

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

must be given similar and equitable treatment on a pro rata basis to that given employees covered by collective bargaining agreements, except that nonstatus employees in acting capacity, intermittent or project positions may not receive any lump sum payment provided for in section 1 of this Part.

PART B

Sec. B-1. Definition of excepted employees. For the purposes of this Part, "excepted employees" means the employees within the Judicial Department who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 1282, subsections 5, paragraphs C, D and E, other than those referred to in Part A, section 3.

Sec. B-2. Lump sum payment. A lump sum payment equal to 2.25% of the employee base rate paid for the first 26 paychecks in calendar year 1996 must be paid to each employee included in the Judicial Department who is defined as an excepted employee. This sum may not be considered earnable compensation under the Maine State Retirement System.

Sec. B-3. Adjustment of salary schedule for fiscal year 1997-98. Effective at the beginning of the pay week commencing closest to July 1, 1997, the salary schedule for excepted employees must be adjusted by 2%.

Sec. B-4. Adjustment of salary schedule for fiscal year 1998-99. Effective at the beginning of the pay week commencing closest to July 1, 1998, the salary schedule for excepted employees must be adjusted by 2%.

Sec. B-5. Adjustment of mileage allowance. The mileage allowance rate for excepted employees must be increased to 23¢ per mile effective July 1, 1997 and to 24¢ per mile effective July 1, 1998.

PART C

Sec. C-1. Transfer from "Salary Plan." The "Salary Plan" program in the Department of Administrative and Financial Services may be made available as needed in allotment by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for the implementation of collective bargaining agreements for employees of the Judicial Department in fiscal year 1996-97.

Sec. C-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1997-98	1998-99
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Salary Plan		
Personal Services	\$234,000	\$295,000
All Other	8,000	16,000
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
TOTAL	\$242,000	\$311,000

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

Effective June 5, 1997.

CHAPTER 40

H.P. 1312 - L.D. 1860

An Act to Authorize Hancock County to Hold a Referendum Election in November 1997 on a Bond Issue of \$6,000,000 to Construct a New Jail and to Provide Necessary Renovations to the Courthouse to Comply with State Mandates

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, Hancock County needs a new jail facility; and

Whereas, the need exists for renovations at the Hancock County courthouse to comply with state mandates; and

Whereas, the county commissioners must begin the necessary preparation of the ballot to be presented to the voters of Hancock County; 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. To raise money for construction of jail facility at Hancock County courthouse.

The county commissioners of Hancock County are authorized to raise and expend a sum not to exceed \$6,000,000 for construction of a jail facility located in Hancock County and to renovate the Hancock County courthouse according to state specifications.

Sec. 2. Aid from other sources. The county commissioners of Hancock County are authorized to borrow any portion of the sums authorized by this Act from or through any agency or department of State Government and Federal Government. The county commissioners are authorized to receive grants of money and other assistance from or through any agency or department of State Government and Federal Government for any of the purposes authorized in this Act.

Sec. 3. Bonds. To provide funds for the county jail facility, the treasurer of Hancock County, with the approval of the county commissioners, may borrow upon the full faith and credit of the county such sums as necessary, not exceeding in the aggregate \$6,000,000, and may issue bonds for those sums that must bear on their face the words "Hancock County Capital Improvement Bonds Act of 1997." Each authorized issue is payable in such annual installments, beginning not more than 2 years from the date of authorization and not earlier than the year 1999, as will extinguish each loan in not more than 20 years from its date. The bonds must be signed by the treasurer of the county and countersigned by the majority of the county commissioners. The county may sell the securities at public or private sale upon the terms and conditions that the county commissioners determine proper but at not less than par and accrued interest.

Sec. 4. Temporary notes. The county treasurer, with the approval of the county commissioners, may issue temporary notes of the county payable not more than one year from their dates in anticipation of the issue of bonds under this Act and may renew those notes, but the time within which the bonds become due and payable may not by reason of those temporary notes be extended beyond the term fixed by this Act. Any notes issued in anticipation of the bonds must be paid from the proceeds of the bonds.

Sec. 5. Bonds authorized but not issued.

Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of the ratification of this Act, are deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 6. Service fees. The county may negotiate with the municipality in which the county jail facility, constructed with funds provided under this Act, and the Hancock County courthouse are located for the annual payment of reasonable service fees reflecting the cost of municipal services associated with the county jail facility and the renovation of the Hancock County courthouse.

