

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
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J.S. McCarthy Company
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~~between the residents of the Towns of Benton and Vassalboro, one by the town officials of Vassalboro and one by the town officials of Benton. Each trustee from Waterville, Fairfield and Winslow has one vote each. Each trustee from Vassalboro and Benton has 1/2 vote each.~~ As soon as convenient after the members of the board have been chosen, the trustees shall hold a meeting at the city rooms in the City of Waterville and organize by the election of a president and clerk, adopt a corporate seal and, when necessary, may choose a treasurer and all other necessary officers and agents for the proper conduct and management of the affairs of the district. Whenever the term of office of a trustee expires, the body ~~which~~ that appointed the trustee shall appoint a successor to serve a full term of 3 years; and, in case any other vacancy arises, it ~~shall~~ must be filled in like manner for the unexpired term. The trustees may also ordain and establish such bylaws as necessary for their convenience and the proper management of the district's affairs. The trustees may procure an office and incur such expenses as may be necessary.

The trustees ~~shall~~ are entitled to receive as compensation for their services \$20 for each meeting attended and reimbursement for travel and expenses up to a maximum of \$500 per year, unless changed in accordance with the Maine Revised Statutes, Title ~~35~~ 35-A, chapter ~~262~~ 63.

The term of office for trustees ~~shall be~~ is 3 years, beginning on the first Monday in April as follows: ~~The term of the trustee from the Towns of Benton or Vassalboro shall begin in April 1988, with a trustee from Vassalboro and continue with a trustee from Benton beginning in April 1991, continuing to alternate between the towns every 3 years thereafter terms of the trustees from the Town of Benton and the Town of Vassalboro begin in June 1995 and in April every 3 years after 1995; the terms of one trustee from Waterville, one from Fairfield and one from Winslow shall begin in April 1989, and every 3 years thereafter after 1989; and the terms of one trustee from Waterville, one from Fairfield and one from Winslow shall begin in April 1990, and every 3 years thereafter after 1990. No A person may not serve more than 2 full terms consecutively without a break in service before reappointment.~~

Sec. 2. Transition clause. The term of the trustee that alternates between Vassalboro and Benton scheduled to expire in 1997 expires June 1, 1995.

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

Effective June 21, 1995.

CHAPTER 32

H.P. 1092 - L.D. 1535

An Act Regarding School Construction in School Administrative District No. 49

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, Maine School Administrative District No. 49 is a school unit duly organized and existing under the laws of the State; and

Whereas, the Town of Fairfield is a municipal corporation duly organized and existing under the laws of the State; and

Whereas, the Town of Fairfield was named as a beneficiary of a bequest made by the will of Burt R. Williamson dated October 31, 1951; and

Whereas, the bequest, referred to as the "Williamson Fund," was made for the specific purpose of constructing a school building and its equipment above the foundation; and

Whereas, after the date Mr. Williamson executed his will, the Town of Fairfield joined with the towns of Albion, Benton and Clinton to form Maine School Administrative District No. 49; and

Whereas, the Superior Court, in an action brought by the Town of Fairfield to construe Mr. Williamson's will, determined that the Town of Fairfield has authority to expend sums from the principal and accumulated interest for costs, including payment of debt service, related to the erection of, or addition to, a school building located in Fairfield to be owned, operated and maintained by Maine School Administrative District No. 49; and

Whereas, certain of the constraints normally placed upon school construction projects by statutory provisions operate in this case to limit the flexibility of Maine School Administrative District No. 49 to build an auditorium and supporting facilities with money from the Williamson Fund at no cost to the taxpayers; and

Whereas, fluctuating market conditions are favorable in the immediate future to allow Maine School Administrative District No. 49 to enter into a design-build construction contract or other alternative construction arrangements for construction of an auditorium and supporting facilities with money from the Williamson Fund at no cost to the taxpayers; 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. Authority to enter into alternative construction arrangements to build auditorium and supporting facilities. Subject to approval by the voters of the towns comprising Maine School Administrative District No. 49, the Board of Directors of Maine School Administrative District No. 49 is authorized to enter into a design-build contract or other alternative construction arrangements for construction of a new auditorium and supporting facilities to be located on the existing school lot on School Street in the Town of Fairfield, which is the site of the Lawrence Junior-Senior High School complex. Notwithstanding the provisions of the Maine Revised Statutes, Title 20-A, sections 15903, 15905-A, 15908 and 15910, this project is not subject to approval by the Commissioner of Education. This Act may not be construed as waiving any building construction standards related to health or safety that apply to school construction projects and the State Fire Marshal's Office and the Department of Human Services shall approve the plans and specifications for the project.

The cost of this construction project is funded with money from a local trust fund designated by the Town of Fairfield as the Williamson Fund. There may be no increase in local taxes to pay for the construction nor may the project receive any state funds.

