

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.

J.S. McCarthy Company
Augusta, Maine
1999

Rail Corridor Development	19,700,000
Marine Infrastructure Development	11,676,000
Transit	1,440,000

General Fund Total \$36,816,000

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 of this Act do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund or Highway Fund debt service.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except 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. 10. Referendum for ratification; submission at statewide election; form of question; effective date. This Act must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$56,042,031 bond issue for improvements to highways and bridges, airports and state-owned ferry facilities; development of rail corridors and marine infrastructure; and replacement of public transportation fleets statewide that makes the State eligible for up to \$112,000,000 in matching federal funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay, and

this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 38

S.P. 807 - L.D. 2219

An Act Relating to the Kennebec Regional Development Authority

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, the Legislature, through Private and Special Law 1997, chapter 79, established the Kennebec Regional Development Authority; and

Whereas, several parts of chapter 79 require clarification in order to facilitate the organization of the Kennebec Regional Development Authority and the issuance of bonds by that entity; and

Whereas, the completion of the organization of the Kennebec Regional Development Authority is vitally necessary at the earliest possible time to serve the needs of the central Maine area; 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. P&SL 1997, c. 79, §1, first ¶ is amended to read:

Sec. 1. Kennebec Regional Development Authority established; incorporation; purposes. The territory, cities, towns and plantations that

on the effective date of this Act comprise the so-called Kennebec Valley Economic Development District, which presently comprises all of the cities, towns and plantations located within Kennebec and Somerset counties and the towns of Unity, Troy, Thorndike, Freedom, Palermo and Burnham located along the western border of Waldo County, or any combination of such cities, towns and plantations, constitute a body politic and corporate to be known as the Kennebec Regional Development Authority, referred to in this Act as the "authority," for the benefit and welfare of the inhabitants thereof and to:

Sec. 2. P&SL 1997, c. 79, §4 is amended by adding 2 new paragraphs at the end to read:

The bonds, notes and other obligations of the authority do not constitute any debt or liability of the State or any participating city, town or plantation and do not constitute a pledge of the faith and credit of the State or any participating city, town or plantation nor in any event may such bonds, notes or other obligations be payable out of any funds other than those of the authority and a statement to that effect must be set forth in any bond, note or other obligation issued pursuant to this Act. Except as set forth in this Act, bonds, notes or other obligations of the authority do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The bonds, notes and other obligations of the authority are eligible for purchase pursuant to Title 30-A, chapter 225 and the authority is declared to be a single "governmental unit" within the meaning of Title 30-A, section 5903, subsection 6. The authority is also authorized to issue bonds, notes or other obligations to the Finance Authority of Maine and the Finance Authority of Maine is authorized to provide financial assistance to the authority pursuant to Title 10, chapter 110, notwithstanding Title 10, section 1041, subsection 3.

Sec. 3. P&SL 1997, c. 79, §10, first ¶ is amended by adding at the end a new sentence to read:

The general assembly shall submit to the joint standing committee of the Legislature having jurisdiction over business and economic development matters, not later than the first business day in January of each year, a complete report on the activities of the authority.

Sec. 4. P&SL 1997, c. 79, §14 is repealed and the following enacted in its place:

Sec. 14. Emergency clause; voting procedure; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purposes of permitting its submission to the legal voters and city councils of the

cities, towns and plantations described in Section 1 of this Act at regular or special town or plantation meetings, city elections or city, town or plantation council meetings called and held for that purpose before June 30, 1999. Whenever cities, towns and plantations have charters, the manner in which a vote is taken either through a city, town or plantation council meeting, city election or town or plantation meeting must be determined based upon the provisions of the city, town or plantation charter and any such city elections, city, town or plantation council meetings, or town or plantation meetings must be called, advertised and conducted according to the law relating to municipal elections and meetings. The declaration of the municipal officers of any city, town or plantation that the city, town or plantation has become a member of the authority in accordance with its charter is conclusive and may not be open to question in any court upon any grounds. Any action that has been taken by the city, town or plantation at a time prior to the amendment of this section, which action is consistent with the provisions of this section as amended is hereby ratified in all respects to the extent that such action is considered for all purposes as being consistent with the provisions of this section as subsequently amended. The registrars of voters are not required to prepare, nor the clerks to post, new lists of voters. For the purpose of registration of voters, the registrars of voters must be in session on the secular day next preceding these regular or special meetings. The votes taken at any town or plantation meeting must be taken in a manner that enables a written record to be made of the number of yea and nay votes on the question presented to said meeting.

In those instances where a vote is taken at a town or plantation meeting or through an election, the municipal clerk shall reduce the subject matter of this Act to the following question that must appear, in the case of an election, on the ballot and, in the case of a town or plantation meeting, on the warrant:

"Do you favor approving the Act creating the Kennebec Regional Development Authority passed by the 118th Legislature, and (insert name of city, town or plantation) becoming a participating member of that authority?"

In the case of written ballots, the voters must indicate by a cross or a check mark placed against the words "Yes" or "No" their opinion of the same. In the case of a vote taken at a meeting of a city, town or plantation council meeting, the same question must be presented to the members of the council for their vote.

This Act takes effect immediately upon acceptance by the cities, towns and plantations so voting approval and having a combined state valuation of at least \$3,000,000,000. The result of the votes taken in each city, town or plantation must be declared by the

respective municipal officers and due certification thereof must be filed by the city, town or plantation clerk with the Secretary of State.

Effective June 10, 1999.

CHAPTER 39

H.P. 1527 - L.D. 2180

An Act to Promote Participation in the Maine Residents Property Tax Program

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

Sec. 1. Maine Residents Property Tax Program; outreach. The Bureau of Revenue Services, within the Department of Administrative and Financial Services, shall conduct outreach activities to encourage maximum participation in the Maine Residents Property Tax Program by eligible taxpayers. The costs of these outreach activities must be paid from the amounts appropriated for the Maine Residents Property Tax Program.

Sec. 2. Report by Bureau of Revenue Services. The Bureau of Revenue Services shall submit a report to the joint standing committee of the Legislature having jurisdiction over taxation matters by March 1, 2001 reviewing the impact of the promotional campaign and outreach provided for in this Act. The report may include suggested legislation, and the committee is authorized to report out legislation to the First Regular Session of the 120th Legislature based upon the report.

See title page for effective date.

CHAPTER 40

H.P. 451 - L.D. 614

An Act to Authorize a General Fund Bond Issue in the Amount of \$26,420,000 for Maine's 7 Technical Colleges

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the Maine Technical College System for high-technology laboratories and libraries, facility improvements and expansions and upgrading telecommunications and information technology.

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

Sec. 1. Authorization of bonds to provide funds for the Maine Technical College System for high-technology laboratories and libraries, facility improvements and expansions and upgrading telecommunications and information technology. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$26,420,000 to raise funds for the Maine Technical College System for high-technology laboratories and libraries, facility improvements and expansions and upgrading telecommunications and information technology as authorized by section 6. This amount must be matched by at least \$7,000,000 in private or in-kind donations over the term of the bond. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. 2. Records of bonds issued to be kept by the Treasurer of State. The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Board of Trustees of the Maine Technical College System.

Sec. 6. Allocations from General Fund bond issue; high-technology laboratories and libraries; facility improvements and expansions; telecommunications and information