

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

The district may not have outstanding at any one time bonds, notes or other evidences of indebtedness in amounts exceeding any debt limit established by referendum in accordance with Title 35-A, section 6413.

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

Effective March 31, 1998.

**CHAPTER 76**

**H.P. 1620 - L.D. 2250**

**An Act to Implement the Recommendations of the Maine Commission on Outstanding Citizens**

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

**Sec. 1. Hanging of portraits.** The Legislature endorses the recommendations of the report from the Maine Commission on Outstanding Citizens as established pursuant to Resolve 1997, chapter 64.

The following are the 20 persons recognized as outstanding citizens in the report:

1. Charles H. Best;
2. Rachel Carson;
3. Cornelia Thurza "Fly Rod" Crosby;
4. Samuel de Champlain;
5. Dorothea Lynde Dix;
6. Fanny Hardy Eckstorm;
7. John Ford;
8. James Augustine Healy;
9. Winslow Homer;
10. Oliver Otis Howard;
11. Sarah Orne Jewett;
12. Alvin O. Lombard;
13. Henry Wadsworth Longfellow;
14. Elijah Parish Lovejoy;
15. Edna St. Vincent Millay;
16. Commodore Edward Preble;

17. Edwin Arlington Robinson;
18. Louis Francis Sockalexis;
19. Harriet Beecher Stowe; and
20. Rudy Vallee.

In addition, the following persons are recognized as outstanding citizens whose portraits should be acquired in accordance with Resolve 1997, chapter 64:

1. Dora Bradbury Tinkham; and
2. Kate Douglas Wiggin.

The State House and Capitol Park Commission shall recommend to the Legislative Council the schedule for acquiring or commissioning the portraits of those Maine citizens so honored and shall implement the schedule approved by the Legislative Council.

**Sec. 2. Percent for Art Program.** For purposes of acquiring portraits pursuant to this Act under the Percent for Art Program, Maine Revised Statutes, Title 27, chapter 16, the Legislative Council is the contracting agency, as defined by Title 27, section 452. The percentage calculated under Title 27, section 453 for use by the commission must be based on any construction, as defined in section 452, subsection 3-A, that is approved by the Legislative Council on or after March 1, 1998 and for which funds are appropriated, allocated or transferred.

See title page for effective date.

**CHAPTER 77**

**H.P. 1522 - L.D. 2144**

**An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1999**

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

**Sec. 1. Allocation.** Gross revenues of the Maine Turnpike Authority for the calendar year ending December 31, 1999 must be segregated, apportioned and disbursed as designated in the following schedule.

**1999**

**MAINE TURNPIKE AUTHORITY**

**Administration**

Personal Services	\$542,605
All Other	1,070,065
<b>TOTAL</b>	<u>1,612,670</u>

**Accounts and Controls**

Personal Services	528,293
All Other	270,187
<b>TOTAL</b>	<u>798,480</u>

**Highway Maintenance**

Personal Services	2,909,845
All Other	2,093,934
<b>TOTAL</b>	<u>5,003,779</u>

**Garages**

Personal Services	716,704
All Other	1,153,797
<b>TOTAL</b>	<u>1,870,501</u>

**Fare Collection**

Personal Services	7,137,730
All Other	3,424,988
<b>TOTAL</b>	<u>10,562,718</u>

**Public Safety and Special Services**

Personal Services	216,172
All Other	3,579,727
<b>TOTAL</b>	<u>3,795,899</u>

**Building Maintenance**

Personal Services	516,892
All Other	465,434
<b>TOTAL</b>	<u>982,326</u>

**MAINE TURNPIKE AUTHORITY**

<b>TOTAL REVENUE FUNDS</b>	<u>\$24,626,374</u>
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**Sec. 2. Transfer of allocations.** Any balance of an allocation or subdivision of an allocation made by the Legislature for the Maine Turnpike Authority that at any time is not required for the

purpose named in the allocation or subdivision may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year subject to review by the joint standing committee of the Legislature having jurisdiction over transportation matters. Financial statements describing the transfer must be submitted by the Maine Turnpike Authority to the Office of Fiscal and Program Review 30 days before the transfer is to be implemented. In case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, amounts to be transferred, a description of the transfer and a detailed explanation as to why the transfer is needed.