Sec. 7. Referendum for ratification. This Act must be submitted to the legal voters of Hancock County. The dates of the submission must be determined by the Hancock County Board of Commissioners but may not be later than 18 months after adjournment of the Legislature. The Hancock County commissioners are authorized to expend the funds necessary to implement the referendum.

The county commissioners shall cause the preparation of the required ballots on which the county commissioners shall state the subject matter of this Act in the following question:

"Do you favor a bond issue not to exceed \$6,000,000 for construction of a jail facility and renovations of the Hancock County Courthouse?"

The ballot must also contain the following information determined by the county commissioners to be accurate as of the date when it is necessary to begin preparation of the ballot question:

1. A statement of the total debt service of the requested issue divided into principal and interest and indicating the interest rate and period of the bond; and
2. A statement of the county's bonded indebtedness prior to the requested bond issue.

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

This Act takes effect immediately upon its acceptance by a majority of the legal voters voting at the election if the total number of votes cast for and against the acceptance of this Act equals or exceeds 30% of the total votes for all candidates for Governor cast in the most recent gubernatorial election in the county. If at the first election the total number of

votes cast for or against acceptance of this Act is less than 30% of the total votes for all candidates for Governor cast in the county in the most recent gubernatorial election, the county commissioners may submit the question to voters not more than one other time within the time prescribed in this section.

The result of the elections must be declared by the Hancock County commissioners and filed with the Secretary of State.

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

Effective pending referendum.

CHAPTER 41

H.P. 899 - L.D. 1216

An Act to Allow the Separation of Frye Island from the Town of Standish

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:

PART A

Sec. A-1. Separation and incorporation; Frye Island. Subject to a referendum election as set forth in section 2 of this Part, the following territory now within the Town of Standish and the County of Cumberland, together with the inhabitants of that territory, is hereby separated from the Town of Standish and incorporated into a separate town by the name of the Town of Frye Island: the island in Sebago Lake identified as Frye Island together with the surrounding waters within two-hundred feet (200') from the shoreline of Frye Island, excluding territory under the jurisdiction of another municipality, on July 1, 1998. The island and surrounding waters described in this section are referred to in this Act as "the Frye Island territory." The Town of Frye Island remains within Cumberland County.

Sec. A-2. Referendum elections. Part A of this Act takes effect 90 days after adjournment of the First Regular Session of the 118th Legislature for the

purpose of permitting its submission to the voters of the Frye Island territory at a special referendum election to be held on October 14, 1997. Warrants must be issued for this election notifying the qualified voters to vote on the approval or rejection of this Act.

For the purposes of this referendum election, all persons resident and legally registered to vote within the Frye Island territory are eligible to vote on the question with respect to the separation of that territory from the Town of Standish.

The town clerk of the Town of Standish shall prepare the required ballots on which the subject matter of Part A of this Act must be reduced to the following question:

"Do you favor the separation of Frye Island and the surrounding waters within two-hundred feet (200') from the shoreline of Frye Island from the Town of Standish and its incorporation as a separate town?"

The voters shall indicate by an appropriate mark placed against the word "Yes" or "No" their vote on this question.

The referendum election must be conducted by the town clerk of the Town of Standish, who shall declare the result of the election. The town clerk's declaration of the election results is final, subject to review by the Superior Court for the County of Cumberland. The results of the referendum election must be filed by the town clerk with the Secretary of State.

Sec. A-3. Effective date of separation. If a majority of those voting in the Frye Island territory election approves the question, Part A of this Act takes effect with respect to that territory and that territory is separated from the Town of Standish and is incorporated as the Town of Frye Island on July 1, 1998.

Sec. A-4. Provision for first meeting. If the voters of Frye Island territory approve the question, a justice of the peace or notary public may issue a warrant to any legal voter in the Town of Frye Island directing that legal voter to notify the municipal inhabitants of a public meeting to select municipal officers and to transact municipal business to be held at a time and place specified in the warrant. Notice to the municipal inhabitants must be provided at least seven (7) days prior to the meeting. Until July 1, 1998, municipal officers selected at the meeting are vested with all of the powers and duties that other duly elected municipal officers have, including the power to raise, borrow and spend money, except as those powers may be limited by the Frye Island Municipal Services Corporation, as further described in Part C of this Act.