

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.

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

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

must be considered an actual cost related to the provision of sheltered group home services and, as such, are deemed a reimbursable expense allowable through purchase of service contracts executed between the State of Maine and St. Andre Home, Inc. The lease agreements must be executed at fair and reasonable rates, reflected by current fair market rental values.

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

Effective April 9, 1992.

CHAPTER 116

H.P. 1531 - L.D. 2160

An Act to Maintain the Functioning of the Uniform Commercial Code and Corporate Sections of the Department of the Secretary of State

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

Whereas, the funding included in this legislation is needed before the expiration of the 90-day period in order to maintain the functioning of the Uniform Commercial Code and corporate sections of the Office of the Secretary of State; 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. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1992-93

**SECRETARY OF STATE,
DEPARTMENT OF THE**

**Bureau of Administrative Services
and Corporations**

Personal Services	\$66,138
All Other	2,500

Provides for the allocation of funds for one full-time and one part-time project Clerk

Typist II positions and one project Clerk Typist IV position and support costs associated with these positions.

**DEPARTMENT OF THE SECRETARY OF STATE
TOTAL**

\$68,638

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

Effective April 9, 1992.

CHAPTER 117

S.P. 818 - L.D. 2017

An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 to Help Municipalities Pay for the Repair and Improvement of Publicly Owned Port Facilities

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 the costs of repair and improvement of publicly owned port facilities.

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

Sec. 1. Authorization of bonds to provide for the costs of repair and improvement of publicly owned port facilities. 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 \$6,000,000 to raise funds for municipalities and to help pay for the repair and improvement of publicly owned port facilities 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 5 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. 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.