

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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

approval of this Act by the legal voters within the district.

Sec. 5. Terms of trustees. After the election of the first board, trustees are elected to 3-year terms in accordance with Title 35-A, section 6410, subsection 1.

Sec. 6. 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 within the territory of the proposed district at an election called for that purpose and held by July 1, 1998. The election must be called, advertised and conducted according to the law relating to municipal elections. The registrar shall make a complete list of all the eligible voters of the proposed district as defined in this Act. The list prepared by the registrar governs the eligibility of any voter. Voters who are residing outside the territorial limits of the proposed district, as defined in this Act, are not eligible voters and the registrar of voters shall exclude those voters from the registrar's list. For the purpose of registration of voters, the registrar of voters shall be in session the secular day next preceding the election. The subject matter of this Act must be reduced to the following question:

"Do you favor creating the Oquossoc Standard Water District?"

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

The results must be declared by the municipal officers of the Town of Rangeley and due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all purposes immediately upon its approval by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section, provided the referenda are held prior to July 1, 1998.

Effective pending referendum.

CHAPTER 22

S.P. 370 - L.D. 1229

An Act to Authorize the Conversion and Reuse of the Perry Hayden Hall at Pineland Center as an Elementary School

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

Whereas, the Legislature has previously determined that the building known as "Perry Hayden Hall" at Pineland Center in the Town of New Gloucester and its site be offered to Maine School Administrative District No. 15, referred to in this Act as "SAD 15"; and

Whereas, the studies performed by SAD 15 show that Perry Hayden Hall could be converted and used as an elementary school at approximately 1/2 the cost of new construction; and

Whereas, SAD 15 has submitted an application to the State Board of Education for construction of an addition to the Russell Elementary School at a cost of \$1,490,000. The project is presently on the special priority list of the State Board of Education; and

Whereas, SAD 15 has also projected a need for construction of a new kindergarten to grade 5 elementary school at an estimated cost of \$6,000,000; and

Whereas, SAD 15 has projected its costs for portable classrooms until these projects are built at approximately \$117,000 per year; and

Whereas, SAD 15 has determined that the need for both of these projects and its need for portable classrooms would be eliminated by the renovation and use of Perry Hayden Hall at an estimated project cost of \$3,075,000; and

Whereas, the State and SAD 15 can save approximately \$6,785,000 in school construction debt service costs by renovating and using Perry Hayden Hall instead of constructing the proposed addition to the Russell Elementary School and the proposed new elementary school; and

Whereas, these savings will not be realized unless the Legislature authorizes SAD 15 to proceed with the renovation of Perry Hayden Hall before the building deteriorates further as a result of its present unheated condition; and

Whereas, SAD 15 has a critical need for additional classroom space that must be met in time for the opening of school in September of 1998; 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 issue bonds. The Board of School Directors of SAD 15 are authorized to issue bonds or notes in the name of the district for school construction purposes in an amount not to exceed \$3,075,000 to do renovations and construct an addition to the Perry Hayden Hall at Pineland Center in the Town of New Gloucester in order to convert that building to an elementary school.

Sec. 2. Special priority list. The school construction project authorized in section 1 of this Act must be placed on the special priority list of the State Board of Education in place of the district's Russell Elementary School project that was placed on the special priority list by the State Board of Education in January of 1994. The project authorized in section 1 must be placed on the agenda of the State Board of Education immediately following the effective date of this Act and the project must be placed on the agenda of the State Board of Education for consideration of funding approval under the rules for school construction of the State Board of Education following the approval of the project by the voters in accordance with section 5 of this Act. The final funding approval for the project by the State Board of Education is subject to the condition that the Commissioner of Education may not approve the issuance of bonds for the permanent financing of the project prior to fiscal year 1997-98, provided that the district may issue bond anticipation notes in an amount not to exceed \$3,075,000 for construction of the project at any time subsequent to funding approval by the State Board of Education. The funding approval granted by the State Board of Education must be final in all respects and is not subject to rescission, revocation or modification during the period prior to the issuance of bonds for the permanent financing of the project. SAD 15 and those providing bond anticipation financing to the district may rely on the finality of the funding approval granted to this project. The Commissioner of Education may not approve the issuance of bonds for permanent financing of the project prior to fiscal year 1997-98.

Sec. 3. Costs of temporary borrowing. The estimated net interest cost of temporary borrowing for the project must be included as a project cost and funded by the issuance of bonds for the permanent financing of the project. If the cost of temporary borrowing exceeds the estimated amount included as a project cost, the additional net interest cost of temporary borrowing must be included in the district's state and local allocation for debt service.

Sec. 4. Locally funded debt services costs. For each of the first 10 fiscal years during which the district incurs debt service costs on the bonds issued to

provide permanent financing for the project, SAD 15 is solely responsible for \$97,000 of those debt service costs. These locally funded amounts must be paid from local funds without state participation and are not eligible for inclusion in the district's allocation for debt service for purposes of calculating state subsidy under the Maine Revised Statutes, Title 20-A, chapters 606 and 606-A. These 10 payments of \$97,000 locally funded amounts must be subtracted from the district's allocation of debt service before the local and state share of the district's debt service allocation is calculated pursuant to Title 20-A, section 15611. These 10 payments of \$97,000 locally funded amounts are not included for purposes of calculating the debt service millage limit established by Title 20-A, section 15607, subsection 2 or the amount subject to the maximum debt service limit established by Title 20-A, section 15905, subsection 1. In addition to these locally funded amounts, the district is responsible for the local share of debt service allocation calculated in accordance with state law.

Sec. 5. Local referendum vote. Following concept approval by the State Board of Education, the school construction project authorized in section 1 of this Act may be submitted to the voters of the municipalities that comprise SAD 15 as part of the district's annual budget referendum in accordance with procedures of the Maine Revised Statutes, Title 20-A, section 1305, subsection 2 or at a referendum conducted in accordance with Title 20-A, sections 1351 to 1354 and section 15904. If the Board of School Directors of SAD 15 call for a referendum vote, they shall prepare the required ballots and submit a question to the voters in substantially the following form:

"Do you favor authorizing the Board of School Directors of the Maine School Administrative District No. 15 to acquire for \$1 from the State of Maine, the building known as "Perry Hayden Hall" and approximately 20 acres of land at Pineland Center in the Town of New Gloucester and to issue bonds or notes in the name of this district for school construction purposes in an amount not to exceed \$3,075,000 for the purpose of doing renovations and constructing an addition to the building in order to convert the building for reuse by the district as an elementary school?"

The question must also include the information required pursuant to the Maine Revised Statutes, Title 20-A, section 15904, subsection 4, paragraphs C and D and the following statement that the Maine School Administrative District No. 15 is responsible for \$97,000 in locally funded debt service costs for each of the first 10 fiscal years after the issuance of bonds for the permanent financing of the project and, in addition, is responsible for the local share of debt

service allocation to be calculated in accordance with state law.

The voters shall indicate their opinion on the question by a cross or check mark placed beside the word "Yes" or "No."

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

Effective May 13, 1997, unless otherwise indicated.

CHAPTER 23

S.P. 640 - L.D. 1862

An Act to Fund the Collective Bargaining Agreement for the Maine State Police Bargaining Unit

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

Whereas, certain obligations and expenses incident to the operation of a state collective bargaining agreement will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon those portions of a collective bargaining agreement negotiated by the executive branch that require legislative action; and

Whereas, the Governor and the Legislature share a desire to address in a timely manner the needs of certain state employees excluded from collective bargaining; 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:

PART A

Sec. A-1. Costs to the General Fund. There is appropriated in Part B of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$56,000 for the fiscal year ending June 30, 1997; in the amount of \$62,000 for the fiscal year ending June 30, 1998; and in the amount of \$126,000 for the fiscal

year ending June 30, 1999 to implement the economic terms of the collective bargaining agreement made by the State and the Maine State Troopers Association for the state police bargaining unit.

Sec. A-2. Costs to the Highway Fund. There is allocated in Part B of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$168,000 for the fiscal year ending June 30, 1997; in the amount of \$93,000 for the fiscal year ending June 30, 1998; and in the amount of \$189,000 for the fiscal year ending June 30, 1999 to fund salary and benefit changes of the collective bargaining agreement made by the State and the Maine State Troopers Association for the state police bargaining unit.

Sec. A-3. Special account funding. Funding provided by this Act must be segregated into a special account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor. The funds must include retirement costs. Positions supported from sources of funding other than the General Fund and the Highway Fund must be funded whenever possible from those other sources.

Sec. A-4. Lump-sum payment. A lump-sum payment equal to 2.25% of the employee's base rate paid for the first 26 paychecks in calendar year 1996 must be paid to each employee included in the state police bargaining unit, consistent with the terms of the collective bargaining agreement. This sum may not be considered earnable compensation under the Maine State Retirement System.

Sec. A-5. Adjustment of salary schedules for fiscal year 1997-98. Effective at the beginning of the pay week commencing closest to July 1, 1997, the salary schedules for employees in the state police bargaining unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreement.

Sec. A-6. Adjustment of salary schedules for fiscal year 1998-99. Effective at the beginning of the pay week commencing closest to July 1, 1998, the salary schedules for employees in the state police bargaining unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreement.

Sec. A-7. New employees; similar and equitable treatment. Employees in classifications included in the state police bargaining unit who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F must be given similar and equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreement, except that nonstatus employees in acting capacity, intermittent or project positions