

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

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

Sec. 1. P&SL 1827, c. 485, §§11 and 12 are enacted to read:

Sec. 11. Guaranty capital shares. That the corporation may issue a class of guaranty capital shares, of up to 40,000 shares, with a par value of \$100 per share and with the rights and preferences of the guaranty capital shares to be in accordance with the Maine Insurance Code, or its successor, and the board of directors of the corporation may designate the rights and preferences and approve the issuance of the guaranty capital shares in a manner consistent with the Maine Insurance Code, or its successor.

Sec. 12. Amendments. That all amendments to the charter do not require legislative action, but may be made in accordance with the Maine Insurance Code, or its successor.

Sec. 2. P&SL 1897, c. 534 is repealed.

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

Effective February 1, 1995.

CHAPTER 3

S.P. 125 - L.D. 308

An Act to Transfer Legislative Jurisdiction over Loring Air Force Base, Loring Water System and Loring Family Housing Annex

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

Whereas, the Legislature must approve the retrocession by the United States Department of the Air Force of Loring Air Force Base, Loring Water System and Loring Family Housing Annex; and

Whereas, the removal of military personnel from Loring Air Force Base creates the need to accommodate nonmilitary uses and to allow for local law enforcement jurisdiction by approving the retrocession; 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. Loring Air Force Base, Loring Water System and Loring Family Housing Annex; approval of transfer of legislative jurisdiction. The United States Department of the Air Force having filed with the Governor by letter dated August 26, 1994 its notice of intention to relinquish and retrocede to the State all of its exclusive legislative jurisdiction and to retain only a proprietary interest over all the lands comprising the Loring Air Force Base, the Loring Water System and the Loring Family Housing Annex in which the United States presently holds exclusive legislative jurisdiction, pursuant to the Maine Revised Statutes, Title 1, section 8, the State hereby approves the transfer of legislative jurisdiction as proposed in the notice of intention.

Sec. 2. Loring Air Force Base, Loring Water System and Loring Family Housing Annex; description of land. The existing land so affected is the Loring Air Force Base, inclusive of all land within the present boundaries of that base in the towns of Limestone and Caswell and the City of Caribou in Aroostook County; the Loring Water System in the Town of Connor and the City of Caribou in Aroostook County; and the Loring Family Housing Annex in the City of Presque Isle in Aroostook County.

Sec. 3. Loring Air Force Base, Loring Water System and Loring Family Housing Annex; legislative jurisdiction. This Act approves the retrocession of exclusive legislative jurisdiction by the United States of America back to the State over all lands currently comprising the Loring Air Force Base, the Loring Water System and the Loring Family Housing Annex as of the date of recordation of both this Act and the notice of intention in the Registry of Deeds of Aroostook County.

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

Effective March 7, 1995.

CHAPTER 4

S.P. 41 - L.D. 71

An Act to Amend the Charter of the Port Clyde Water District

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide

funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, it has been determined that the Port Clyde Water District's borrowing capacity is inadequate to improve the facility that serves the Village of Port Clyde in the Town of St. George; and

Whereas, the Port Clyde Water District must take action as soon as possible to begin construction on its water tank; 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. P&SL 1963, c. 38, §8, first sentence is amended to read:

For accomplishing the purposes of this act, ~~said~~ the district, through its trustees, is authorized to borrow money from time to time, not exceeding ~~\$100,000~~ \$250,000, and to issue therefor the interest-bearing negotiable notes of the district, maturing serially or otherwise, and to make subsequent renewals of the same in whole or in part, and for ~~said~~ these purposes and for the purpose of refunding any notes, bonds or other lawful indebtedness and to establish a fund therefor, of obtaining or providing money to pay or to meet any necessary expenses and liabilities under the provisions of this act, including expenses in the creation of this district, in securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant and making extensions, additions and improvements to the same, the ~~said~~ district, through its trustees, may from time to time issue bonds of the district ~~to~~ in an amount necessary in the judgment of the trustees therefor, maturing at one time or in uniform or varying installments, and with or without call provisions.

Sec. 2. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters of the Port Clyde Water District at the next regular town or at a special district meeting to be

called and held for that purpose by March 31, 1995. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the municipal officers of the town are not required to prepare for posting, nor the town clerk to post, a new list of voters. For the purpose of registration of voters, the board of voter registration must be in session on the secular day next preceding the special election. The town clerk of the town shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

"Do you favor amending the charter that created the Port Clyde Water District to increase the total authorized indebtedness of the district from \$100,000 to \$250,000?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same. This Act takes effect immediately upon its acceptance by a majority of the legal voters voting at the election.

The result of the vote must be declared by the municipal officers of the Town of St. George and due certificate thereof must be filed by the town clerk with the Secretary of State.

Effective pending referendum.

CHAPTER 5

H.P. 119 - L.D. 154

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1995

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 will become due and payable prior to July 1, 1995; 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: