

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1992

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**PRIVATE AND SPECIAL LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**SECOND REGULAR SESSION**

**of the**

**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**Building Maintenance**

Personal Services	383,721
All Other	378,714
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TOTAL	762,435

<b>MAINE TURNPIKE AUTHORITY</b>	
<b>TOTAL</b>	\$32,840,376

**Sec. 2. Transfers of allocations.** Any balance of an allocation or subdivision of an allocation made by the Legislature for the Maine Turnpike Authority, which at any time may not be required for the purpose named in such allocation or subdivision, may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any allocation made by the Legislature for the use of the Maine Turnpike Authority for the same fiscal year subject to review by the joint standing committee of the Legislature having jurisdiction over transportation matters. Financial statements describing such transfers must be submitted by the Maine Turnpike Authority to the Office of Fiscal and Program Review 30 days before the transfer is to be implemented. In case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, amounts to be transferred, a description of the transfer and a detailed explanation as to why the transfer is needed.

**Sec. 3. Encumbered balance at year end.** At the end of each fiscal year, encumbered balances may be carried to the next fiscal year.

**Sec. 4. Legislative intent.** It is the intent of the Legislature that the Maine Turnpike Authority provide the Department of Transportation with an amount not less than \$8,700,000 in the State's fiscal year 1993-94 and the Department of Public Safety with an amount not less than the State's actual costs associated with the patrol services of the State Police for the corresponding fiscal year.

**Sec. 5. Conversion to state fiscal year.** No later than January 5, 1993, the Maine Turnpike Authority shall conduct a feasibility study and report to the joint standing committee of the Legislature having jurisdiction over transportation matters concerning adjusting the Maine Turnpike Authority's fiscal year for accounting and budgetary reporting purposes from the current calendar year to coincide with the state fiscal year.

See title page for effective date.

**CHAPTER 99**

**H.P. 1612 - L.D. 2273**

**An Act to Establish a Boundary between the Town of Skowhegan and the Town of Madison**

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

**Boundary line between the Town of Skowhegan and the Town of Madison.** The boundary between the Town of Skowhegan and the Town of Madison, both in Somerset County, is as follows:

Beginning at a tapered granite stone scribed "T C" found set in the ground at the southeast corner of the Town of Madison, said granite stone is the same point of beginning as described in Private and Special Law 1991, chapter 4;

Thence N 05-52-10 E a distance of 829.00 feet to a 3/4" aluminum rod topped with a 3 1/4" aluminum survey cap set in the ground;

Thence N 05-52-10 E a distance of 1468.81 feet to another 3/4" aluminum rod topped with a 3 1/4" aluminum survey cap set in the ground;

Thence N 05-52-10 E a distance of 1411.29 feet to another 3/4" aluminum rod topped with a 3 1/4" aluminum survey cap set in the ground;

Thence N 05-52-10 E a distance of 1550.00 feet to another 3/4" aluminum rod topped with a 3 1/4" aluminum survey cap set in the ground;

Thence N 05-52-10 E a distance of 1550.00 feet to a granite stone scribed "T C" found set in the ground at the southwest corner of the Town of Cornville.

All bearings described above are referenced to the 1990 Magnetic North.

Reference survey plan by Smith's Land Surveys, Inc. dated September 1991 and entitled "Survey of Proposed Town Line Location for the Towns of Skowhegan, Madison, and Cornville."

See title page for effective date.

**CHAPTER 100**

**H.P. 1634 - L.D. 2298**

**An Act to Allow the Separation of Certain Islands in Casco Bay from the City of Portland**

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

Whereas, negotiations required by this legislation must be completed by June 30, 1992; 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:**

## PART A

**Sec. A-1. Separation and incorporation; Long Island.** Subject to a referendum election as set forth in section 2 of this Part, the following territory now within the City of Portland and the County of Cumberland, together with the inhabitants of that territory, is hereby separated and set off from the City of Portland and incorporated into a separate town by the name of the Town of Long Island: Long Island, Cow Island, that Crow Island that lies adjacent to Cow Island, College Island, Overset Island, Vaill Island, Obeds Rock, the Stepping Stones and that portion of Little Chebeague Island that now lies within the boundaries of the City of Portland, and the surrounding waters, referred to in this Act as "the Long Island territory."

The boundaries of the Town of Long Island are described as follows: All that part of Portland in Cumberland County in the State of Maine beginning at the existing boundary where the Town of Cumberland, the Town of Falmouth and the City of Portland meet in the waters northwest of Little Chebeague Island approximately 43° 43' 27" N by 70° 10' 12" W and following a line 216° southwest of TN of the existing City of Portland, Town of Falmouth boundary to a point on that boundary located at 43° 42' 00" N and 70° 12' 00" W. From that point the boundary extends as a line passing between Great Diamond Island, Portland and Cow Island through Hussey Sound between Peaks Island, Portland and Long Island at 148.5° southeast from TN and passing through a point 43° 39' 00" N and 70° 09' 30" east of Peaks Island to sea.

A third line, beginning at the existing definition of the Town of Falmouth, the Town of Cumberland and the City of Portland common meeting point at approximately 43° 43' 27" N and 70° 10' 12" W extends as a line 124° southeast to a point halfway between where the existing Town of Cumberland boundary intersects mean high water on the northwest and southeast shorelines, respectively, of Hope Island, Cumberland; at that point a fourth line extending approximately 204° southwest to 43° 41' 00" N and 70° 08' 00" W and then from that point a line extending approximately 142° southeast to a point

southwest of Cliff Island at 43° 41' 00" N and 70° 08' 00" W.

