

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

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

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 Department of Environmental Protection.

Sec. 6. Allocations from General Fund bond issue. The proceeds of the sale of bonds must be expended as designated in the following schedule.

1994-95

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Provides funds for reimbursement for outstanding municipal solid waste landfill capping and remediation expenses. Any remaining proceeds are to be allocated for municipal solid waste landfill site evaluation and planning and municipal grants program for implementation of new landfill capping and remediation plans.	\$20,000,000
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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 ques-

tion; 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 \$20,000,000 bond issue to protect the State's drinking water resources by granting funds to cities and towns for the capping of their solid waste landfills?"

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 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 100

H.P. 1410 - L.D. 1920

An Act to Establish the Municipal Cost Component for Unorganized Territory Services to Be Rendered in Fiscal Year 1994-95

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

Whereas, prompt determination and certification of the municipal cost components in the unorganized territory district is necessary to the establishment of a mill rate and the levy of the unorganized territory educational and services tax; 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 preserva-

tion of the public peace, health and safety; now, therefore,

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

Sec. 1. Municipal cost component for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for unorganized territory services and reimbursements to be rendered in fiscal year 1994-95 is as follows.

Audit - Fiscal Administrator	\$108,207
Education - Operations	9,372,230
Forest Fire Protection	200,000
Human Services - General Assistance	80,000
Property Tax Assessment - Operations	457,570
Legislative Study Commission	9,140
Maine Land Use Regulation Commission - Operations	155,000

TOTAL STATE AGENCIES \$10,382,147

County reimbursements for services:

Aroostook	\$549,320
Franklin	270,857
Hancock	91,120
Oxford	184,715
Penobscot	770,175
Piscataquis	323,644
Somerset	592,590
Washington	313,155

TOTAL COUNTY SERVICES \$3,095,576

TOTAL REQUIREMENTS \$13,477,723

COMPUTATION OF ASSESSMENT

Requirements \$13,477,723

Less Deductions:

General -	
State Revenue Sharing	\$145,000
Miscellaneous Revenues	125,000
Transfer from Surplus	709,140

TOTAL \$979,140

Educational -	
Lands Reserve Trust	\$125,000
Tuition and Travel	130,000
Miscellaneous	10,000
Special - Retirement	100,000
Transfer from Surplus	440,834

TOTAL \$805,834

TOTAL DEDUCTIONS (\$1,784,974)

TAX ASSESSMENT \$11,692,749

Sec. 2. Commission established. The Unorganized Territory Education and Services Fund Study Commission, referred to in this section as the "commission," is established.

1. Commission membership. The commission consists of 11 members:

A. Two members of the committee of the Legislature having jurisdiction over taxation matters appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

B. Three Legislators whose districts include portions of the unorganized territory appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

C. Two members of the public who are taxpayers of the unorganized territory appointed jointly by the President of the Senate and the Speaker of the House of Representatives; and

D. Four members of the public who are taxpayers in the unorganized territory appointed by the Governor.

2. Appointments and meetings. All appointments must be made no later than 30 days following the effective date of this Act.

The Executive Director of the Legislative Council must be notified by the appointing authorities once the selection is made. The Chair of the Legislative Council shall call and convene the first meeting of the commission no later than 30 days after the appointment of all members has been completed. The commission shall select a chair from its members.

3. Duties. The commission shall review and analyze all aspects of establishing the municipal cost component for the unorganized territories. The commission shall examine ways to ensure improved legislative oversight as well as review agency accountability to the Unorganized Territory Education and Services Fund including, but not limited to, an examination of county service costs, reporting and auditing, school construction and teacher retirement costs, state agency service costs, unexpended balances and cash flow requirements and overall administration of the program.

The commission shall evaluate the findings of their review and make recommendations to improve the effectiveness and efficiency of establishing and administering the municipal cost component for unorganized territories.

4. Powers. In conducting its review, the commission may:

- A. Hold public hearings;
- B. Meet at such times and places as the commission determines necessary and hold informational sessions for discussions with knowledgeable persons;
- C. Establish subcommittees or advisory committees;
- D. Conduct a literature search and summarize and analyze the results of this search;
- E. Conduct a survey of the public or affected persons and groups and tabulate and analyze the results of this survey;
- F. Procure and analyze relevant data;
- G. Conduct legal research and prepare opinions on legal questions within the scope of the study; and
- H. Determine and summarize the legislative actions or governmental programs undertaken in other jurisdictions related to issues within the scope of the study.

5. Staff assistance. The commission may request staff assistance from the Legislative Council. The fiscal administrator of the unorganized territory, the Bureau of Taxation, the Department of Education and Cultural Services, the Maine Land Use Regulation Commission, the Department of Audit and the Division of Forest Fire Control of the Maine Forest Service shall provide additional staff support upon request of the commission.

6. Reimbursement. The members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at commission hearings. All other members are entitled to expenses, as defined in Maine Revised Statutes, Title 5, chapter 379, upon application to the Executive Director of the Legislative Council.

7. Report. The commission shall submit its report, together with any necessary implementing legislation, to the First Regular Session of the 117th Legislature and the joint standing committee of the Legislature having jurisdiction over taxation matters no later than November 15, 1994.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1994-95

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**Unorganized Territory
Education and Services Fund
Study Commission**

Personal Services	\$2,970
All Other	6,170

Provide funds to the Unorganized Territory Education and Services Fund Study Commission for the per diem and expenses of members and miscellaneous committee expenses.

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TOTAL	\$9,140
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 20, 1994.

