or ancillary rights and interests.** The Commissioner of Transportation may enter into agreements for the ac-

quisition of any rail line, rail trackage or haulage rights or easements or ancillary rights and interests. The commissioner shall not enter into any acquisition agreement under the terms of which the State assumes any labor protection costs and any labor protection costs imposed by the Interstate Commerce Commission as a part of the authority to abandon any rail line shall not be borne by the State.

In order to carry out the purposes of this bond issue, the Department of Transportation is authorized to exercise the power of eminent domain. In the event that the department decides to acquire rail line, rail trackage rights or easements or ancillary rights and interests by condemnation, the department shall have the property appraised and offer to the owner as just compensation the constitutional minimum value. Except as otherwise required by law, the compensation shall not include the cost of providing a protective arrangement concerning the interest of the railroad's employees. The department shall file in the registry of deeds for the county or counties, or registry district or districts, where the property is located a notice of condemnation which contains a description of the property and the interest taken and the name or names of the owner or owners of record as far as they can be reasonably determined. The department may join in the same notice one or more separate properties whether in the same or different ownership. A check in the amount of the offer and a copy of the notice of condemnation shall be served on the owner or owners of record. If there is multiple ownership, the check may be served on any one of the owners of each separate property. The notice of condemnation shall be published once in a newspaper of general circulation in the county where the property is located and that publication constitutes service on any unknown owner or owners or other persons who may have or claim an interest in the property.

In the event that the owner or owners of record are aggrieved by the department's offer, they may appeal to the Kennebec County Superior Court within 30 days after the date of service or publication of the order or notice of condemnation. The appeal shall be taken by filing a complaint setting forth the facts upon which the case shall be tried according to the Maine Rules of Civil Procedure. The Superior Court shall determine compensation by a jury verdict, or, if all parties agree, by the court without a jury or by a referee or referees and shall render judgment for any compensation, with interest when it is due. Each party shall bear its own costs of the proceeding.

**Sec. 8. Contingent upon ratification of bond issue.** Sections 1 to 7 shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in this Act.

**Sec. 9. Appropriation balances at year end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

**Sec. 10. Bonds authorized but not issued.** Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

**Sec. 11. Referendum for ratification; submission at general election; form of question; effective date.** This Act shall be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a general election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$4,500,000 bond issue for the acquisition of certain rail lines, rail trackage rights or easements or ancillary rights and interests for the establishment, preservation and operation of rail service in Maine?"

The legal voters of each city, town and plantation shall vote by ballot on this question and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

## CHAPTER 136

H.P. 1839 - L.D. 2510

### An Act to Validate and Ratify a Vote of the Town of Gray Concerning the Gray Water District

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

**Whereas,** Private and Special Law 1985, chapter 110, provided that, upon submission to the voters of Gray for their approval at the next general election following passage of that Act, the territorial limits of the Gray Water District would be extended to include the entire town; and

**Whereas,** the voters of Gray voted on the boundary extension at a special town meeting with the result of 265 voters in favor and 149 against; and

**Whereas,** questions have been raised about the efficacy of that special town meeting to satisfy the condition of approval at the next general election; and

**Whereas,** the Legislature finds that the purpose of the referendum approval required by the law was fulfilled; 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. Legislative findings.** Private and Special Law 1985, chapter 110, provided that, upon submission to the voters of Gray for their approval at the next general election after its effective date and approval at that referendum, the territorial limits of the Gray Water District would be extended to include the entire Town of Gray.

The Legislature finds that by warrant duly issued in the manner provided by law for the holding of municipal elections the voters of Gray were instructed to vote on acceptance or rejection of Private and Special Law 1985, chapter 110, at a special town meeting, at the time and place at which the general election for state offices was held and that at such time and place the voters of Gray approved extension of the boundaries of the Gray Water District to include the entire town by a vote of 265 "Yes" to 149 "No."

In order to address questions that have been raised about the efficacy of the special town meeting to satisfy the condition of approval at the next general election, the Legislature finds that the purpose of the referendum approval required by Private and Special Law 1985, chapter 110, to determine the will of a majority of the voters of Gray on the boundary extension was fulfilled by the election held at the special town meeting.

**Sec. 2. Referendum; ratification.** The issuance of warrants for and the holding of a special town meeting or election by and for the Town of Gray to vote on the proposition "Shall the boundaries of the Gray Water District be extended to include the entire town?" pursuant to Private and Special Law 1985, chapter 110, in the manner and form in which such actions were taken by the Town of Gray and the vote certified to the Secretary of