

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

J.S. McCarthy Company
Augusta, Maine
1992

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

SECOND REGULAR SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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 This Act is repealed on January 1, 2000.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
ADMINISTRATION, DEPARTMENT OF		
Motor Vehicle Building Maintenance		
Positions - Legislative Count	(3.0)	
Personal Services	\$12,158	
All Other	71,000	
Capital Expenditures	15,000	
TOTAL	\$98,158	
Provides for the allocation of funds for one Building Control Supervisor position, 2 Custodial Worker I positions and general operating expenses.		

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

DEPARTMENT OF TRANSPORTATION		
TOTAL	\$122,537	\$707,221
PART A		
TOTAL ALLOCATIONS	\$220,695	\$1,339,977

Provides for the deallocation of funds no longer required due to employee participation in the 80% retirement reemployment program for the Department of Transportation and the Department of the Secretary of State.

PART B

Sec. B-1. Allocation. The following funds are allocated from the Highway Fund for the fiscal years ending June 30, 1992 and June 1993, to the departments listed, to provide funding for approved reclassifications and range changes.

	1991-92	1992-93
PUBLIC SAFETY, DEPARTMENT OF		
State Police		
Personal Services	\$19,603	\$19,891
All Other	(19,603)	(19,891)
TOTAL	\$-0-	\$-0-
Provides funds for approved reclassifications and range changes.		

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES	
TOTAL	(\$420,519)

SECRETARY OF STATE, DEPARTMENT OF THE
Administration - Motor Vehicles

Personal Services	\$9,285
All Other	(9,285)

Provides funds for approved reclassification for an Assistant Director of Enforcement and Regulations position and a Clerk Typist III position.

DEPARTMENT OF THE SECRETARY OF STATE	
TOTAL	\$-0-

DEPARTMENT OF PUBLIC SAFETY		
TOTAL	\$-0-	\$-0-

TRANSPORTATION, DEPARTMENT OF
Highway Maintenance

Personal Services	\$1,274,893	(\$1,274,893)
-------------------	-------------	---------------

Highway and Bridge Improvement		
Personal Services	\$4,285	\$5,092
Provides funds for approved reclassifications and range changes.		

Provides for a transfer of funds from fiscal year 1992-93 to fiscal year 1991-92 to allow for the funding of the 27th pay period that was created last July when Cycle A payday was returned to the original schedule.

DEPARTMENT OF TRANSPORTATION		
TOTAL	\$4,285	\$5,092
PART B		
TOTAL ALLOCATIONS	\$4,285	\$5,092

Highway Maintenance

All Other	(\$2,100,000)	(\$2,200,000)
Capital Expenditures	1,000,000	3,300,000
TOTAL	(\$1,100,000)	\$1,100,000

PART C

Sec. C-1. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1991-92	1992-93
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Departments and Independent Agencies - Statewide		
Personal Services		(\$420,519)

Provides for a transfer of funds to allow funding for the Maintenance Resurfacing Program.

Highway Maintenance

All Other	(\$2,000,000)
-----------	---------------

Provides for the deallocation of funds to allow for a transfer to the Collector Road Program.

Collector Road Program

Personal Services	(\$1,000,000)	
All Other		\$3,000,000

Provides for a transfer of funds from Personal Services to All Other to fund the Collector Road Program in fiscal year 1992-93.

Administration and Planning

Positions - Legislative Count	(-1.0)	(-1.0)
Positions - Other Count	(2.0)	(2.0)
Personal Services	(\$1,146)	(\$436)

Provides for a deallocation of funds due to the elimination of one Engineering Aide II position and provides funds for 2 seasonal Highway Laborer positions and for the reclassification of a Computer Programmer position to a Programmer Analyst position.

DEPARTMENT OF TRANSPORTATION		
TOTAL	(\$826,253)	\$824,671
PART C		
TOTAL ALLOCATIONS	(\$826,253)	\$404,152

PART D

Sec. D-1. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1992-93

TRANSPORTATION, DEPARTMENT OF

Highway and Bridge Improvement

Capital Expenditures	\$40,000,000
----------------------	--------------

Provides for the allocation of funds authorized in Part F to be expended solely for capital investment purposes on the Donald V. Carter Bridge project, the "Million-dollar Bridge" project, the Brunswick-Topsham bypass project and the Carleton Bridge project.

DEPARTMENT OF TRANSPORTATION	
TOTAL	\$40,000,000

PART E

Sec. E-1. Carrying clause. An amount of \$690,000 from the unencumbered balance in the Depart-

ment of the Secretary of State, Division of Motor Vehicles, Account #012 29B 0077 04 - Administration may not lapse but carries forward until January 1, 1993 to be allotted for the purpose of upgrading information management systems.

