

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

For purposes of assuming all debts and obligations of the district, the Town of York is the corporate successor to the district upon the transfer of the assets and obligations of the district to the Town of York pursuant to this section.

Upon completion of the transfer of assets and obligations of the district to the Town of York in accordance with this section, the town clerk of the Town of York shall file a certificate to that effect with the Secretary of State, and the corporate existence of the district terminates. The certificate must be prepared by the town clerk of the Town of York once all of the necessary assets and obligations have been transferred to the Town of York from the district. The Town of York may commence and carry out municipal sewer service prior to completion of the transfer of assets and obligations of the district if necessary to carry out the purposes of this section, and, in such an event, the district may continue to exist for the limited purpose of carrying out the requirements of this section until such time as the transfer of assets and obligations is complete. After filing the certificate with the Secretary of State, the town clerk of the Town of York shall submit legislation to repeal Private and Special Law 1951, chapter 63, as repealed and replaced by Private and Special Law 1985, chapter 57, as amended. The legislation may include any necessary amendments or additions to law to allow the Town of York to provide adequate sewer service.

Sec. 5. P&SL 1989, c. 34, §2, first line is amended to read:

Sec. 2. P&SL ~~1985~~ 1951, c. ~~57~~ 63, §13, as repealed and replaced by P&SL 1985, c. 57, §1, is amended to read:

Sec. 6. Referendum; effective date. This Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the Town of York at an election called for that purpose and held by January 1, 2006. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The subject matter of this Act is reduced to the following question:

"Do you favor amending the charter of the York Sewer District to:

1. Require the York Sewer District to include in its annual report audited financial statements and require the Town of York to include the district's report in the town's annual report;

2. Provide that decisions of the York Sewer District relating to assessments for sewer construction may be appealed to the Town of York; and

3. Authorize a citizen-initiative process to call for a referendum to dissolve the York Sewer District and transfer its assets and obligations to the Town of York?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the Town of York and due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all purposes immediately upon its approval by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section as long as the referenda are held prior to January 1, 2006.

Effective pending referendum.

CHAPTER 23

H.P. 1189 - L.D. 1684

An Act Regarding Transition Provisions for the Sharing of Costs in Certain School Districts

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

Whereas, Public Law 2005, chapter 2 directs the Department of Education to conduct a review and analysis of the implications of the proposed cost-sharing mechanism established pursuant to the Maine Revised Statutes, Title 20-A, section 15688, subsection 2 on the member municipalities of school administrative districts and community school districts whose cost-sharing formulas were established in accordance with Title 20-A, sections 1301 and 1704, respectively; and

Whereas, it is necessary to establish transition provisions for certain school districts whose cost-sharing formulas may result in adverse fiscal impacts for member municipalities within those school districts in fiscal year 2005-06; and

Whereas, it is necessary to allow the Department of Education additional time to assist certain school districts in developing transition plans that

include a phase-in to achieve the new method of determining member municipalities' local contribution to the total cost of education in accordance with Title 20-A, section 15688, subsection 2; 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. Transition adjustments. The following transition adjustments apply to eligible school administrative districts and community school districts.

1. For fiscal year 2005-06, eligible school administrative districts and community school districts must receive transition adjustments to the member municipalities' local contributions and the districts' state contributions.

A. A school administrative district or community school district is eligible for these adjustments if it meets the following eligibility criteria.

(1) One or more member municipalities, but not all the district's member municipalities, have a local contribution that is below the 8.26 mill expectation.

(2) A member municipality's local contribution pursuant to the Maine Revised Statutes, Title 20-A, section 15688 is 5% greater than that municipality's local share would have been under its existing local cost-sharing formula.

B. A school administrative district or community school district that meets the eligibility criteria in paragraph A must receive a transition adjustment to the state contribution equal to the following.

(1) For each municipality in the district that meets the eligibility criteria in paragraph A, the sum of each municipality's special education allocation as determined in paragraph D multiplied by 0.25.

C. A school administrative district or community school district that meets the eligibility criteria in paragraph A must have its local contribution adjusted as follows.

(1) For each municipality in the district that meets the eligibility criteria in para-

graph A, the municipality's local contribution as determined pursuant to Title 20-A, section 15688 must be reduced by an amount equal to the municipality's special education allocation as determined in paragraph D multiplied by 0.25.

D. Each member municipality's special education allocation is the special education allocation pursuant to Title 20-A, section 15681-A, subsection 2 for the district multiplied by the percentage of calendar year resident pupils in each municipality.

This section is repealed June 30, 2006.