By virtue of this separation, the Town of Long Island is also removed from the jurisdiction of the Board of Harbor Commissioners of the Port of Portland, but remains within the County of Cumberland.

**Sec. A-2. Referendum elections.** Part A of this Act takes effect 90 days after adjournment of the Second Regular Session of the 115th Legislature for the purpose of permitting its submission to the voters of the Long Island territory at a special referendum election to be held on those islands on November 3, 1992. Warrants must be issued for this election notifying the qualified voters to vote on the approval or rejection of this Act.

For the purposes of this referendum election, all persons resident and legally registered to vote within the Long Island territory as set out in section 1 of this Part are eligible to vote on the question with respect to the separation of that territory from the City of Portland.

The city clerk of the City of Portland shall prepare the required ballots on which the subject matter of Part A of this Act must be reduced to the following question:

"Do you favor the separation of Long Island, Cow Island, that Crow Island that lies adjacent to Cow Island, College Island, Overset Island, Vaill Island, Obeds Rock, the Stepping Stones and that portion of Little Chebeague Island that now lies within the boundaries of the City of Portland, and the surrounding waters, from the City of Portland and their incorporation as a separate town?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their vote on this question.

The referendum election must be conducted by the city clerk of the City of Portland, who shall declare the result of the election. The city clerk's declaration of the election results is final, subject to review by the Superior Court for the County of Cumberland. The results of the referendum election must be filed by the city clerk with the Secretary of State.

**Sec. A-3. Effective date of separation.** If a majority of those voting in the Long Island territory election approves the question, this Part of this Act takes effect with respect to that territory and that territory is separated from the City of Portland and is incorporated as the Town of Long Island on July 1, 1993.

**Sec. A-4. Provision for first meeting.** If the voters of the Long Island territory approve the question, a justice of the peace or notary public may issue a warrant to any legal voter in the Town of Long Island directing that legal voter to notify the municipal inhabitants of a public meeting to select municipal officers and to transact municipal business, to be held at a time and

place specified in the warrant. Notice to the municipal inhabitants must be provided at least 7 days prior to the meeting.

**Sec. A-5. Form of government.** If the voters of the Long Island territory approve the question, the Town of Long Island must be incorporated and separated from the City of Portland on July 1, 1993 and shall adopt the town meeting as its form of government.

Nothing in this Act prevents the Town of Long Island from subsequently voting to change its form of government without the necessity of a further act of the Legislature.

**Sec. A-6. Allocation of debts and assets.** If the Town of Long Island is incorporated and is separated from the City of Portland on July 1, 1993, the Town of Long Island shall assume its just and due proportion of the debts of the City of Portland and shall receive its just and due proportion of the assets of the City of Portland.

**Sec. A-7. Property taxes.** Long Island remains a part of the City of Portland for all purposes including liabilities, obligations, and the collection and disbursement of property taxes up to the effective date of separation and the City of Portland maintains its customary level of service to Long Island until that date. After that date, each municipality is separately responsible for raising and collecting the revenues necessary to fund its respective government.

**Sec. A-8. Costs not funded.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of Part A and Part B of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

## PART B

**Sec. B-1. Duty to negotiate in good faith.** In anticipation of the creation of the Town of Long Island pursuant to this Act, the City of Portland and representatives of the Long Island territory, as described in Part A, section 1 of this Act, shall negotiate in good faith to reach a mutual determination of:

1. The just and due proportion of debts of the City of Portland to be assumed by the Town of Long Island;
2. The just and due proportion of assets of the City of Portland to be received by the Town of Long Island; and
3. The allocation of other duties and responsibilities between the City of Portland and the Town of Long Island as the parties determine necessary.

**Sec. B-2. Agreement binding; binding arbitration.** Negotiations under section 1 of this Part must be completed by June 30, 1992. If the parties reach agreement by that date, the agreement must be reduced to writing and is final and binding on the City of Portland and the Town of Long Island upon incorporation of the Town of Long Island as of July 1, 1993 if the referendum question in Part A is approved.

If the parties do not reach agreement by June 30, 1992, the parties shall submit any matters remaining in dispute to a panel of arbitrators and shall reduce to writing all agreed upon matters. The panel of arbitrators consists of one arbitrator selected by the City of Portland, one arbitrator selected by simple majority vote of the 8 committee chairs of the Town of Long Island Research Committee and one neutral arbitrator selected jointly by the 2 other arbitrators. Determination of disputed matters by the panel of arbitrators is final and binding on the parties. The arbitration must be administered under the auspices of the American Arbitration Association and, except for the selection of arbitrators, is governed by the rules and procedures of the American Arbitration Association. Binding arbitration must be completed by July 30, 1992.

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

Part A - Effective pending referendum.

Part B - Effective April 3, 1992.

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## CHAPTER 101

### H.P. 1725 - L.D. 2416

#### An Act to Authorize the Town of Medway to Sell Certain Land

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

**Sec. 1. P&SL 1875, c. 57, §4** is enacted to read:

**Sec. 4.** The Town of Medway is authorized to sell or lease, with the approval of a majority of the voters, any real estate that the town owns. Any funds received from the sale of ministerial lands designated for a particular use must be used for the purposes originally designated.

**Sec. 2. Costs not funded.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.