

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

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

State are ratified and approved as compliance with the referendum requirement and all other requirements for the taking effect of Private and Special Law 1985, chapter 110; that from and after the date of the special town meeting at which the boundary extension was voted upon, Private and Special Law 1985, chapter 110, has been in effect; and from and after such date the territorial limits of the Gray Water District include the entire Town of Gray.

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

Effective April 20, 1990.

CHAPTER 137

H.P. 1774 - L.D. 2442

An Act to Provide Funds for a Design Competition for the Construction of a New Supreme Judicial Court Facility in Augusta

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

Sec. 1. Resolve 1987, c. 107, 2nd resolve clause, 2nd sentence, as amended by PL 1989, c. 501, Pt. P, §34, is further amended to read:

This planner shall be required to have available in sufficient time to be included in legislation presented to the Second Regular Session of the 114th Legislature a cost estimate of sufficient accuracy as to be suitable for a request for funding to cover completely all aspects of the construction of this court facility including adequate parking facilities. In the event the 114th Legislature fails to pass legislation to provide a bond issue for construction, the commission shall continue its study for the purpose of resubmitting that legislation to any session of the 115th Legislature or the First Regular Session of the 116th Legislature; and be it further

Sec. 2. Resolve 1987, c. 107, 3rd resolve clause, 2nd ¶, first sentence, as amended by PL 1989, c. 501, Pt. P, §35, is further amended to read:

All preparation for the design competition that does not require funding shall ~~be completed by November 1990~~ continue until a bond for construction has been approved.

See title page for effective date.

CHAPTER 138

S.P. 720 - L.D. 1895

An Act to Permit Changes in the Charter of the City of Ellsworth School District

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

Sec. 1. P&SL 1949, c. 9, §4, first sentence, as amended by P&SL 1975, c. 1, §1, is further amended to read:

To procure funds for the purposes of this Act, and for such other expenses as may be necessary to carry out said purposes, the said trustees are hereby authorized from time to time to borrow money and to issue its bonds and notes therefor, but no indebtedness ~~shall~~ may be incurred which causes the total indebtedness then outstanding to exceed ~~\$1,400,000~~ \$5,000,000.

Sec. 2. P&SL 1949, c. 9, §7-A is enacted to read:

Sec. 7-A. Alternative provisions for termination of the board of trustees. At such time as the City of Ellsworth assumes the obligation to pay all of the principal and interest coming due on indebtedness incurred by the district and all other outstanding obligations of the district, the board of trustees shall automatically cease to function and all of the duties, management, care and maintenance of the property of the district reverts to the school board of the City of Ellsworth or such other board as may at that time have jurisdiction over similar school property, and the then president and treasurer of said district shall cause to be executed, signed and delivered a good and sufficient deed of all the property of the district to the City of Ellsworth. All money, if any remaining in the treasury of the district at the time said trustees cease to function, must be given to the city treasurer of the City of Ellsworth. This money must be used only for school purposes and kept separate from all other money until authorized by the council of the City of Ellsworth to be expended for one or more of the purposes stated in this Act.

The City of Ellsworth may assume all the obligations of the district as aforesaid by vote at an annual or special city election called, advertised and conducted in accordance with the laws relating to municipal elections. The city clerk shall prepare the required ballots, on which the city clerk shall include the following question: "Shall the City of Ellsworth assume the obligation to pay all the indebtedness and other obligations of the City of Ellsworth School District, thereby terminating said district and transferring its property to the city?" Upon the approval of that question by a majority of the legal voters voting at that election, the city council of the City of Ellsworth shall perform and carry out the duties of the trustees of the district, provided for in section 6 and the treasurer of the city shall perform and carry out the duties of the treasurer of the district, as provided for in section 6.

Sec. 3. Proposed renovation. The proposed renovation of Ellsworth High School is deemed to be a school construction project for purposes of the Maine Revised Statutes, Title 20-A, chapter 609.