

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

CHAPTER 60

H.P. 696 - L.D. 1000

An Act to Preserve Public Ownership of Historic Fort Gorges in Casco Bay

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

Sec. 1. P&SL 1983, c. 70, sub-§2 is amended to read:

2. Notice by City of Portland. The City of Portland shall notify within 48 hours of receipt the Director of the Bureau of Parks and Recreation of any bona fide offer to purchase Fort Gorges. The State, through the Bureau of Parks and Recreation, shall have the first right to purchase Fort Gorges at the offered price. The State, through the Bureau of Parks and Recreation, may assign the right of first refusal to a Maine nonprofit historical or Maine nonprofit environmental group. A nonprofit historical or nonprofit environmental group that is assigned the right of first refusal must guarantee the continuing use of Fort Gorges by the public as a national historic monument as required by the Deed of Conveyance to the City of Portland from the United States of America, acting through the Administrator of General Services, filed October 13, 1960 in Book 2568, Page 117 at the Registry of Deeds, Cumberland County, Maine.

Sec. 2. P&SL 1983, c.70, sub-§3 is enacted to read:

3. Sale price. The City of Portland shall convey Fort Gorges to the State, or to the Maine nonprofit historical or Maine nonprofit environmental group assigned the right of first refusal by the State, for the sum of \$1.

See title page for effective date.

CHAPTER 61

S.P. 291 - L.D. 773

An Act to Provide Funding for Volunteer Literacy Services for Maine Citizens

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

Whereas, this Act appropriates funds for fiscal year 1991-92 which begins before this Act would otherwise take effect; 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 legisla-

tion 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:

Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
EDUCATION, DEPARTMENT OF		
Adult Education		
All Other	\$60,000	\$60,000
Provides funds for salaries, fringe benefits, travel and other expenses for the Literacy Volunteers of America-Maine.		

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

Effective July 14, 1991.

CHAPTER 62

H.P. 857 - L.D. 1223

An Act to Permit Maine School Administrative District Number 53 to Apply for State School Construction Aid for a Building to be Operated in Conjunction with Maine Central Institute

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

Sec. 1. Application. Maine School Administrative District Number 53 is authorized to submit to the Department of Education an application for a school construction project to construct and equip a life skills building to be located on land adjacent to the campus of Maine Central Institute in Pittsfield and to be used in conjunction with the secondary education program provided on a tuition basis to the students of Maine School Administrative District Number 53 by the Trustees of Maine Central Institute.

Sec. 2. Review. The Maine School Administrative District Number 53 school construction project must be rated by the Department of Education on the same basis as other school construction projects. In reviewing the proposed school construction project, the State Board of Education is not bound by the minimum site size established by the rules of the State Board of Education, but shall determine whether the site is adequate for the proposed building.

Sec. 3. Agreements. Before the State Board of Education grants concept approval for the school construction project, the Board of Directors of the Maine School Administrative District Number 53 and the Trustees of Maine Central Institute shall negotiate a maintenance and use agreement for the building that must be submitted to the voters of Maine School Administrative District Number 53 for approval as part of the article authorizing the issuance of bonds or notes of the district for the school construction project. Successor maintenance and use agreements may be approved by the voters as part of the article approving any subsequent tuition contract between Maine School Administrative District Number 53 and the Trustees of Maine Central Institute.

Sec. 4. Agreement provisions.

1. The maintenance and use agreement must include provisions that:

A. Govern the responsibilities of Maine School Administrative District Number 53 and the Trustees of Maine Central Institute regarding maintenance of the building and grounds;

B. Govern the authority of Maine School Administrative District Number 53 and the Trustees of Maine Central Institute to regulate the use of the building and grounds;

C. Allocate responsibility for maintaining insurance on the building and grounds;

D. Ensure that the building will be used primarily to provide education programs to the students of Maine School Administrative District Number 53;

E. Ensure that the insured value of the building is not included in Maine Central Institute's insured value factor for purposes of calculating the tuition rate under the Maine Revised Statutes, Title 20-A, section 5806;

F. Govern the term of the agreement, except that the term may not extend beyond 10 years or the remaining term of the tuition contract between Maine School Administrative District Number 53 and the Trustees of Maine Central Institute at the time the building is completed, whichever is shorter; and

G. Ensure that if the tuition agreement between Maine School Administrative District Number 53 and the Trustees of Maine Central Institute is terminated, the building and land remain the property of Maine School Administrative District Number 53.

2. Notwithstanding the provisions of the Maine Revised Statutes, Title 20-A, chapter 202, the agreement may provide that:

A. Maine Central Institute has a right of first refusal on the purchase of the building at fair market value if the school directors of Maine School Administrative District Number 53 decide to sell the building or convey it to the Town of Pittsfield;

B. The Trustees of Maine Central Institute may make payments to Maine School Administrative District Number 53 for the use of the building in an amount the parties determine appropriate;

C. A joint committee be established comprised of representatives of the Trustees of Maine Central Institute and the school directors of Maine School Administrative District Number 53; and

D. A joint committee established pursuant to paragraph C may have the responsibilities relating to the maintenance and use of the building during the term of the agreement as the parties may agree.

See title page for effective date.

CHAPTER 63

H.P. 738 - L.D. 1042

An Act to Make Allocations for the Administrative Expenses of the Department of Finance, Bureau of Alcoholic Beverages 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 Department of Finance, Bureau of Alcoholic Beverages and the State Liquor Commission 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,

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

Sec. 1. Allocation of funds. In order to provide for the necessary expenses of operation and administration of the Department of Finance, Bureau of Alcoholic Beverages and the State Liquor Commission, the following amounts, or as much as may be necessary, are