PART F

Sec. F-1. Anticipatory borrowing for projects authorized. In order to schedule more efficiently the use of federal highway demonstration project funds on specified highway projects in the State, the Department of Transportation is authorized and empowered to negotiate with the Maine Municipal Bond Bank, and to request the assistance of the Treasurer of State in such negotiations, a temporary loan or loans in anticipation of the receipt of highway demonstration project federal funds that have been previously authorized by law and allocated to, but not yet received by, the Department of Transportation from the Federal Government for the Donald V. Carter Bridge project in Waterville, the "Million-dollar Bridge" project, so called, between Portland and South Portland, the Brunswick-Topsham bypass project in Brunswick and Topsham and the Carleton Bridge project between Bath and Woolwich. The Department of Transportation is authorized to execute any documents necessary and to pledge any funds legally available for these purposes to secure the loan or loans. These temporary loans in anticipation of the receipt of federal highway demonstration project funds must be repaid from the federal funds eventually received by the Department of Transportation from the Federal Government and may extend beyond the period of one year, but may not extend beyond the period of time for which the federal highway demonstration project funds have been previously authorized by law, and allocated to, but not yet received by, the Department of Transportation. The aggregate amount of the temporary loans may not exceed the amount of federal highway demonstration project funds previously authorized by law and allocated to, but not yet received by, the Department of Transportation. No temporary loan or loans authorized by this section constitute any indebtedness or liability on behalf of or payable by the State or a loan of the credit of the State. Loans received by the Department of Transportation under this section may only be expended for capital investment purposes on the projects specified in this section.

Sec. F-2. Maine Municipal Bond Bank; additional purpose. In addition to the purposes of the Maine Municipal Bond Bank under the Maine Revised Statutes, Title 30-A, section 5902, subsection 1 and solely for the purposes of this Part, it is declared to be in the public interest and to be the policy of the State to assist the Department of Transportation in the receipt of revenues, grants or funds from the Federal Government.

Sec. F-3. Declaration of necessity. In addition to the authority granted under the Maine Revised Statutes, Title 30-A, section 5902, subsection 2, and solely

for the purposes of this Part, the Maine Municipal Bond Bank is authorized to issue its bonds and notes in anticipation of the receipt of revenues, grants or funds by the Department of Transportation as specified under section 1 of this Part.

Sec. F-4. Maine Municipal Bond Bank; additional powers. In addition to the powers conferred under the Maine Revised Statutes, Title 30-A, section 5953, subsection 1, and solely for the purposes of this Part, the Maine Municipal Bond Bank may borrow money and make the borrowing proceeds available to the Department of Transportation at terms agreed upon by the bank and the Department of Transportation.

Sec. F-5. Maine Municipal Bond Bank; specific additional powers. In addition to the powers conferred under the Maine Revised Statutes, Title 30-A, section 5955, and solely for the purposes of this Part, the Maine Municipal Bond Bank may issue its bonds or notes in anticipation of the receipt of revenues, grants or loans of funds or money by the Department of Transportation from the Federal Government and, in connection therewith:

A. Enter into any contracts or agreements necessary, convenient or desirable for the bank to make available to the Department of Transportation through loan arrangements all or any portion of the proceeds of such bonds or notes and impose and collect charges for the bank's costs and services in consideration of servicing the contracts or agreements; and

B. Accept pledges, security grants, assignments or transfers of, or rights to receive revenues, grants or money by the Department of Transportation from the Federal Government.

Sec. F-6. State servicing agreement and federal aid pledge authorized. The Department of Transportation is empowered to enter into any contract or agreement or other loan arrangements with the Maine Municipal Bond Bank as provided in this Part and in connection therewith, to pledge, assign or transfer to the bank any revenues, grants or money from the Federal Government or the rights to receive the same or both; provided, however, that no such contract or agreement constitutes any indebtedness or liability on behalf of or payable by the State or a loan of the credit of the State.

Sec. F-7. Bonds authorized. In addition to the authority conferred under the Maine Revised Statutes, Title 30-A, section 6003, subsection 1, and solely for the purposes of this Part, the Maine Municipal Bond Bank may issue its bonds from time to time in any principal amounts that it considers necessary to make funds available to the Department of Transportation in anticipation of the receipt of revenues, grants or money for the payment of its bonds. These bonds may be secured solely by a pledge of any revenues, grants or money received

by the Department of Transportation from the Federal Government for the projects specified in this Part.

Sec. F-8. Reserve requirements. With respect to bonds issued under this Part that are secured by a capital reserve fund for which the resolution authorizing the issuance of those bonds states that the provisions of the Maine Revised Statutes, Title 30-A, section 6006, subsection 5 apply, the required minimum reserve must be, as of any date of computation, an aggregate amount equal to at least the largest amount of money required by the terms of all contracts between the Maine Municipal Bond Bank and its holders of the bonds to be raised in the then current or any succeeding bond year for the payment of interest on the outstanding bonds. The required minimum reserve for bonds secured by a capital reserve under this Part may be less than that required by this Part or by Title 30-A, section 6006, subsection 1-A, paragraph C if the Maine Municipal Bond Bank so determines and only when the reserve is applied to any bond or note sold in anticipation of the receipt of any revenues, grant or money as provided in this Part.

Sec. F-9. Limitations on deposits into fund. Nothing contained in the Maine Revised Statutes, Title 30-A, section 6013-A requires that the Maine Municipal Bond Bank deposit in the Maine Municipal Bond Insurance Fund amounts in anticipation of which the bank has issued its bonds or notes as provided in this Part.

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

Effective April 6, 1992.

CHAPTER 103

H.P. 1736 - L.D. 2424

An Act to Create the Fort Kent Utilities District

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

Whereas, the Town of Fort Kent is in great need of installation of a sewer treatment plant and the improvement of its water and sewer system; and

Whereas, it is important that a sewer treatment plant be constructed at the earliest possible opportunity to supply a water and sewer system to the inhabitants of Fort Kent; 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,