

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

1998-99

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

**Bureau of General Services
Planning - Construction - Administration**

All Other \$80,000

Provides for the allocation of funds to procure necessary architectural and engineering services for the bureau's oversight of school construction and renovation projects.

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

Effective April 16, 1998.

CHAPTER 788

H.P. 1631 - L.D. 2259

An Act to Preserve the State House and to Renovate State Facilities

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

Sec. 1. 4 MRSA §1603, sub-§7, as amended by PL 1997, c. 523, §6, is further amended to read:

7. Project, projects or part of any project. "Project, projects or part of any project" means the acquisition, construction, improvement, reconstruction or equipping of, or construction of an addition or additions to, any structure designed for use as a court facility, state office or state activity space and intended to be used primarily by the State, any agency, instrumentality or department of the State or by any branch of State Government. The structure may include facilities for the use of related agencies of state, county or local government. "Project, projects or part of any project" includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, parking lots, parking facilities, rights-of-way, utilities, easements and other interests in land, machinery and equipment and all fixtures, appurtenances and facilities either on, above or under the ground that are used or usable in connection with the structure, and also includes

landscaping, site preparation, furniture, machinery, equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended. "Project, projects or part of any project" also includes the acquisition, construction, improvement, reconstruction or repair of any equipment, device, technology, software or other personal property intended to be used primarily by the State, any agency, instrumentality or department of the State or by any branch of State Government or any related agency of state, county or local government. The exact scope of each project, projects or part of any project, other than those for the Judicial Branch and the Legislative Branch, must be set forth in a written designation by the Commissioner of Administrative and Financial Services to the authority and the exact scope of each project, projects or part of any project for the Judicial Branch must be set forth in a written designation by the State Court Administrator to the authority. The scope of each project for the Legislative Branch must receive a majority vote of the Legislative Council and be set forth in a written designation by the Executive Director of the Legislative Council to the authority. "Project, projects or part of any project" does not include such items as fuel, supplies or other items that are customarily considered as a current operating charge.

Sec. 2. 4 MRSA §1606, sub-§2, as amended by PL 1997, c. 523, §15, is further amended to read:

2. Limitation on securities issued. The authority may not issue securities in excess of ~~\$60,000,000~~ \$83,000,000 outstanding at any one time, of which no less than \$30,000,000 must be specifically allocated to projects relating to the Judicial Branch, except for the issuance of revenue refunding securities authorized by section 1610. The amount of securities that may be outstanding in the name of the authority may be increased by the Legislature upon a showing by the authority that its available revenues are sufficient to support additional issuance of securities and that the issuance of securities will not materially impair the credit standing of the authority, the investment status of securities issued by the authority or the ability of the authority to fulfill its commitments to holders of securities. Nothing in this chapter may be construed to authorize the authority to issue securities to fund the construction, reconstruction, purchase or acquisition of facilities without a 2/3 majority vote of approval in each House of the Legislature.

Sec. 3. Legislative space in the State Office Building. The Commissioner of Administrative and Financial Services shall provide the Maine State Legislature with not less than 33,000 gross square feet of space in the State Office Building, including common areas and private offices. Use and design of

this space must be determined by majority vote of the Legislative Council. Aside from costs associated with the design phase and site preparation, including asbestos remediation, no expenditure of funds regarding this space may be made until its use and design are determined.

The Legislative Council has the authority to authorize the Executive Director to enter into contracts for the purpose of maintaining or improving the 33,000 gross square feet of space in the State Office Building provided to the Legislature.

Sec. 4. Maine Governmental Facilities Authority; resolution for issuance of securities. Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 1, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$52,500,000 for the purposes of paying the cost of the construction of a connector between the State Office Building and the State Capitol Building; the preservation and renovation of the State Capitol Building; and the renovations of the State Office Building, the Tyson Building and the Marquardt Building.

Sec. 5. Allocation. The proceeds from the sale of the bonds must be expended as follows:

Connector construction	\$4,000,000
Renovation and preservation of the State Capitol Building	19,283,830
State Office Building, Tyson Building and Marquardt Building renovations	29,216,170
TOTAL	\$52,500,000

See title page for effective date.

CHAPTER 789

S.P. 843 - L.D. 2247

An Act Relating to Dam Abandonment

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

Whereas, on April 10, 1996, the Maine Revised Statutes, Title 38, chapter 5, subchapter I, article 6 was enacted; and

Whereas, this law became effective July 4, 1996 and provides a time period of 180 days in which to produce an interlocal agreement among municipali-

ties or other parties that intend to take ownership of an abandoned dam; and

Whereas, towns currently attempting in good faith to reach an interlocal agreement have discovered that the law does not provide for an extension of this time period and does not identify an objective party to facilitate the process; and

Whereas, the parties in the process of assuming ownership of a dam need adequate time in which to reach agreement; and

Whereas, an extension of the time period and additional coordination to facilitate the interlocal agreement process must be provided; 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. 38 MRSA §902, sub-§1-A is enacted to read:

1-A. Extension of consultation period. The consultation period under subsection 1 must be extended for an additional 180 days if:

A. A municipality in which the dam or impoundment is located applies to the department for an extension and demonstrates that the municipality needs additional consultation time to facilitate an agreement for municipal ownership of the dam; or

B. The dam owner applies to the department for an extension.

The consultation period under subsection 1 may not be extended for more than 180 days regardless of the number of applications for extension under this subsection.

Sec. 2. 38 MRSA §902, sub-§4, as enacted by PL 1995, c. 630, §3, is amended to read:

4. Report on notice compliance. The dam owner shall file a report with the department within 180 days of filing a petition. ~~The report must include that includes:~~

A. Evidence that the owner complied with the notice requirements set forth in section 901; and