

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

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

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.

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

Sec. 1. P&SL 1991, c. 26, §4 is enacted to read:

Sec. 4. Professional qualifications of teacher aides and teacher assistants not recommended for promotion due to error on the part of a school administrative unit. A person employed as a teacher aide or teacher assistant prior to September 1, 1991 whose job function at the time was that of a level II or level III educational technician as described in State Board Rule 115, Part I, section 14.2 (a) or 14.3 (a) and who was not recommended to be upgraded to the higher classification due to error on the part of a school administrative unit need not meet the educational preparation standards for those positions set forth in board rule sections 14.2 (b) and 14.3 (b) and need not meet the September 1, 1991 deadline for reclassification. School administrative units shall submit requests for upgrades under this section to the Department of Education before July 1, 1996.

See title page for effective date.

CHAPTER 36

S.P. 198 - L.D. 541

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1996

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 incident to the operation of the Maine State Retirement System will become due and payable before the 90-day period terminates; 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 of funds. Administrative operating expenses of the Maine State Retirement System for the fiscal year ending June 30, 1996 must be paid from the retirement system's Expense Fund in accordance with the following schedule.

	1995-96
MAINE STATE RETIREMENT SYSTEM	
Personal Services	\$4,752,613
All Other	2,569,350
MAINE STATE RETIREMENT SYSTEM	
TOTAL ALLOCATIONS	\$7,321,963

Sec. 2. Attribution of costs. The expenses identified in section 1 of this Act are attributed as follows.

	1995-96
MAINE STATE RETIREMENT SYSTEM	
General Fund	\$4,700,000
Non-General Fund	1,872,831
Participating Local District and Other	749,132
MAINE STATE RETIREMENT SYSTEM	
TOTAL ATTRIBUTIONS	\$7,321,963

Sec. 3. Transfers of allocations; year-end balances. Transfers of allocations and carry-forwards of unexpended balances must be carried out in accordance with the Maine Revised Statutes, Title 5, section 17103, subsection 13.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 1995.

Effective July 1, 1995.