

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

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J.S. McCarthy Company
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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. 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 Bureau of General Services to provide funds for capital repairs to state facilities.

Sec. 6. Allocations from General Fund bond issue; cost of capital repairs to state facilities. The proceeds of the sale of bonds must be expended as designated in the following schedule.

Bureau of General Services \$8,000,000

These funds will be used for capital repairs to state facilities to meet health and safety codes and to comply with the federal Occupational Safety and Health Administration standards.

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 8. 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. 9. 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. 10. Referendum for ratification; submission at general election; form of question; effective date. This Act must be submitted to the legal voters of the State of Maine at the next general election in the month 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 general election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Do you favor a \$8,000,000 bond issue for capital repairs to state facilities to meet health and safety codes and comply with Occupational Safety and Health Administration standards?”

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 corre-

sponding 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 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 113

H.P. 1707 - L.D. 2388

An Act to Authorize Bond Issues for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens

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 for transportation and public infrastructure capital improvements and other activities designed to create and preserve jobs for Maine citizens.

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

PART A

Sec. A-1. Authorization of bonds to provide for public infrastructure capital improvements and other activities designed to create and preserve jobs for Maine citizens. 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 \$37,000,000 to raise funds to stimulate the creation of jobs by accelerating the funding of immediate, short-term, labor-intensive capital construction projects to make needed improvements in the public infrastructure facilities of the State and public school buildings and grounds and to protect existing jobs through a program of financial assistance to distressed small businesses 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 10 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. For the purposes of this Part, the term “public school” includes private schools approved for tuition purposes that

have school enrollments of at least 60% publicly funded students and the term "public infrastructure facilities" includes nonprofit community-based organizations providing comprehensive health care services that are not eligible for assistance under the Maine Health and Higher Educational Facilities Authority Act.

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

Sec. A-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 Economic and Community Development for capital improvement projects for municipalities; the Chief Executive Officer of the Finance Authority of Maine for an assistance program for small businesses threatened with loan recall resulting in foreclosure; and the Commissioner of Education for public school capital improvement projects.

Sec. A-6. Allocations from General Fund bond issue; public infrastructure capital improvements and other activities designed to create and preserve jobs for Maine citizens. The proceeds of the sale of bonds must be expended as designated in the following schedule.

General Fund Bond Issues

Department of Economic and Community Development

Municipal Infrastructure Capital Improvements	\$28,000,000
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Finance Authority of Maine

Economic Program Recovery Fund	7,000,000
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Department of Education

Public School Capital Improvements	2,000,000
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GENERAL FUND BOND ISSUES	
TOTAL	\$37,000,000

Sec. A-7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Part.

Sec. A-8. 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 one year after the date of the sale of the bonds lapse to General Fund debt service.

Sec. A-9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within one year of ratification of this Part, are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that one-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed one year.

Sec. A-10. Referendum for ratification; submission at primary election; form of question; effective date. This Part must be submitted to the legal voters of the State of Maine at the June 1992 primary election following passage of this Part. 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 general election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$37,000,000 bond issue for municipal and other infrastructure improvements and activities designed to create and preserve jobs?"

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 this Part, the Governor shall proclaim the result without delay, and this Part 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 Part necessary to carry out the purpose of this referendum.

PART B

Sec. B-1. Authorization of bonds to provide for transportation infrastructure capital 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 \$42,000,000 to raise funds for transportation infrastructure capital 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 10 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. B-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. B-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 Part. 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. B-4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

Sec. B-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. B-6. Allocations from General Fund bond issue; transportation infrastructure capital improvements. The proceeds of the sale of bonds must be expended as designated in the following schedule.

Highway Fund Bond Issues

Highway and bridge improvements	\$19,000,000
Local road assistance program	10,000,000

HIGHWAY FUND BOND ISSUES TOTAL

\$29,000,000

General Fund Bond Issues

Ferry, pier and port improvements	\$8,600,000
Railroad and airport improvements	4,400,000

GENERAL FUND BOND ISSUES TOTAL

\$13,000,000

HIGHWAY AND GENERAL FUND BOND ISSUES TOTAL

\$42,000,000

Sec. B-7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Part.

Sec. B-8. 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. B-9. 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 Part, 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. B-10. Referendum for ratification; submission at primary election; form of question; effective date. This Part must be submitted to the legal voters of the State of Maine at the June 1992 primary election following passage of this Part. 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 general election, to vote on the acceptance or rejection of this Part by voting on the following question:

“Do you favor a \$42,000,000 bond issue to create and protect jobs through capital improvements in transportation facilities?”

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 this Part, the Governor shall proclaim the result without delay, and this Part 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 Part necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 114

H.P. 1692 - L.D. 2372

An Act to Allow Municipalities to Appeal the New State Valuation

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

Whereas, the period has passed for municipalities to make timely appeals to the State Board of Property Tax Review of the Bureau of Taxation's determination of equalized valuation; and

Whereas, this Act may require the State Tax Assessor to recalculate the valuation of all municipalities; 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. Appeals of municipal valuations. Notwithstanding the Maine Revised Statutes, Title 36, section 272, subsection 1, the towns of Whitefield, Mechanic Falls and Franklin may file a written notice of appeal with the State Board of Property Tax Review of the Bureau of Taxation's determination of equalized valuation within 10 days of the effective date of this section. The appeal to the board must be signed by a majority of the municipal officers and must be accompanied by an affidavit stating the grounds for the appeal. A copy of the appeal and the affidavit must be served on the Bureau of Taxation.

Sec. 2. Procedure following appeals of municipal evaluation. Notwithstanding the Maine Revised Statutes, Title 36, section 272, subsection 5, if, pursuant to an appeal arising out of section 1 of this Act, the State Board of Property Tax Review lowers the state valuation for the towns of Whitefield, Mechanic Falls and Franklin, the board shall certify that reduced valuation to the State Tax Assessor.

The State Tax Assessor shall calculate the amount of funds due any municipality from any source pursuant to this section and report that amount, together with implementing legislation for reimbursing the municipality, to the joint standing committee of the Legislature having jurisdiction over taxation matters by February 1, 1993.

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

Effective April 9, 1992.

CHAPTER 115

H.P. 1666 - L.D. 2342

An Act to Ensure the Long-term Stability of Sheltered Group Homes in Maine

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

Whereas, the 107th Legislature enacted Private and Special Law 1973, chapter 141, which established residential group care for girls throughout Maine provided by St. Andre Home, Inc. under the auspices and sponsorship of the Sister Servants of the Immaculate Heart of Mary; and

Whereas, the fulfillment of the intent of that legislation required contract lease agreements between St. Andre Home, Inc. and the Sister Servants of the Immaculate Heart of Mary; 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. Reimbursable expenses; nonresidential services in sheltered group homes. Lease agreements entered into between St. Andre Home, Inc. and the Sister Servants of the Immaculate Heart of Mary