

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

not incur a total indebtedness exceeding the sum of ~~\$6,000,000~~ 10% of the most recent state valuation of the City of Calais. Each bond must have inscribed upon its face the words: "Calais School District" and must bear interest at a rate the trustees determine and be payable semiannually. The bonds may be issued to mature serially or made to run for such periods as the trustees determine but none may run for a period longer than 30 years. A note or bond issued by the district must be signed by the treasurer and countersigned by the president, and, if coupon bonds are issued, each coupon must be attested by a facsimile signature of the president and treasurer. The treasurer shall give bond to the district in such sum and with such sureties as the trustees determine, and the bond must remain in the custody of the Clerk of the City of Calais. The expenses of the bond must be paid by the district. The district is authorized to enter into agreements with the Federal Government, the Maine Municipal Bond Bank or others to loan money or otherwise assist in the financing of a project that the district is authorized to carry out. The trustees may borrow in anticipation of their sale by issuing temporary notes and renewal notes in the name of the district.

Sec. 3. P&SL 2001, c. 30, §7 is amended to read:

Sec. 7. Provisions for termination of board of trustees. When all of the school buildings have been completed, equipped and occupied by pupils of the district and the board of trustees of the district has discharged all of its ~~principal indebtedness~~ and lease purchase obligations, and the property of the district is free and clear of all indebtedness and other obligations, the board of trustees automatically ceases to function and all of the duties, management, care and maintenance revert to the school board of the City of Calais or other board that has jurisdiction over similar school property. The president and the treasurer of the district shall execute, sign and deliver a deed of all the property in the district to the City of Calais. All money remaining in the treasury of the board of trustees at the time the board ceases to function must be deposited to the credit of the City of Calais and may be used only for school purposes and must be kept separate from all other money until authorized by the municipal officers of the City of Calais to be expended as authorized under this Act.

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 City of Calais at a special or regular city meeting or election held prior to July 1, 2002. The election must be called, advertised and conducted according to law. The city clerk shall prepare the required ballots, on which the city clerk shall reduce

the subject matter of this Act to the following question:

"Do you favor amending the charter of the Calais School District to accomplish the following:

A. To authorize the Calais School District to lease purchase school administrative space, secured by a mortgage or ground lease and to lease or let such space to a school union that includes the City of Calais; and

B. To increase the debt limit of the Calais School District from \$6,000,000 to 10% of the most recent state valuation of the City of Calais?"

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

The results must be declared by the municipal officers of the City of Calais and due certificate of the results filed by the city 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 53

S.P. 755 - L.D. 2091

An Act to Provide for the 2002 and 2003 Allocations of the State Ceiling on Private Activity Bonds

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 10, section 363 and Private and Special Law 2001, chapter 14 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 2002, but leave a portion of the state ceiling unallocated and do not provide sufficient allocations for certain types of private activity bonds that may require an allocation prior to the effective date of this Act if not enacted on an emergency basis; and

Whereas, if these bond issues are delayed due to lack of available state ceiling, the rates and terms under which these bonds may be issued may be adversely affected, resulting in increased costs to

beneficiaries or even unavailability of financing for certain projects; 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. Allocation to Treasurer of State.

No portion of the state ceiling for calendar year 2002 is allocated to the Treasurer of State. No portion of the state ceiling for calendar year 2003 is allocated to the Treasurer of State.

Sec. 2. Allocation to Finance Authority of Maine.

The \$25,000,000 of the state ceiling for calendar year 2002 previously allocated to the Finance Authority of Maine remains allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6 for calendar year 2002. Five million dollars of the state ceiling previously unallocated is now allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6 for calendar year 2002. Thirty million dollars of the state ceiling for calendar year 2003 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

Sec. 3. Allocation to Maine Municipal Bond Bank.

The \$10,000,000 of the state ceiling for calendar year 2002 previously allocated to the Maine Municipal Bond Bank remains allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7 for calendar year 2002. Ten million dollars of the state ceiling for calendar year 2003 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

Sec. 4. Allocation to Maine Educational Loan Authority.

Ten million dollars of the state ceiling previously unallocated is now allocated to the Maine Educational Loan Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8 for calendar year 2002. No portion of the state ceiling for calendar year 2003 is allocated to the Maine Educational Loan Authority.

Sec. 5. Allocation to Maine State Housing Authority.

The \$40,000,000 of the state ceiling for calendar year 2002 previously allocated to the Maine State Housing Authority remains allocated to the

Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4 for calendar year 2002. Forty million dollars of the state ceiling for calendar year 2003 is allocated to the Maine State Housing Authority to be used or reallocated in accordance with Title 10, section 363, subsection 4 for calendar year 2003.

Sec. 6. Unallocated state ceiling. One hundred thirty-five million dollars of the state ceiling for calendar year 2002 is unallocated and must be reserved for future allocation in accordance with applicable laws. One hundred forty-five million dollars of the state ceiling for calendar year 2003 is unallocated and must be reserved for future allocation in accordance with applicable laws.

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

Effective March 12, 2002.

CHAPTER 54

H.P. 1426 - L.D. 1864

An Act to Increase the Number of Alternative Delivery Pilot Projects for School Construction and to Increase the Maximum Project Cost of Projects Eligible for Alternative Delivery

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

Sec. 1. P&SL 1999, c. 79, §§4 and 5 are amended to read:

Sec. 4. Design-build method. The design-build method must generally follow those guidelines developed by the Design-Build Institute of America or by the American Institute of Architects / Association of General Contractors or a combined or modified version of one or both of those entities with the final design-build procedures and documents to be determined at the sole discretion of the Department of Administrative and Financial Services, Bureau of General Services, referred to in this Act as the "bureau." For the purposes of this section, "owner" means the school board or the school building committee, as applicable. The owner may prequalify design-build teams using criteria that include at a minimum those set forth in the Maine Revised Statutes, Title 5, section 1747 and may include additional criteria considered appropriate by the director of the bureau. Selection of the design-build teams is governed by this section and the approval