

# 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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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.

**Sec. 3. Repeal.** This Act is repealed on January 1, 2000.

See title page for effective date.

**CHAPTER 102**

**H.P. 1677 - L.D. 2354**

**An Act to Make Supplemental Allocations from the Highway Fund and Other Funds 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 state departments and institutions will become due and payable immediately; 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. Allocation.** The following funds are allocated from the Highway Fund for the fiscal years ending June 30, 1992 and June 30, 1993 to carry out the purposes of this Act.

	1991-92	1992-93
<b>ADMINISTRATION, DEPARTMENT OF</b>		
<b>Motor Vehicle Building Maintenance</b>		
Positions - Legislative Count	(3.0)	
Personal Services	\$12,158	
All Other	71,000	
Capital Expenditures	15,000	
<b>TOTAL</b>	<b>\$98,158</b>	
Provides for the allocation of funds for one Building Control Supervisor position, 2 Custodial Worker I positions and general operating expenses.		

<b>DEPARTMENT OF ADMINISTRATION TOTAL</b>	<u>\$98,158</u>	<u>\$-0-</u>
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>State Police Headquarters Building Maintenance</b>		
All Other		\$31,571
Provides for the allocation of funds for increased fuel, utility and insurance costs.		
<b>Motor Vehicle Building Maintenance</b>		
Positions - Legislative Count		(3.0)
Personal Services		\$79,029
All Other		158,039
<b>TOTAL</b>		<u>\$237,068</u>
Provides for the allocation of funds for one Building Control Supervisor position, 2 Custodial Worker I positions and general operating expenses.		
<b>Transportation Building Maintenance</b>		
Personal Services		\$6,115
All Other		358,002
<b>TOTAL</b>		<u>\$364,117</u>
Provides for the allocation of funds for increased fuel, utility and health insurance costs.		
<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL</b>	<u>\$-0-</u>	<u>\$632,756</u>
<b>TRANSPORTATION, DEPARTMENT OF</b>		
<b>Bond Interest - Highway</b>		
All Other	\$105,301	\$689,985
Provides for the allocation of funds for existing interest obligations in the Highway Fund.		
<b>Island Town Refunds - Highway</b>		
All Other	\$17,236	\$17,236
Provides for the allocation of funds through the continuation of the Island Town Refunds Program - Highway.		