**Sec. 3. Encumbered balance at year-end.**

At the end of each calendar year, encumbered balances may be carried to the next calendar year.

**Sec. 4. Supplemental information.**

As required by the Maine Revised Statutes, Title 23, section 1961, subsection 6, the following statement of the revenues in 1999 that are necessary for capital expenditures and reserves and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority during 1999, including debt service and the maintenance of reserves for debt service and reserve maintenance, is submitted.

**1999**

**Turnpike Revenue Bond Resolution Adopted April 18, 1991; Issuance of Bonds Authorized Pursuant to the Maine Revised Statutes, Title 23, section 1968, subsections 1 and 2.**

**Debt Service Fund** \$10,520,935.00

**Reserve Maintenance Fund** 8,000,000.00

**General Reserve Fund, to be applied as follows:**

Debt Service Fund under the General Special Obligation Bond Resolution adopted May 15, 1996; Issuance of bonds authorized pursuant to the Maine Revised Statutes, Title 23, section 1968, subsection 2-A. \$4,689,391.25

M.D.O.T. Transfers 10,608.75

4,700,000.00

TOTAL \$23,220,935.00

See title page for effective date.

**CHAPTER 78**

**H.P. 1592 - L.D. 2221**

**An Act to Amend the Charter of the  
Ogunquit Sewer District**

**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 1963, c. 87, §14-A** is enacted to read:

**Sec. 14-A. Recall.** Trustees of the district may be recalled in accordance with the following provisions.

**1. Petition.** The qualified electors of the district may petition for the recall of any trustee after the first year of the term for which the trustee is elected by filing a petition with the municipal clerk of the Town of Ogunquit, demanding the recall of the trustee. A trustee may be subject to recall for misfeasance, malfeasance or nonfeasance in office. The petition must be signed by a number of electors of the district equal to at least 25% of the vote cast for the office of Governor at the last gubernatorial election within the Town of Ogunquit. The recall petition must state the reason for which removal is sought.

**2. Calling a special election.** Within 3 days after the petition is offered for filing, the municipal clerk of the Town of Ogunquit shall determine by careful examination whether the petition is sufficient and so state in a certificate attached to the petition. If the petition is found to be insufficient, the certificate must state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, the petition must again be carefully examined to determine sufficiency and a certificate stating the findings must be attached. Immediately upon finding an original or amended petition sufficient, the municipal clerk of the Town of Ogunquit shall file the petition and call a special

election within the district to be held in accordance with applicable provisions of section 14 not less than 40 days nor more than 45 days from the filing date. The municipal clerk of the Town of Ogunquit shall notify the trustee, against whom the recall petition is filed, of the special election.

**3. Candidates.** The trustee against whom the recall petition is filed is a candidate at the special election without nomination, unless the trustee resigns within 10 days after the original filing of the petition. A primary may not be held. Candidates for the office may be nominated in accordance with applicable procedures established under section 14 by filing nomination papers with the clerk of the Town of Ogunquit, not later than 5 p.m., 14 days preceding the election and have their names placed on the ballot at the special election.

**4. Election.** The trustee against whom a recall petition has been filed shall continue to perform the duties of the office until the result of the special election is officially declared. The ballot for the special election must contain the names of all qualified candidates and include the following heading:

"Recall Election for Trustee of the Ogunquit Sewer  
District

Vote for one by placing a cross or check mark beside  
the name of the person for whom you are voting"

The person receiving the highest number of votes at the special election is elected for the remainder of the term. If the incumbent receives the highest number of votes, the incumbent continues in office. If another person receives the highest number of votes, that person succeeds the incumbent, if qualified, within 10 days after receiving notification.

**5. Further recalls prohibited.** After one recall petition and special election, a further recall petition may not be filed against the same trustee during the term for which that trustee was elected.

**Sec. 2. P&SL 1963, c. 87, §15** is repealed and the following enacted in its place:

**Sec. 15. Special meeting; qualifications of voters of district.** Special meetings of the district may be called by the board of trustees at any time and notice of those special meetings stating the place and time of the special meeting and the business to be transacted must be signed by the chair or clerk of the board of trustees and must be conspicuously posted in at least 2 public places within the district, not less than 7 days inclusive of Sundays, before the meeting. Any such meeting may be adjourned from time to time by vote of the qualified voters present at the meeting, though less than a quorum, and without notice of the