Sec. 2. Two-year limit. The authority conferred by this Act expires if Maine School Administrative District No. 49 does not enter into a design-build contract or other alternative construction arrangements within 2 years of the effective date of this Act.

Sec. 3. Voter approval. The project must be submitted to the voters for approval at a referendum in accordance with section 5.

Sec. 4. Operating costs exempted from state subsidy. The annual costs of operating the auditorium and supporting facilities will be exempt

from state subsidy. Maine School Administrative District No. 49 is required to identify those costs to the Department of Education and ensure that no subsidy is claimed for the operating costs.

Sec. 5. 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 Maine School Administrative District No. 49 to negotiate, but not enter into, a design-build contract or other alternative construction arrangements and to submit a proposal for construction of an auditorium and supporting facilities to the legal voters of Maine School Administrative District No. 49 by referendum at a regular or special district meeting. The referendum must be called, advertised and conducted in accordance with the Maine Revised Statutes, Title 20-A, sections 1351 to 1354 and section 15904. The board of directors shall prepare the required ballots on which the board of directors shall reduce the subject matter of this Act to the following question:

Do you favor authorizing the school directors of Maine School Administrative District No. 49 to accept conditional and unconditional gifts and grants, including up to \$3,300,000 from the Town of Fairfield's Williamson Fund, and an additional \$300,000 from fund-raising efforts, the amount obtained by this district from gifts and grants and earnings thereon up to a maximum of \$3,600,000, for the purpose of constructing and equipping an arts and technology center to be located on the existing school lot on School Street in the Town of Fairfield, which is the site of the Lawrence Junior-Senior High School Complex?"

The voters shall indicate by a cross or a check mark placed against the word "Yes" or "No" their opinion of the same.

This Act takes effect for all purposes after its acceptance by a majority of the legal voters voting on the question.

Sec. 6. Additional disclosures. The following disclosures must accompany the question on the ballot:

1. The entire additional operating costs of the new project during its first 2 years must be supported entirely by revenues raised by the school administrative unit through fund-raising efforts with no tax burden placed on the voters of Maine School Administrative District No. 49;

2. The estimated amount of the additional operating costs during the first 2 years is \$35,000 in the first year and \$38,000 in the 2nd year. These costs will be paid from an endowment established through

fund raising, with no tax burden on the voters of Maine School Administrative District No. 49; and

3. Maine School Administrative District No. 49 is responsible for the local share of debt service allocation as calculated in accordance with state law. In this case, however, there will be no debt service on the project since it is to be funded entirely from gifts and grants to the district and earnings thereon.

Effective pending referendum.

CHAPTER 33

S.P. 566 - L.D. 1536

An Act to Clarify the Municipal Bounds of the Town of Eliot

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

Whereas, the current jurisdictional boundary for the Town of Eliot along the Piscataqua River and its tributaries remains uncertain; and

Whereas, the uncertainty of the location of the Town of Eliot's southern bounds along the Piscataqua River and its tributaries interferes with the orderly administration, operation and policing of the Town of Eliot and its harbors and waters; 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. Mass. Laws of 1810, c. 74, §1 is amended to read:

Sec. 1. Kittery divided. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all that part of the town of Kittery in the county of York, included within the limits of the jurisdiction formerly known as the second parish in said town, the second parish being further described as including all of the lands, submerged lands and waters within the bounds as follows: starting at the division line beginning at the mouth of the Great Cove below the point of land heretofore and presently known as Thomas Spinney's Point or Spinney's Point, running northerly and westerly up through the middle of the Great Cove to the head of the cove as lies due southwest of the

bridge formerly known as Gowell's Bridge, then continuing northeasterly along the bounds of the Town of Kittery to the bounds of the Town of York, thence continuing west and northerly to the southern bounds of the Town of South Berwick, then continuing west to the middle of the Piscataqua or Salmon Falls Rivers, then continuing southerly and easterly down the middle of the Piscataqua River and then to the point of the beginning, the bounds including and comprising all of the lands, submerged lands and waters contained therein, be, and hereby is incorporated into a separate town, by the name of Eliot, with all the powers, privileges, and immunities, with which other towns are invested by the constitution and laws of this commonwealth and the State of Maine.

Sec. 2. Application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, the provisions of this Act govern all actions and proceedings pending on the effective date of this Act.

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

Effective June 21, 1995.

CHAPTER 34

H.P. 1009 - L.D. 1424

An Act to Provide for the Dissolution of the Town of York School District

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

Sec. 1. P&SL 1951, c. 57, §1-A is enacted to read:

Sec. 1-A. Dissolution of Town of York School District. The Town of York School District may be dissolved if, after submission of the question by referendum to the inhabitants of the district, the voters approve the grant of authority to the Town of York to dissolve the district. If the district is dissolved according to this section, all financial obligations of the district become the obligation of the Town of York.

See title page for effective date.

CHAPTER 35

H.P. 875 - L.D. 1230

An Act Concerning Educational Technicians