

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 9, 1991

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
1991

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

tions; provided, however, that the municipal officers of the town are not required to prepare for posting, nor the town clerk to post, a new list of voters and for the purpose of registration of voters the board of voter registration shall be in session on the secular day next preceding the special election. The town clerk of the town shall prepare the required ballot, on which the clerk shall reduce the subject matter of this Act to the following question:

“Shall the Town of Richmond be annexed to Lincoln County?”

The voters shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same.

This Act is considered approved for the Town of Richmond upon its acceptance by a majority of the legal voters voting at the election; and further provided that the total number of votes cast for and against the acceptance of this Act equals or exceeds 20% of the total vote for all candidates for Governor cast in the town at the next previous gubernatorial election.

If the Town of Richmond approves this Act, it must be submitted to the legal voters of Lincoln County and Sagadahoc County in individual questions for each county at elections to be held on November 5, 1991. The Lincoln County Board of Commissioners may expend such funds as are necessary to implement the referenda in Lincoln County and the Sagadahoc County Board of Commissioners may expend such funds as are necessary to implement the referenda in Sagadahoc County.

The county clerk for each county shall prepare the required ballot, on which the clerk shall reduce the subject matter of this Act to the following question:

“Shall the Town of Richmond be annexed to Lincoln County?”

The voters shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same.

Approval of this Act in each county requires a majority of the legal voters voting at the election in each county provided that the total number of votes cast for and against the acceptance of this Act in each county equals or exceeds 20% of the total vote for all candidates for Governor cast in that county at the next previous gubernatorial election.

If the Town of Richmond approves this Act and Lincoln County and Sagadahoc County approve this Act, the Act becomes effective January 1, 1992.

The result of the vote must be declared by the municipal officers of the Town of Richmond and due

certificate thereof must be filed by the town clerk with the Secretary of State. The results of the vote in Lincoln County must be declared by the Lincoln County Board of Commissioners and due certificate thereof must be filed by the county clerk with the Secretary of State. The results of the vote in Sagadahoc County must be declared by the Sagadahoc County Board of Commissioners and due certificate thereof must be filed by the county clerk with the Secretary of State.

Emergency clause. In view of the emergency cited in the preamble, section 5 of this Act takes effect when approved.

Effective pending referendum.

CHAPTER 53

S.P. 700 - L.D. 1870

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$29,700,000 to Match Available Federal Funds for Improvements to Highways, State and Local Bridges, Airports, State Ferry Vessels and Harbors

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 to match available federal funds for highway, bridge and airport improvements and ferry vessel construction.

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

Sec. 1. Authorization of bonds to provide for highway, bridge and airport improvements, ferry vessel construction and harbor improvements. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and behalf of the State in an amount not exceeding \$29,700,000 to raise funds to match available federal funds for highway, bridge and airport improvements, ferry vessel construction and harbor improvements as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 20 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

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. The Treasurer of State 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 bond, 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 must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

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

Sec. 6. Allocations from Highway Fund and General Fund bond issues; highway, bridge and airport improvements, ferry vessel construction and harbor improvements. The proceeds of the sale of bonds must be expended as designated in the following schedule.

Summary of Bond Issues

Highway Fund Bond Issues

Highway and bridge improvements	\$25,000,000
Total Highway Fund	\$25,000,000

General Fund Bond Issues

Airport improvements	\$2,500,000
Ferry vessel construction and harbor improvements	\$2,200,000
Total General Fund	\$4,700,000

Total Highway Fund and General Fund Bonds	\$29,700,000
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Sec. 7. Allocation of Highway Fund bond issue. For fiscal year 1991-92 and fiscal year 1992-93, receipt of the Highway Fund from the proceeds of the

sale of bonds must be segregated, apportioned and expended as designated in the following schedule.

	1991-92	1992-93
Highway and Bridge Improvements	\$12,500,000	\$12,500,000

Sec. 8. Contingent upon ratification of bond issue. Sections 1 to 7 do not become effective unless 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 carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds 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 are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except 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 statewide election; form of question; effective date. This Act must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers 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 statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Do you favor a \$29,700,000 bond issue for improvements to highways, state and local bridges, airports, state ferry vessels and harbors, which makes the State eligible for up to \$103,000,000 in matching federal funds?”

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word “Yes” or “No.” The ballots must 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 a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim the result without delay, and the Act becomes 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 54

S.P. 766 - L.D. 1962

An Act to Allow a Referendum in Sagadahoc County Regarding a Bi-county Work Center with Kennebec County

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

Whereas, the adjournment date of the First Regular Session of the 115th Legislature is uncertain; and

Whereas, Sagadahoc County has an immediate need for housing for prisoners; and

Whereas, Sagadahoc County may have an opportunity to cooperate with Kennebec County on a detention facility, and other opportunities may be available; and

Whereas, to meet the immediate need, Sagadahoc County needs a referendum to obtain consent of the county in November; and

Whereas, the Maine Revised Statutes, Title 30-A, section 934 incorporates by reference Title 30-A, section 122, which requires the question to be decided at municipalities' annual meetings or elections for choosing state or municipal officers; and

Whereas, those elections, which will not take place until 1992, will not meet the proposed schedule; and

Whereas, Title 30-A, section 454 requires clarification regarding Sagadahoc County's authorization to own a detention facility outside the county seat or county; and

Whereas, Sagadahoc County may have to issue bonds for the detention facility, which must first be approved by the Legislature; 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. Approval of voters; Sagadahoc County. Notwithstanding the Maine Revised Statutes, Title 30-A, sections 121, 122 and 934, Sagadahoc County may seek approval of the voters for a detention facility at the statewide election to be held in November 1991.

Sec. 2. Ownership or joint ownership by Sagadahoc County of detention facility outside county seat or county. Consistent with the apparent intent of the Maine Revised Statutes, Title 30-A, section 454, Sagadahoc County may own, or own jointly with another county, a detention facility outside the county seat or county.

Notwithstanding Title 30-A, sections 121 and 122, Sagadahoc County may alone own or provide a detention facility outside the county.

Sec. 3. Approval of Legislature. Subject to approval of the voters as outlined in section 1 of this Act, the Legislature under the Maine Revised Statutes, Title 30-A, section 936 authorizes Sagadahoc County to issue bonds for a detention facility in an amount not to exceed \$500,000 and with a maturity not to exceed 30 years.

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

Effective July 8, 1991.

CHAPTER 55

H.P. 648 - L.D. 922

An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Public Utilities Commission will become due and payable on or immediately after July 1, 1991; 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,