

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

**Sec. 2. 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 Town of Kennebunk at the next regular town election to be held on June 8, 1999 or at a special town meeting to be called and held for the purpose within 3 months of the approval of this Act. This election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the town clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters shall be in session on the secular day next preceding the election. The town clerk of the town shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

"Do you favor changing the boundaries of the Kennebunk Sewer District to make them identical to the boundaries of the Town of Kennebunk?"

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

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

This Act takes effect immediately upon its acceptance by a majority of the legal voters voting at the election.

Effective pending referendum.

**CHAPTER 12**

**S.P. 759 - L.D. 2135**

**An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Fiscal Year Ending June 30, 1999**

**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 will become due and payable prior to July 1, 1999; 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. Allocation.** The following funds are allocated from the Highway Fund for the fiscal year ending June 30, 1999 to carry out the purposes of this Part.

**1998-99**

**TRANSPORTATION,  
DEPARTMENT OF**

**Administration and Planning**

All Other (\$215,000)

Provides for the deallocation of funds that were provided for consultant services for planning efforts that are now being performed with the Highway and Bridge Improvement Program.

**Bridge Maintenance**

All Other \$350,000  
Capital Expenditures (200,000)

**TOTAL** \$150,000

Provides for the allocation of funds necessary to continue the ongoing operations of bridge maintenance and provides for the deallocation of funds no longer required for Capital Expenditures.

**Local Road Assistance**

All Other \$50,000

Provides for the allocation of funds necessary to properly pay municipalities for their 4th-quarter road assistance payments.

**Highway and Bridge Improvement**

All Other \$215,000

Provides for the allocation of funds for consultant services required for planning efforts within the Highway and Bridge Improvement Program.

Expenditures to purchase an additional striper for the pavement marking program.

**Highway and Bridge Improvement**

Personal Services (\$1,200,000)  
Capital Expenditures (800,000)

TOTAL (\$2,000,000)

Provides for the deallocation of funds due to salary savings in Personal Services and in Capital Expenditures for projects that have been delayed.

**Highway Maintenance**

Personal Services (\$3,000,000)  
All Other (1,100,000)  
Capital Expenditures 1,000,000

TOTAL (\$3,100,000)

Provides for the deallocation of funds due to salary savings in Personal Services, from maintenance activities no longer required in All Other and provides allocation to fund the spring paving program in Capital Expenditures.

**Traffic Services**

Personal Services (\$200,000)  
All Other (85,000)  
Capital Expenditures 85,000

TOTAL (\$200,000)

Provides for the deallocation of funds due to salary savings in Personal Services and the reduction of the Highway Fund portion of the operation of the federally funded pavement marking program in All Other and provides for the allocation of funds in Capital

**DEPARTMENT OF TRANSPORTATION TOTAL**

(\$5,100,000)

**SECTION**

**TOTAL ALLOCATIONS**

(\$5,100,000)

**Sec. A-2. Allocation.** The following funds are allocated from the Federal Expenditures Fund for the fiscal year ending June 30, 1999 to carry out the purposes of this Part.

**1998-99**

**TRANSPORTATION, DEPARTMENT OF**

**Collector Road Program**

All Other \$200,000  
Capital Expenditures 500,000

TOTAL \$700,000

Provides for the allocation of funds necessary to construct ongoing Collector Road Development Award projects.

**Traffic Services**

Personal Services \$300,000

Provides for the allocation of funds necessary for the federally funded pavement marking program.

**Highway and Bridge Improvement**

Personal Services (\$300,000)

Provides for the deallocation of funds in Personal Services that are no longer needed.

**DEPARTMENT OF TRANSPORTATION TOTAL**

\$700,000

**SECTION**

**TOTAL ALLOCATIONS**

\$700,000

**PART B**

**Sec. B-1. Transfer to the Department of Transportation.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the State Controller shall transfer an amount up to 100% from the balance remaining in the Highway Fund in excess of \$25,500,000, but not exceeding \$2,000,000 at the end of fiscal year 1998-99 after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute to the Highway Fund account within the Department of Transportation's Highway and Bridge Improvement Program. The Commissioner of Transportation is authorized to allot these funds, by financial order, upon approval of the Governor and the State Budget Officer, within the Highway and Bridge Improvement Program's Highway Fund account. Within 30 days of acceptance of the financial order, the Commissioner of Transportation shall provide to the members of the Joint Standing Committee on Transportation a report detailing the financial status of the Highway and Bridge Improvement Program.

**PART C**

**Sec. C-1. Allocation.** The following funds are allocated from Other Special Revenue funds for the fiscal year ending June 30, 1999 to carry out the purposes of this Part.

**1998-99**

**TRANSPORTATION,  
DEPARTMENT OF**

**Highway Maintenance**

Capital Expenditures	\$300,000
Provides for the allocation of funds to properly record the municipal share of revenue and expenditures in the construction of Collector Road Development Award projects.	

**PART D**

**Sec. D-1. Implementation of modified accrual account; fuel taxes.** Notwithstanding the Maine Revised Statutes, Title 5, chapter 151-B, the Commissioner of Administrative and Financial Services shall recognize \$15,000,000 in additional fuel tax revenue in the Highway Fund in fiscal year 1998-99 as a result of administratively implementing the modified accrual method of accounting for this revenue source.

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

Effective May 10, 1999.

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**CHAPTER 13**

**S.P. 632 - L.D. 1797**

**An Act to Amend the Charter of the Waterville Sewerage District**

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

**Sec. 1. P&SL 1949, c. 211, §3, sub-§1, ¶B, sub-¶(2),** as enacted by PL 1985, c. 99, §2, is amended to read:

(2) By certified mail, return receipt requested, to ~~his~~ the last known address.

**Sec. 2. P&SL 1949, c. 211, §3, sub-§3,** as enacted by PL 1985, c. 99, §2, is amended by amending the first paragraph to read:

**3. Hearing.** The commissioners shall hold a public hearing on the advisability of the proposed exercise of the right of eminent domain. Notice of the hearing ~~shall~~ must be made by publication in the ~~Central Maine Morning Sentinel~~ local newspaper and ~~shall~~ must be given once a week for 2 consecutive weeks, the last publication to be at least 2 weeks prior to the time appointed in the hearing. The hearing notice ~~shall~~ must include:

**Sec. 3. P&SL 1949, c. 211, §5-D, first ¶,** as repealed and replaced by P&SL 1987, c. 22, §2, is amended to read:

**Sec. 5-D. Assessment against lot benefited.** When the district has constructed and completed a public drain or common sewer, the commissioners shall determine what lots or parcels of land are benefited by such drain or sewer, and shall estimate and assess upon such lots and parcels of land, and against the owner ~~thereof of the lots or parcels of land,~~ or person in possession, whether the person to whom the assessment is ~~so~~ made ~~shall be~~ is the owner, tenant, lessee or agent or against the heirs or devisees of a deceased owner without designating any of them by name, and whether the same is occupied or not, such sum not exceeding the benefit as they may ~~deem~~ determine just and equitable towards defraying the expenses of constructing and completing the drain or sewer, together with sewage disposal units and appurtenances as may be necessary, the whole of the assessments not to exceed 2/3 of the cost of the drain or sewer and sewage disposal units. The commission-