

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

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

Penmor Lithographers
Lewiston, Maine
2006

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

CHAPTER 29

H.P. 1332 - L.D. 1891

**An Act To Provide Funding for the
Low Income Home Energy
Assistance Program**

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

Whereas, the United States Energy Information Administration projects that heating fuels will cost between 15% and 38% more than last winter and that costs could be significantly higher if our winter is colder than normal; and

Whereas, projected funding of the Low Income Home Energy Assistance Program, or "LIHEAP," is not expected to increase sufficiently to offset the increased cost of heating fuel; and

Whereas, the average benefit under LIHEAP will be inadequate to fill a recipient's fuel tank even one time; and

Whereas, in an average winter a fuel tank would need to be filled 3 to 5 times during the heating season; and

Whereas, it is essential to the health and safety of the elderly, the disabled and the most vulnerable in our State that the State provide funds to help fill the gap between the need and the available federal resources; 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. Payments or assistance not considered income or resources for any purpose under state law. Notwithstanding any other provision of law unless enacted in express limitation of this section, the amount of any home energy

assistance payments or allowances provided directly to, or indirectly for the benefit of, an eligible household under this Act may not be considered income or resources of that household or any member of that household for any purpose under any state law, including any law relating to taxation, food stamps, public assistance or welfare programs.

Sec. 2. Use of funds; limitation. The Maine State Housing Authority shall expend funds provided pursuant to section 3 exclusively for fuel purchases and may not use those funds to support administrative expenses.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

MAINE STATE HOUSING AUTHORITY

Low Income Home Energy Assistance - MSHA 0708

Initiative: Provides funding for the Low Income Home Energy Assistance Program.

GENERAL FUND	2005-06	2006-07
All Other	\$5,000,000	\$0
GENERAL FUND TOTAL	\$5,000,000	\$0

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

Effective January 5, 2006.

CHAPTER 30

H.P. 1289 - L.D. 1849

**An Act To Update the Charter of the
Lewiston and Auburn Railroad
Company**

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

Sec. 1. Corporate name; remedies at law; authorized to locate, construct and keep in repair a railroad; point and line of road; powers, privileges. The Lewiston and Auburn Railroad Company, as established under Private and Special Law 1872, chapter 88, as amended, continues

as a body politic and corporate under the name of the Lewiston and Auburn Railroad Company, and by that name may sue and be sued, plead and be impleaded, and enjoys all proper remedies at law and in equity to secure and protect it in the exercise and use of its rights and privileges and in the performance of its duties; and the corporation is hereby authorized and empowered to locate and construct and finally complete, alter and keep in repair a railroad, with rails or tracks, with all suitable bridges, tunnels, viaducts, sidings, turnouts, culverts, drains and all other necessary appendages, within and from points in the City of Lewiston and the City of Auburn to points on existing railroads; and the corporation is invested with all the powers, privileges and immunities granted by this Act and by the statutes relating to the operation of railroad companies within the State that are or may be necessary to carry into effect the purposes of this Act.

Sec. 2. Capital stock; shares; directors; and organization. Except as otherwise provided in an amendment to or restatement of its corporate charter, effectuated pursuant to the Maine Business Corporation Act, the capital stock of the corporation consists of not less than 1,000 nor more than 3,000 shares, all of which must be municipally owned, and the management of the affairs of the corporation is vested in a board of directors, who must be residents of the municipalities in which the corporation has rails or tracks. Except to the extent inconsistent with the provisions of this Act, in all matters of corporate governance, including the right to amend its charter and adopt bylaws, the corporation is governed in accordance with the Maine Business Corporation Act.

Sec. 3. Bylaws. The shareholders of the corporation have power to make, ordain and establish all necessary bylaws and to establish rights of preemption by an affirmative vote of at least 80% of the shares entitled to vote as provided in the Maine Business Corporation Act.

Sec. 4. Toll. A toll is hereby granted for the benefit of the corporation upon all passengers and property that may be conveyed or transported on and over its railroad, at such rate as may be established by its directors, subject to such laws in relation to railroad companies as are or may from time to time be established by the Legislature.

Sec. 5. Annual meeting, when held. The annual meeting of the shareholders of the corporation is on such day as the bylaws may determine.

Sec. 6. Gauge and connection or road. The corporation is authorized to run on the same gauge and make connections with other railroads on such terms as the corporation may determine proper and to lease its road and property, either before or after

the road has been completed, on such terms as the corporation determines with the other railroads.

Sec. 7. Bonds and amount of. The corporation is authorized to issue its bonds in such amounts as the corporation determines necessary or desirable and to secure the bonds by a mortgage of its road, franchise and property, or in any other manner.

Sec. 8. P&SL 1872, c. 88, as amended by P&SL 1875, c. 159, is repealed.

See title page for effective date.

CHAPTER 31

S.P. 648 - L.D. 1694

An Act To Allow the Towns of Mapleton, Castle Hill and Chapman To Deposit All Tax Revenues, Grant Revenues and Other Income and Revenues into One Depository Account

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

Whereas, this legislation authorizes the towns of Mapleton, Castle Hill and Chapman to create and maintain a common ownership depository account in the name of the 3 towns; and

Whereas, this arrangement will allow the towns to realize considerable cost savings and increased administrative efficiencies; and

Whereas, it is imperative that legislation take effect as soon as possible in order to maximize these savings and efficiencies; 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. Towns of Mapleton, Castle Hill and Chapman authorized to create and maintain common depository account. The Town of Mapleton, Town of Castle Hill and Town of Chapman entered into an interlocal agreement in 1991 pursuant to the Maine Revised Statutes, Title 30-A, chapter 115. In order for the towns to realize considerable cost savings and increased administrative