

# 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**

**CHAPTER 69**

**H.P. 1416 - L.D. 1860**

**An Act to Dissolve the Ministerial Accounts in the Town of Readfield's Trust Fund**

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

**Sec. 1. Town of Readfield; dissolution of trust fund ministerial accounts.** Notwithstanding the Maine Revised Statutes, Title 13, chapter 93, the municipal officers in the Town of Readfield may dissolve the ministerial accounts in the town's trust fund and may expend all the money in those ministerial accounts, including principal, earnings and capital appreciation, for the purchase and installation of a veterans' memorial monument in the Town of Readfield.

See title page for effective date.

**CHAPTER 70**

**H.P. 1449 - L.D. 1946**

**An Act to Safeguard Volunteer Firefighters' Regular Employment**

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

**Sec. 1. Study.** The Maine Fire Protection Services Commission established in the Maine Revised Statutes, Title 5, section 3371 shall examine the issue of providing protection to a volunteer firefighter from being discharged or disciplined by an employer on the grounds that the volunteer firefighter arrives late or does not arrive at work because the volunteer firefighter is responding to an emergency. The Maine Fire Protection Services Commission shall report its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over labor matters and the joint standing committee of the Legislature having jurisdiction over criminal justice matters no later than December 31, 2002. These joint standing committees may report out legislation on this issue to the First Regular Session of the 121st Legislature.

See title page for effective date.

**CHAPTER 71**

**S.P. 783 - L.D. 2120**

**An Act to Authorize a General Fund Bond Issue in the Amount of \$24,100,000 for Water Pollution Control, Drinking Water, Water for Crops and Fish-rearing Facilities, to Clean up Hazardous Substances and Tire Stockpiles, Promote Public Geographic Data, Recapitalize the Potato Marketing Fund and Capitalize the Dam Repair Fund**

**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 and upgrade water pollution control facilities, to remove discharges, to clean up uncontrolled hazardous substance sites, to remediate solid waste landfills, to clean up tire stockpiles, to capitalize the Dam Repair and Reconstruction Fund, to make drinking water system improvements, to address household hazardous wastes, to promote standardization and use of public geographic data, to construct new or retrofit existing pollution control structures on Maine farms to protect the environment, to construct environmentally sound water sources that help avoid drought damage to crops, to recapitalize the Potato Marketing Improvement Fund and to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities.

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

**Sec. 1. Authorization of bonds to provide for funds to construct and upgrade water pollution control facilities, to remove discharges, to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities, to clean up uncontrolled hazardous substance sites, to remediate solid waste landfills, to clean up tire stockpiles, to capitalize the Dam Repair and Reconstruction Fund, to make drinking water system improvements, to develop public recycling and household hazardous waste management infrastructure, to promote standardization and use of public geographic data, to construct new or retrofit existing pollution control structures on Maine farms to protect the environment, to construct environmentally sound water sources that help avoid drought damage to crops and to recapitalize the Potato Marketing Improvement Fund.** 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 \$24,100,000, as authorized in section 6 of this Act, to raise funds to construct and upgrade water pollution control facilities, to remove discharges, to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities, to raise funds to clean up uncontrolled hazardous substance sites, to remediate solid waste landfills, to clean up tire stockpiles, to capitalize the Dam Repair and Reconstruction Fund, to make drinking water system improvements, to develop public recycling and household hazardous waste management infrastructure, to promote standardization and use of public geographic data, to construct new or retrofit existing pollution control structures on Maine farms to protect the environment, to construct environmentally sound water sources that help avoid drought damage to crops and to recapitalize the Potato Marketing Improvement Fund. 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 of this Act 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 of this Act under the direction and supervision of the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Human Services, the Department of Administrative and Financial Services, the State Planning Office within the Executive

Department and the Department of Agriculture, Food and Rural Resources.