Sec. 2. Method of sharing total costs in School Administrative District No. 71; transition provision. Notwithstanding the Maine Revised Statutes, Title 20-A, section 15688, subsection 3-A, the local contribution to the total cost of funding public education from kindergarten to grade 12 for each member municipality in School Administrative District No. 71 is subject to the following transition provisions for fiscal year 2005-06 to fiscal year 2008-09 and future years. For each of these fiscal years, School Administrative District No. 71 shall calculate the local contribution for each member municipality in the school district as follows.

1. For fiscal year 2005-06, 50% of the local contribution for each municipality must be based on property fiscal capacity as defined in Title 20-A, section 15672, subsection 23, and 50% must be based on pupil counts pursuant to Title 20-A, section 15674, subsection 1, paragraph C.

2. For fiscal year 2006-07, 40% of the local contribution for each municipality must be based on property fiscal capacity as defined in Title 20-A, section 15672, subsection 23, and 60% must be based on pupil counts pursuant to Title 20-A, section 15674, subsection 1, paragraph C.

3. For fiscal year 2007-08, 30% of the local contribution for each municipality must be based on property fiscal capacity as defined in Title 20-A, section 15672, subsection 23, and 70% must be based on pupil counts pursuant to Title 20-A, section 15674, subsection 1, paragraph C.

4. For fiscal year 2008-09 and subsequent fiscal years, the local contribution for each municipality must be determined pursuant to Title 20-A, section 15688.

Sec. 3. Method of sharing total costs in Manchester, Mount Vernon, Readfield and Wayne Community School District; transition provision. Notwithstanding the Maine Revised Statutes, Title 20-A, section 15688, subsections 2 and

3, and to ensure that none of the member municipalities in the Manchester, Mount Vernon, Readfield and Wayne Community School District, referred to in this section as "the school district," experiences significant adverse effects as a result of the cost-sharing mechanism established pursuant to Title 20-A, section 15688, subsections 2 and 3, the school district's contribution to the total cost of funding public education from grade 6 to grade 12 as described in the Essential Programs and Services Funding Act must be contributed to by the school district's member municipalities in accordance with the transition provisions set forth in this section for fiscal year 2005-06 to fiscal year 2008-09. For each of these 4 fiscal years, the school district shall determine each member municipality's percentage share of the school district's contribution to the total cost of funding public education from grade 6 to grade 12 in accordance with Title 20-A, section 15688 and in accordance with the school district's prior cost-sharing formula.

1. For fiscal year 2005-06, 60% of the school district's contribution to the total cost of funding public education from grade 6 to grade 12 must be allocated among the member municipalities based on the percentages determined in accordance with Title 20-A, section 15688, and 40% of the school district's contribution to the total cost of funding public education from grade 6 to grade 12 must be allocated among the member municipalities in accordance with the percentages determined in accordance with the school district's prior cost-sharing formula.

2. For fiscal year 2006-07, 75% of the school district's contribution to the total cost of funding public education from grade 6 to grade 12 must be allocated among the member municipalities based on the percentages determined in accordance with Title 20-A, section 15688, and 25% of the school district's contribution to the total cost of funding public education from grade 6 to grade 12 must be allocated among the member municipalities in accordance with the percentages determined in accordance with the school district's prior cost-sharing formula.

3. For fiscal year 2007-08, 90% of the school district's contribution to the total cost of funding public education from grade 6 to grade 12 must be allocated among the member municipalities based on the percentages determined in accordance with Title 20-A, section 15688, and 10% of the school district's contribution to the total cost of funding public education from grade 6 to grade 12 must be allocated among the member municipalities in accordance with the percentages determined in accordance with the school district's prior cost-sharing formula.

4. For fiscal year 2008-09, 100% of the school district's contribution to the total cost of funding

public education from grade 6 to grade 12 must be allocated among the member municipalities based on the percentages determined in accordance with Title 20-A, section 15688.

This section does not take effect unless the following article is approved at a district meeting of the Manchester, Mount Vernon, Readfield and Wayne Community School District prior to June 30, 2005:

Article ____: Shall the Manchester, Mount Vernon, Readfield and Wayne Community School District approve a cost-sharing transition provision for fiscal years 2005-06 through 2008-09 under which the district's contribution to the total cost of funding public education from grade 6 to grade 12 under the Essential Programs and Services Funding Act is shared by the member municipalities of the district partially on the basis of the Maine Revised Statutes, Title 20-A, section 15688 and partially on the basis of the district's prior cost-sharing formula in accordance with the following percentages:

<u>FISCAL YEAR</u>	<u>PERCENTAGE SHARED UNDER 20-A MRSA §15688</u>	<u>PERCENTAGE SHARED UNDER DISTRICT'S COST-SHARING FORMULA</u>
2005-06	60%	40%
2006-07	75%	25%
2007-08	90%	10%
2008-09	100%	0%

The district meeting at which the article is considered must be conducted in accordance with the same procedures as a regular annual budget meeting conducted pursuant to Title 20-A, section 1701.

