

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

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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

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 \$9,400,000 bond issue for the conversion to digital broadcasting by the Maine Public Broadcasting Corporation?"

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 the Act, the Governor shall proclaim the result without delay, and the 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 58

S.P. 760 - L.D. 2136

An Act to Create the Capital Riverfront Improvement 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. Definitions. As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. "Bonds" mean any bonds or securities of the district issued pursuant to this Act.
2. "Cost" as applied to a project, projects or part of a project, includes, but is not limited to:

- A. The purchase price or acquisition cost of such a project, projects or part of a project;
 - B. The cost of building, alteration, enlargement, renovation and remodeling;
 - C. The cost of all labor, materials and fixtures;
 - D. The cost of all structures, rights, interests and franchises acquired;
 - E. The cost of all utility extensions, access roads, site development, financing charges, premiums for insurance and interest prior to and during construction;
 - F. The cost of working capital related to such a project, projects or part of any project;
 - G. The cost of plans and specifications, surveys and estimates of cost and of revenues;
 - H. The cost of engineering, feasibility, legal and other professional services;
 - I. The cost of reserves, insurance, letters of credit or other financial guarantees for payment of debt service on securities;
 - J. The cost of all other expenses necessary or incident to determining the feasibility or practicability of such a project, projects or part of a project;
 - K. Administrative expenses; and
 - L. Any other expenses that are necessary or incidental to such a project, projects or part of a project and financing or refinancing authorized, including the refunding of any outstanding obligations, mortgages or advances issued, made or given by a person for any of the costs under this subsection.
3. "District" means the Capital Riverfront Improvement District and any successors to that district.
 4. "Governing board" means the Governing Board of the Capital Riverfront Improvement District.
 5. "Project, projects or part of a project" means the acquisition, construction, improvement, reconstruction or equipping of, or construction of an addition or additions to, any structure designed for use as part of the district, including office or activity space. The structure may include facilities for the use of related agencies of local government. "Project, projects or part of a project" also includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, parking lots, parking facilities, rights-of-way, utilities, easements and other interests in land, machinery and

equipment and all fixtures, appurtenances and facilities either on, above or under the ground that are used or usable in connection with the structure, and also includes landscaping, site preparation, furniture, machinery, equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended. "Project, projects or part of a project" does not include such items as fuel, supplies or other items that are customarily considered as a current operating charge.

6. "Securities" means any bonds, notes or other evidences of indebtedness authorized by this Act.

Sec. 2. Governing board membership.

Membership of the governing board consists of 16 members as follows:

1. A member of the Heart of Augusta Team nonprofit organization or its successor, with the advice and consent of the Augusta City Council;
2. A member of the Augusta City Council, appointed by that council;
3. A member of the Augusta Planning Board, with the advice and consent of the Augusta City Council;
4. The City Manager of Augusta or the city manager's designee, with the advice and consent of the Augusta City Council;
5. A member of a regional or statewide environmental organization with experience and expertise in riverine habitat protection and restoration, appointed by the Governor;
6. Three residents of the City of Augusta, at least one from the east side and one from the west side of the city, and one member who represents the Augusta Chamber of Commerce who maintains a business within the city, each appointed by the Mayor of Augusta upon the advice and consent of the Augusta City Council;
7. The Director of the State Planning Office or the director's designee;
8. The Director of the Maine State Housing Authority or the executive director's designee;
9. The Commissioner of Transportation or the commissioner's designee;
10. The Director of the Bureau of General Services within the Department of Administrative and Financial Services, or the director's designee;
11. A State Senator and a State Representative who represent the City of Augusta, appointed by the

President of the Senate and the Speaker of the House of Representatives, respectively;

12. A resident of the City of Augusta, appointed by the Governor; and

13. The Director of the Maine Historic Preservation Commission or the director's designee.

Once the governing board is established, the City Manager of the City of Augusta and the Director of the Bureau of General Services shall convene the first meetings of the governing board until regularly scheduled meetings are established. The members of the governing board shall elect a chair.

Sec. 3. Executive committee; membership.

The governing board may create by a majority vote an executive committee to oversee the day-to-day operations of the district. Members of the executive committee are as follows:

1. The Director of the Bureau of General Services, or the director's designee;
2. The State Historic Preservation Officer, or the officer's designee;
3. The Commissioner of Transportation, or the commissioner's designee;
4. A member of the Augusta state legislative delegation;
5. The City Manager of Augusta, or the manager's designee; and
6. A resident of the City of Augusta who sits on the governing board.

