

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE
AS PASSED AT
THE FIRST SPECIAL SESSION OF THE
ONE HUNDRED AND TWENTY-SECOND
LEGISLATURE
2005

CHAPTER 4

H.P. 264 - L.D. 351

**An Act To Provide the Portland
Harbor Commission with the
Authority To Arrest**

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

Sec. 1. P&SL 1981, c. 98, §6, first sentence, as amended by P&SL 1993, c. 34, §2, is further amended to read:

The commission shall from time to time adopt such rules as it considers necessary and proper, not inconsistent with law, for keeping open convenient channels for the passage of vessels, promoting navigational safety in the waters under its control, protecting public safety and protecting persons having riparian rights, including, without limitation, procedures, standards and fees, and subject to the provisions of section 5, subsection 1 of this Act for the issuance of permits to build or extend wharves and other structures or to fill or excavate; to limit the speed of vessels within the harbor; to permit moorings; and to cause the removal of derelict and abandoned vessels.

Sec. 2. P&SL 1981, c. 98, §7, sub-§2, first sentence is amended to read:

The harbor master or ~~his~~ the harbor master's deputies shall cause any vessel or vessels anchoring or mooring within the channel lines established by the commission or anchoring in such a manner that any portion of the hull, spars or booms ~~extend~~ extends beyond the lines, due to tide or wind, or ~~which~~ that the harbor master finds in any way obstructing the free movement or anchorage or mooring of vessels in any part of the harbor, to move to ~~such an~~ anchorage or mooring area ~~as he the harbor master~~ designates for that purpose, and ~~enjoy~~ have all the authority conferred upon and are subject to all the duties and liabilities of harbor masters under the provisions of the general law, ~~except the power to arrest.~~

See title page for effective date.

CHAPTER 5

S.P. 508 - L.D. 1482

**An Act To Provide for the 2005 and
2006 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 2003, chapter 38 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 2005, 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 must be 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 2005 was previously allocated to the Treasurer of State. Five million dollars of the state ceiling for calendar year 2005 is allocated to the Treasurer of State to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5. Five million dollars of the state ceiling for calendar year 2006 is allocated to the Treasurer of State to be used or reallocated in accordance with Title 10, section 363, subsection 5.

Sec. 2. Allocation to Finance Authority of Maine. The following amounts are allocated to the Finance Authority of Maine.

1. The \$30,000,000 in state ceiling for calendar year 2005 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 2005. Thirty million dollars of the state ceiling for calendar year 2006 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

2. No portion of the state ceiling for calendar year 2005 was previously allocated to the Finance Authority of Maine to be used in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8-A. Forty million dollars of the state ceiling for calendar year 2005 is allocated to the Finance Authority of Maine, the entity designated pursuant to Title 20-A, section 11407, to use in accordance with Title 10, section 363, subsection 8-A. No portion of the state ceiling for calendar year 2006 is allocated to the Finance Authority of Maine, the entity designated pursuant to Title 20-A, section 11407, to be used in accordance with Title 10, section 363, subsection 8-A.

Sec. 3. Allocation to Maine Municipal Bond Bank. The \$10,000,000 of the state ceiling for calendar year 2005 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 2005. Ten million dollars of the state ceiling for calendar year 2006 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. The \$10,000,000 of the state ceiling for calendar year 2005 previously allocated to the Maine Educational Loan Authority remains allocated to the Maine Educational Loan Authority to be used in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8. An additional \$10,000,000 of the state ceiling for calendar year 2005 is allocated to the Maine Educational Loan Authority to be used in accordance with Title 10, section 163, subsection 8. No portion of the state ceiling for calendar year 2006 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 2005 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 2005. Forty million dollars of the state ceiling for calendar year 2006 is allocated to the Maine State Housing Authority to be used or reallocated in accordance with Title 10, section 363, subsection 4.

Sec. 6. Unallocated state ceiling. Of the state ceiling for calendar year 2005, \$94,180,000 is unallocated and must be reserved for future allocation in accordance with applicable laws. Of the state ceiling for calendar year 2006, \$154,180,000 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 May 10, 2005.

CHAPTER 6

H.P. 611 - L.D. 860

An Act To Efficiently Use Funds of the Public Utilities Commission

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

Whereas, it is necessary that the Public Utilities Commission have sufficient funds to carry out its statutory obligations during fiscal year 2005-06; 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. Use of unexpended funds. Notwithstanding the Maine Revised Statutes, Title 35-A, section 116, subsection 5, the Public Utilities Commission may expend in fiscal year 2005-06 and fiscal year 2006-07, for the purposes specified in Title 35-A, section 116, subsection 4, 100% of any unexpended funds remaining at the end of the prior fiscal year. Treatment of funds not expended at the end of fiscal year 2006-07 is governed by Title 35-A, section 116, subsection 5.