**Sec. 6. Allocations from General Fund bond issue; to construct and upgrade water pollution control facilities, to remove discharges and to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities, to clean up uncontrolled hazardous substance sites, to remediate solid waste landfills, to clean up tire stockpiles, to capitalize the Dam Repair and Reconstruction Fund, to make drinking water system improvements, to develop public recycling and household hazardous waste management infrastructure, to promote standardization and use of public geographic data, to construct new or retrofit existing pollution control structures on Maine farms to protect the environment, to construct environmentally sound water sources that help avoid drought damage to crops and to recapitalize the Potato Marketing Improvement Fund.** The proceeds of the sale of the bonds must be expended as designated in the following schedule.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

Loans to construct and upgrade water pollution control facilities matched by \$12,500,000 in federal funds.	\$5,000,000
Grants to municipalities, homeowners and businesses to remove overboard discharges.	1,000,000
Grants to municipalities through the Small Communities Grants Program.	1,000,000
Clean up uncontrolled hazardous substance sites.	1,000,000
Remediate solid waste landfills.	500,000
Clean up tire stockpiles	500,000

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

Renovations and enhancement of wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities.	7,000,000
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**DEFENSE, VETERANS AND  
EMERGENCY  
MANAGEMENT,  
DEPARTMENT OF**

Provides funds for the Dam Repair and Reconstruction Fund established by the Maine Revised Statutes, Title 37-B, chapter 24 and for the renovation of and capital repairs and improvements to locks under the control of the Bureau of Parks and Lands. At least \$125,000 of the funds provided by this section must be in the form of a grant for those locks. 500,000

**HUMAN SERVICES,  
DEPARTMENT OF**

Grants and loans for public drinking water system improvements matched by \$6,000,000 in federal funds. 1,800,000

**ADMINISTRATIVE AND  
FINANCIAL SERVICES,  
DEPARTMENT OF**

Establish an Internet-based Maine public library of geographic data, improve citizens' access to public geographic data, make grants to municipalities and participate in intergovernmental data development agreement matched by \$1,600,000 in federal funds. 2,300,000

**STATE PLANNING OFFICE**

Support public recycling capital investment. 600,000

Support household hazardous wastes management infrastructure. 900,000

**AGRICULTURE, FOOD AND  
RURAL RESOURCES,  
DEPARTMENT OF**

Construction of new or retrofitting of existing manure pollution control structures on Maine farms to comply with Maine law. These state funds will be matched with federal and private funds. 1,000,000

Construction of environmentally sound water sources that help avoid drought damage to crops. 500,000

Recapitalize the Potato Marketing Improvement Fund. These state funds will match private funds and be used to construct potato storage facilities. 500,000

**TOTAL ALLOCATIONS** \$24,100,000

**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 the 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 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 general election; form of question; effective date.** This Act must be submitted to the legal voters of the State of Maine at the next general election in the month 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 primary election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$24,100,000 bond issue for the following purposes:

1. The sum of \$5,000,000 to construct and upgrade water pollution control facilities, providing the state match for \$12,500,000 in federal funds;
2. The sum of \$1,000,000 to protect public health, safety and the environment by providing funds to remove overboard discharges;
3. The sum of \$7,000,000 to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities;
4. The sum of \$1,000,000 to protect public health, safety and the environment by providing

funds to remove and replace failing septic systems;

5. The sum of \$1,000,000 to clean up uncontrolled hazardous substance sites;

6. The sum of \$500,000 to remediate solid waste landfills;

7. The sum of \$500,000 to clean up tire stockpiles;

8. The sum of \$500,000 to provide funds for the Dam Repair and Reconstruction Fund and the renovation of and capital repairs and improvements to locks under the control of the Bureau of Parks and Lands;

9. The sum of \$1,800,000 to support drinking water system improvements that address public health threats, providing the state match for \$6,000,000 in federal funds;

10. The sum of \$2,300,000 to acquire the technology and services required to establish an Internet-based Maine public library of geographic data, to improve citizens' access to public geographic data, to make grants to municipalities for voluntary automation of parcel and zoning maps to uniform standards, to provide the state match for at least \$1,600,000 in federal funds and to participate in intergovernmental data development agreements;

11. The sum of \$1,500,000 to support household hazardous waste collection and public recycling;

12. The sum of \$1,000,000 to construct new or retrofit existing pollution control structures on Maine farms to protect the environment;

13. The sum of \$500,000 to construct environmentally sound water sources that help avoid drought damage to crops; and

14. The sum of \$500,000 to recapitalize the Potato Marketing Improvement Fund?"

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.

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**CHAPTER 72**

**H.P. 1629 - L.D. 2129**

**An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Build a New Correctional Facility in Machias and to Make Improvements to the Maine Correctional Center in South Windham**

**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 build a new correctional facility in Machias and to make improvements to the Maine Correctional Center in South Windham.

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

**Sec. 1. Authorization of bonds to build a new correctional facility in Machias and make improvements to the Maine Correctional Center in South Windham.** 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 \$25,000,000 to build a new correctional facility in Machias and to make improvements to the Maine Correctional Center in South Windham 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