

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

obligations have been met must be added to the Unorganized Territory Education and Services Fund, as established in the Maine Revised Statutes, Title 36, chapter 115.

**Sec. 3. School debt.** The town treasurer or the person who has custody of the town funds shall pay to School Administrative District No. 41 the town's share of the debt service. This amount must be paid within 30 days of the effective date of this section. School Administrative District No. 41 may retain any interest earned on this amount. Any remaining unexpended school funds, together with any credits due the town for school purposes, must be paid to the State Treasurer. These funds, if any, must be added to the Unorganized Territory Education and Services Fund.

**Sec. 4. Withdrawal from School Administrative District No. 41.** The Town of Atkinson is withdrawn from School Administrative District No. 41.

**Sec. 5. Assessment of taxes.** The State Tax Assessor shall assess the real and personal property taxes in the Town of Atkinson as of April 1, 2003, as provided in the Maine Revised Statutes, Title 36, chapter 115.

**Sec. 6. Referendum; certificate to Secretary of State.** This Act takes effect 90 days after its approval only for the purpose of permitting its submission by the municipal officers to the legal voters of the Town of Atkinson by ballot at the next general election to be held in November. This election must be called, advertised and conducted according to the Maine Revised Statutes, Title 30-A, sections 2528 and 2532. The town clerk shall prepare the required ballots on which the clerk shall reduce the subject matter of this Act to the following question:

"Do you favor the deorganization of the Town of Atkinson?"

The voters shall indicate their opinion on this question by a cross or check mark placed against the word "Yes" or "No." Before becoming effective, this Act must be approved by at least 2/3 of the legal voters voting at the special election, and the total number of votes cast for and against the acceptance of this Act at the election must equal or exceed 50% of the total number of votes cast in the town for Governor at the last gubernatorial election.

The municipal officers of the Town of Atkinson shall declare the result of the vote. The town clerk shall file a certificate of the election result with the Secretary of State within 10 days from the date of the election.

**Sec. 7. Effective date.** Sections 1 to 5 of this Act take effect on July 1, 2003 if deorganization is

approved by the voters of the Town of Atkinson pursuant to section 6 of this Act.

Effective July 1, 2003 pending referendum.

**CHAPTER 60**

**H.P. 1526 - L.D. 2030**

**An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2003**

**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 incident to the operation of the Maine State Retirement System will become due and payable before the 90-day period may terminate; 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 of funds.** Administrative operating expenses of the Maine State Retirement System for the fiscal year ending June 30, 2003 must be paid from the retirement system's Expense Fund in accordance with the following schedule.

	<b>2002-03</b>
<b>MAINE STATE RETIREMENT SYSTEM</b>	
Personal Services	\$6,665,041
All Other	2,760,570
<b>MAINE STATE RETIREMENT SYSTEM</b>	
<b>TOTAL ALLOCATIONS</b>	<b>\$9,425,611</b>

**Sec. 2. Attribution of costs.** The expenses identified in section 1 are attributed as follows.

**2002-03**

**MAINE STATE  
RETIREMENT SYSTEM**

General Fund	\$6,079,519
Non-General Fund	1,545,800
Participating Local District and Other	1,800,292

**MAINE STATE  
RETIREMENT  
SYSTEM**

<b>TOTAL ATTRIBUTIONS</b>	<u>\$9,425,611</u>
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**Sec. 3. Transfers of allocations; year-end balances.** Transfers of allocations and carry-forwards of unexpended balances must be carried out in accordance with the Maine Revised Statutes, Title 5, section 17103, subsection 13.

**Sec. 4. Collective bargaining agreements approval.** The allocations made in section 1 and the attributions made in section 2 include the amounts required to fund the collective bargaining agreements approved in Private and Special Law 1999, chapter 69.

**Sec. 5. Authorization to expend retirement system reserve administrative operating funds.** Of the amount authorized to be expended in section 1 for the administrative costs of the retirement system, \$400,000 must be provided from the system's reserve administrative operating funds.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect July 1, 2002.

Effective July 1, 2002.

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**CHAPTER 61**

**H.P. 1639 - L.D. 2142**

**An Act to Change the Governing Board of the George Stevens Academy in Blue Hill**

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

**Whereas,** this Act is necessary to allow the George Stevens Academy in the Town of Blue Hill to make changes to the composition of its board of trustees; 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 preserva-

tion 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 1891, c. 134, §6,** as enacted by P&SL 1953, c. 9, §2, is amended to read:

**Sec. 6. Board of trustees.** Full control and management of the affairs and business of the corporation ~~shall~~ **must** be vested in and exercised by a board of not less than 9 nor more than ~~20~~ **21** trustees; ~~the majority of the board of trustees to be legal residents of the town of Blue Hill, Maine.~~

**Sec. 2. P&SL 1963, c. 159,** as repealed and replaced by P&SL 1977, c. 85, is repealed.

**Sec. 3. Filing with Secretary of State.** The Board of Trustees of the George Stevens Academy shall amend its Articles of Incorporation on file with the Secretary of State within 30 days of the effective date of this Act as necessary to reflect the changes included in this Act.

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

Effective April 1, 2002.

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**CHAPTER 62**

**S.P. 499 - L.D. 1586**

**An Act to Separate Territory from the Town of Falmouth and Annex it to the City of Portland**

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

**Whereas,** the City of Portland and the Town of Falmouth have jointly agreed to the annexation of the Falmouth property by the City of Portland; and

**Whereas,** a purchase agreement for a parcel of land along the Presumpscot River that is linked to the transfer of the Falmouth land to Portland requires that the purchase be finalized by March 23, 2002; 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,