The executive committee shall act as the governing board in the board's stead.

Sec. 4. Terms of office. Terms of office for members of the governing board are staggered as follows:

1. The following members are permanent members as long as they hold their professional positions:
 - A. The City Manager of Augusta or the city manager's designee;
 - B. The Director of the State Planning Office or the director's designee;
 - C. The Director of the Maine State Housing Authority or the director's designee;
 - D. The Commissioner of Transportation or the commissioner's designee;

E. The Director of the Bureau of General Services or the director's designee; and

F. The State Historic Preservation Officer or the officer's designee;

2. The member representing the Heart of Augusta Team or its successor serves a one-year term;

3. The member representing the Augusta City Council serves a 2-year term as long as the person is a member of the council;

4. The member representing the Augusta Planning Board serves a 3-year term as long as the person is a member of the board;

5. The 3 city residents appointed by the Mayor of Augusta each serve 3-year terms;

6. The city resident appointed by the Governor serves a one-year term and the member from a regional or statewide environmental organization serves a 2-year term; and

7. The members of the Augusta state legislative delegation serve 2-year terms as long as they are members of the Augusta state legislative delegation.

If a member of the governing board fails to fulfill that member's term or fails to qualify to serve for a full term, a successor is appointed for the remainder of the original term.

Sec. 5. Meetings to be open. All meetings and minutes of the governing board are open to the public in accordance with the Maine Revised Statutes, Title 1, section 401 and notice of those meetings must be posted in 3 prominent locations.

Sec. 6. District boundaries. The Augusta City Council, within 120 days of the passage of this Act and upon a recommendation of the governing board and the Augusta Planning Board, shall adopt the district's boundaries.

The Capital Riverfront Improvement District encompasses the heart of the Kennebec River corridor as it flows through Augusta. Interim boundaries consist of all that land that is above the high-water mark of the eastern shore of the Kennebec River, currently known as the "Tree Free" site, which is due east of the Edwards Manufacturing Company and dam site, then south along the westerly portion of Bangor Street to Cony Circle, then southeast along the westerly portion of Stone Street, then south to and including the westerly portion of Hospital Street, south to the corporate limits; and the west side of the Kennebec River consists of all of the former Edwards Manufacturing Company and dam site to Cumberland Street, south along Washington Street to Northern Avenue, then southeast to Bond Street, west along Bond Street

to State Street, south along the easterly portion of State Street to the corporate boundaries.

Sec. 7. Powers. It is the purpose of the district to protect the scenic character of the Kennebec River corridor while providing continued public access and an opportunity for community and economic development and to protect the historic, archeological, recreational and ecological resources identified within the district and the constructed and natural environment of the district. This Act does not affect the powers or authority of the Capitol Planning Commission, the State House and Capitol Park Commission or the Augusta Planning Board. The governing board has the following powers:

1. Perpetual succession as a body politic and corporate instrumentality;

2. To sue, initiate or appear in any proceeding. The district may be sued in accordance with the Maine Revised Statutes, Title 14, chapter 741;

3. To adopt an official seal and to alter the seal at the governing board's pleasure;

4. To adopt bylaws necessary or useful for carrying out any of its powers or duties pursuant to this Act;

5. To acquire real or personal property, or any interest in real or personal property, including rights or easements by gift, purchase, transfer, foreclosure or lease; to improve, hold, sell with or without public bidding, assign, lease, rent, encumber, mortgage, loan or otherwise dispose of any real or personal property, or any interest in real or personal property, or mortgage interests owned or in its control, custody or possession and release or relinquish any right, title claim, lien, interest, easement or demand, however acquired;

6. To lease or rent any land, building, structure, facility or equipment comprising all or a portion of a project, projects or part of a project for such amounts as the district determines;

7. To manage or operate, or cause to be managed or operated, real and personal property, take assignments of leases and rentals or take any other action necessary or incidental to the performance of its duties under this Act;

8. To prepare or cause to be prepared a district master plan, or other plans, specifications, designs and estimates of costs for the construction and equipment for the project, projects or part of a project and attendant facilities and from time to time to modify those plans, specifications, designs or estimates. A master plan generated or approved by the governing board of the Capital Riverfront Improvement District

must be compatible and consistent with the master planning as performed by or for the Capitol Planning Commission or by the Department of Administrative and Financial Services for areas within the boundaries of the Capitol Planning Commission. The scope of each project for the district must receive a majority vote of the governing board and be submitted in writing by the executive director of the governing board to the district;

