

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

subdivision of the State in connection with the qualified transportation project.

**7. Exception to prohibited acts and limitation of powers.** Notwithstanding the provisions of the Maine Revised Statutes, Title 30-A, section 5958, the bank may make loans to the State or any agency, political subdivision, instrumentality or department of the State in connection with the financing of the qualified transportation project.

**8. Bonds and notes of bank.** Notwithstanding the provisions of the Maine Revised Statutes, Title 30-A, section 6003, the bank may issue its bonds from time to time in any principal amounts that it considers necessary to provide funds for any of the purposes authorized by this Act, including the financing or refinancing of all or a portion of the costs of the qualified transportation project.

**9. Receipt of federal appropriation money.** The Treasurer of State may receive from the Federal Government any amount of money as appropriated, allocated, granted, turned over or in any way provided for the purposes of this Act. In connection with the financing of the qualified transportation project, these amounts must be credited to and deposited in the Highway Fund and are available to the bank.

**10. Agreements with financial institutions.** Notwithstanding the provisions of the Maine Revised Statutes, Title 30-A, section 6019, the bank may enter into any agreements or contracts with any commercial banks, trust companies or banking or other financial institutions within or outside the State that are necessary, desirable or convenient in the opinion of the bank to provide any other services to the bank to assist the bank in effectuating the purposes of this Act.

**11. Remedies of holders of bonds and notes.** In addition to all other rights or remedies set forth in the Maine Revised Statutes, Title 30-A, section 6023, subsection 2, the trustee as appointed pursuant to that section may, and upon written request of the holders of 25% in principal amount of all bonds then outstanding that have been issued to finance or refinance all or a portion of the costs of the qualified transportation project shall, in the trustee's or the bank's own name, by mandamus or other suit, action or proceeding at law or in equity, enforce all rights of such bondholders, including the right to require the bank to collect payments and other amounts and to collect interest and amortization payments under agreements payable to the bank and pledged to payment of such bonds, adequate to carry out any agreement as to, or pledge of, those payments and other amounts and of such interest and amortization payments and to require the bank to carry out any other agreements with the bondholders and to perform its duties under this Act.

**Sec. 5. Appropriations and allocations.**

The following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF**

Initiative: Provides for the allocation of additional Personal Services, All Other and Capital Expenditures funding to support the Waldo-Hancock Bridge project.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	\$0	\$2,000,000
All Other	0	8,000,000
Capital Expenditures	0	40,000,000
Other Special Revenue	_____	_____
Funds Total	\$0	\$50,000,000

See title page for effective date.

**CHAPTER 44**

**H.P. 1398 - L.D. 1882**

**An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2004-05**

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

**Whereas,** prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; 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. Municipal cost components for services rendered.** In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2004-05 is as follows:

Audit - Fiscal Administration	\$108,207
Education	11,107,086
Forest Fire Protection	150,000

Human Services - General Assistance	78,750
Property Tax Assessment - Operations	658,453
Computer Assisted Mass Appraisal (CAMA) System	173,000
Maine Land Use Regulation Commission - Operations	183,295
<b>TOTAL STATE AGENCIES</b>	<b>\$12,458,791</b>
County Reimbursements for Services:	
Aroostook	\$658,963
Franklin	761,079
Hancock	103,923
Kennebec	7,770
Oxford	363,481
Penobscot	722,475
Piscataquis	721,385
Somerset	675,696
Washington	466,676
<b>TOTAL COUNTY SERVICES</b>	<b>\$4,481,448</b>
<b>TOTAL REQUIREMENTS</b>	<b>\$16,940,239</b>
<b>COMPUTATION OF ASSESSMENT</b>	
Requirements	\$16,940,239
Less Deductions:	
General -	
State Revenue Sharing	\$290,000
Homestead Reimbursement	100,000
Miscellaneous Revenues	50,000
Transfer from Undesignated Fund Balance	2,300,000
<b>TOTAL</b>	<b>\$2,740,000</b>
Educational -	
Lands Reserve Trust	\$100,000
Tuition - Travel	250,000
Miscellaneous	5,000
Special - Teacher Retirement	200,000
<b>TOTAL</b>	<b>\$555,000</b>
<b>TOTAL DEDUCTIONS</b>	<b>(\$3,295,000)</b>
<b>TAX ASSESSMENT</b>	<b>\$13,645,239</b>

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

Effective April 14, 2004.

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**CHAPTER 45**

**S.P. 781 - L.D. 1944**

**An Act To Allow Upgrading of Educational Technicians**

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

**Whereas,** due to error, a number of educational technicians who have been employed continuously in school units in the State since before September 1, 1991 and who were eligible to be upgraded to a higher classification were not upgraded; 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 1991, c. 26, §5** is enacted to read:

**Sec. 5. Professional qualifications of teacher assistants and teacher associates not recommended for promotion due to error of school administrative unit.** A person employed as a teacher assistant or teacher associate prior to September 1, 1991 whose job function at the time was that of a level II or level III educational technician as described in State Board of Education Rule 115, Part I who is, on the effective date of this section, employed as a level II or level III educational technician in the same school administrative unit with no break in service and who was not recommended to be upgraded to a higher classification due to error on the part of the school administrative unit need not meet the educational preparation standards for that position set forth in State Board of Education rule and need not meet the September 1, 1991 deadline for reclassification. School administrative units shall submit requests and appropriate documentation for upgrades under this section to the Department of Education.

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

Effective April 15, 2004.

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