Sec. 4. Method of sharing costs in School Administrative District No. 74; transition provision. Notwithstanding the Maine Revised Statutes, Title 20-A, section 15688, subsections 2 and 3, and to ensure that the member municipalities in School Administrative District No. 74 do not experience significant adverse effects as a result of the cost-sharing mechanism established pursuant to Title 20-A, section 15688, subsections 2 and 3, the Department of Education shall continue to review and analyze the implications of this proposed cost-sharing mechanism on the member municipalities in School Administrative District No. 74. The Department of Education shall assist the member municipalities in School Administrative District No. 74 in developing a transition plan that includes a phase-in to achieve the new method of determining member municipalities'

local cost of education in accordance with Title 20-A, section 15688, subsections 2 and 3 no later than fiscal year 2008-09. The Department of Education shall report the findings of this review, including any recommended legislation, to the Joint Standing Committee on Education and Cultural Affairs no later than February 1, 2006. The Joint Standing Committee on Education and Cultural Affairs is authorized to introduce a bill related to the Department of Education report to the Second Regular Session of the 122nd Legislature.

Sec. 5. State valuation for Town of Lincoln. Notwithstanding the filing deadline set forth in the Maine Revised Statutes, Title 36, section 208-A, the Town of Lincoln may request a reduction in its state valuation under Title 36, section 208-A for the year 2004 based on the reduction in value of the Eastern Fine Paper plant in the town.

Sec. 6. General purpose aid for local schools; Town of Lincoln. Notwithstanding any other provision of law, the Commissioner of Education shall adjust the payments to the Town of Lincoln for general purpose aid for local schools in accordance with the 2004 state valuation amount of \$225,000,000 for fiscal year 2005-06. If any savings occur in fiscal year 2005-06 general purpose aid for local schools account, the appropriate amount of those savings must be applied to increase the general purpose aid for local schools allocation to School Administrative District No. 67 for fiscal year 2005-06. If insufficient savings occur in the fiscal year 2005-06 general purpose aid for local schools account, the appropriate increase in the general purpose aid for local schools allocation to School Administrative District No. 67 for 2005-06 must be applied as an audit adjustment to the general purpose aid for local schools allocation in fiscal year 2006-07.

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

Effective June 7, 2005.

CHAPTER 24

H.P. 1169 - L.D. 1658

An Act To Expand the Powers of the Stonington Sanitary District

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

Sec. 1. Stonington Sanitary District; additional powers. The Stonington Sanitary District, formed pursuant to the Maine Revised Statutes, Title 38, chapter 11 and referred to in this Act as "the

district," is granted additional powers, rights, privileges and obligations as provided in this Act. All authority and powers of the Stonington Sanitary District as previously granted continue in full force and effect.

Sec. 2. Territory. The district's territory is expanded to include the entire Town of Stonington.

Sec. 3. Trustees. The district consists of 7 trustees. Four of the trustees must be residents of the district and reside in households connected to the district's facilities, and 3 trustees must be residents of the district but need not use the district's facilities.

Sec. 4. Powers. In addition to the powers granted the district under the Maine Revised Statutes, Title 38, chapter 11, the district may implement seasonal rates. The district may also pump out, truck or treat septage and may finance and operate sand filters and other septic services for entities not connected to the district's facilities.

Sec. 5. Referendum. This Act takes effect 90 days after the adjournment of the legislative session in which it is enacted only for the purposes of permitting its submission to the legal voters within the district at an election called for that purpose or at a town meeting. The election or the meeting must be held by June 2006.

1. If the referendum is held at an election, the election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters.

The registrar of voters must be in session the 3 secular days preceding the election, of which the first 2 days must be devoted to registration of voters and the last day to verification of the list and completion of the records of the session by the registrar. The subject matter of this Act is reduced to the following question:

"Do you favor expanding the territory, establishing new qualifications for trustees and expanding the powers of the Stonington Sanitary District?"

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

The results must be declared by the municipal officers of the Town of Stonington and due certificate of the results filed by the clerk with the Secretary of State.

2. If the referendum is held at a town meeting, the procedures of the Maine Revised Statutes, Title 30-A, section 2354 apply.