9. To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or facilities necessary to undertake its project, projects or part of a project. The district may agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or administration of the project, projects or part of a project, and to include in any contract connected with a project, projects or part of a project, stipulations requiring that the contractor and any subcontractors comply with requirements relating to minimum salaries or wages and maximum hours of labor, and comply with any conditions that the Federal Government has attached to its financial aid of the project, projects or part of a project;

10. To construct, maintain, reconstruct and operate, or cause to be constructed, maintained, reconstructed and operated, the project, projects or part of a project;

11. Within the district's geographic area, to determine where deteriorated areas exist or where there is a shortage of safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, planning and reconstructing of deteriorated areas and the problem of providing dwelling accommodations for persons of low income; and to cooperate with the City of Augusta, the State or any political subdivision of the State in actions taken in connection with such problems;

12. To fix and collect fees, rentals and other charges for the use of the project, projects or part of a project; to contract with holders of securities for the fixing and collecting of those fees, rentals and other charges. The district shall endeavor to provide ample public access to the Kennebec River that is free from fees or other charges and open to the public;

13. To provide financing for a project, projects or part of a project and other necessary and usual attendant facilities or to provide for refinancing of existing indebtedness, to borrow money and to issue negotiable securities and to provide for the rights of the holders of those securities;

14. To make and execute contracts and all other instruments, including trust agreements and other financial documents and enter into those transactions as necessary or convenient for the exercise of its powers and functions under this Act;

15. To enter into agreements with and accept loans, aid, contributions, grants and the cooperation or assistance from any source of money, property, labor or other things of value in furtherance of this Act, including, but not limited to, the development, maintenance, operation and financing of a project, projects or part of a project and to do whatever is necessary in order to avail itself of those loans, aid, contributions, grants and cooperation;

16. To enter into agreements or other transactions with any person, the purpose of which is to effectuate this Act, including, but not limited to, construction agreements, purchase or acquisition agreements and loan or lease agreements with leasing corporations or other financial intermediaries;

17. To procure insurance against any loss in connection with its securities and its property and other assets and activities in such amounts and from such insurers as it considers desirable;

18. To the extent permitted under its contract with the holders of securities, to consent to any modification of any contract, lease, indenture or agreement of any kind to which the district is a party;

19. To make or receive secured or unsecured loans for the purpose of providing temporary or permanent financing or refinancing of all or part of the cost of a project, projects or part of a project, including the refunding of any outstanding obligations, mortgages or advances issued, made or given by a person or other entity for the cost of a project, projects or part of a project;

20. Except as otherwise provided in this Act, to invest any funds not needed for immediate use, including any funds held in reserve, in property or securities in which fiduciaries in the State may legally invest funds;

21. To appear on its own behalf before boards, commissions, departments or agencies of municipal government, State Government or Federal Government;

22. To employ staff, consulting engineers, architects, attorneys, accountants, construction and financial experts and other employees and agents that in its judgment may be necessary;

23. To act as necessary or convenient to exercise the powers granted in this Act or reasonably implied from this Act.

The district may provide by resolution, at one time or from time to time, for the issuance and sale by it of securities, in its own name, for the purpose of paying the cost of a project, projects or part of a project, or the refinancing of existing indebtedness, approved by the district. Securities of the district may not be authorized and issued except pursuant to a resolution adopted by the vote of not less than a majority of the members of the governing board. The resolution must describe the general purpose for which the securities are to be issued and state the maximum principal amount of the securities proposed to be issued.

The district may not issue securities in excess of \$10,000,000 outstanding at any one time, except that the district may not issue securities in excess of \$5,000,000 during the fiscal year beginning July 1, 2000. The amount of securities that may be outstanding in the name of the district may be increased by the Legislature upon a showing by the district that its available revenue is sufficient to support additional issuance of securities and that the issuance of securities will not materially impair the credit standing of the authority, the investment status of securities issued by the authority or the ability of the authority to fulfill its commitments to holders of securities.

Proceeds of securities. The proceeds of the securities of each issue must be used solely for the purpose for which the securities were authorized and must be disbursed in a manner and under restrictions provided in the resolution authorizing the issuance of these securities or in the trust agreement securing the securities. If the proceeds of the securities, by error of estimates or otherwise, are less than the cost, additional securities may, in like manner, be issued to provide the amount of the deficiency and, unless otherwise provided in the authorizing resolution or in the trust agreement securing the securities, are considered to be of the same issue and entitled to payment from the same fund without preference or priority of the securities first issued for the same purpose. The resolution providing for the issuance of securities and any trust agreement securing the securities may contain limitations upon the issuance of additional securities the district may consider proper. Any additional securities must be issued under restrictions and limitations prescribed by the resolution or trust agreement. The district may provide for the replacement of any securities that become mutilated, destroyed, stolen or lost. Securities may be issued under this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the State and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things that are specifically required by this Act.

The proceeds of the securities of each issue must be used for the payment of all or part of the cost of the project, projects or part of a project for which authorized and must be disbursed in such manner and under such restrictions as are provided in the resolution authorizing the issuance of the bonds or in the trust agreement securing the securities. Proceeds may be used to pay all costs incurred in issuing the securities, interest on the securities for such time as may be authorized by the district, subject to this Act and to establish reserve funds and sinking funds for the securities.

In carrying out its powers under this Act, the district shall, whenever possible, contract with the Maine Municipal Bond Bank for necessary clerical and administrative services.

Securities issued under this Act constitute a proper public purpose and the securities so issued, their transfer and the income from the securities, including any profits made on the sale of the securities, at all times are exempt from taxation within the State.

Securities issued under this Act do not constitute or create any debt or liability on behalf of the City of Augusta or the State other than the district or a loan of the credit of the City of Augusta or the State or a pledge of the faith and credit of the City of Augusta or the State other than the district, but are payable solely from the funds provided for that payment. All securities must contain on their face a statement to the effect that neither the City of Augusta nor the State is obligated to pay the securities or the interest on the securities, except from revenues of the district or the project, projects or part of a project for which they are issued and that neither the faith and credit nor the taxing power of the City of Augusta or the State is pledged to the payment of the principal of or the interest on the securities. The issuance of securities under this Act does not directly, indirectly or contingently obligate the City of Augusta or the State to levy or to pledge any form of taxation or to make any appropriation for their payment. This paragraph may not be construed to prevent the authority from pledging its full faith and credit to the payment of securities authorized pursuant to this Act.

Sec. 8. Public access; public hearings.

The district shall consider and strive to provide or enhance public access in the planning and implementation of district projects. The district shall conduct public hearings as often as is reasonable and necessary to inform, and be informed by, the public for all plans, projects and activities of the district, including the development of a district master plan.

Sec. 9. Master plan report; annual report.

The governing board of the district shall report to the

Joint Standing Committee on State and Local Government by January 31, 2000. The report must contain a district master plan and details of the district's public hearing process in developing the district master plan. The governing board shall report annually on the district's activities to the joint standing committee of the Legislature having jurisdiction over state and local government matters beginning on January 15, 2001. The report must include information on the district's projects, financial condition, efforts to inform and to include the public in district projects and the status of projects with respect to the district master plan.

Sec. 10. Contingent effective date; adoption by Augusta City Council. This Act takes effect only upon its formal adoption by a majority of the Augusta City Council. The Act must be presented to the Augusta City Council for adoption no sooner than 90 days after the adjournment of the First Regular Session of the 119th Legislature.

See title page for effective date, unless otherwise indicated.

CHAPTER 59

S.P. 518 - L.D. 1552

An Act to Ensure Adequate Nutrition Services for Maine's Elderly

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

Sec. 1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1999-00	2000-01
HUMAN SERVICES, DEPARTMENT OF		
Bureau of Elder and Adult Services		
All Other	\$100,000	\$100,000
Provides additional funding for Meals on Wheels.		

See title page for effective date.

CHAPTER 60

S.P. 748 - L.D. 2107

An Act to Authorize a General Fund Bond Issue in the Amount of \$12,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements

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 to construct water pollution control facilities and make other environmental improvements.

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

Sec. 1. Authorization of bonds to provide funds to construct water pollution control facilities and make other environmental improvements. 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 \$12,500,000 to raise funds to construct water pollution control facilities; to close and clean up municipal solid waste landfills; to clean up tire stockpiles; to abate, clean up and mitigate threats to the public health and environment from uncontrolled hazardous substance sites or other hazardous waste discharges; and to make drinking water system improvements as authorized by section 6. 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