

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

All Other	6,436,226
Total	<u>\$6,881,515</u>
Building Maintenance	
Personal Services	\$606,264
All Other	641,788
Total	<u>\$1,248,052</u>
Subtotal of Line Items Budgeted	\$39,028,185
General Contingency - 5% of line items budgeted for 2007 (10% allowed)	1,951,409
MAINE TURNPIKE AUTHORITY	
TOTAL REVENUE FUNDS	<u>\$40,979,594</u>

Sec. 2. Transfer of allocations. Any balance of the allocation for "General Contingency" made by the Legislature for the Maine Turnpike Authority may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year. Any balance of any other allocation or subdivision of any other allocation made by the Legislature for the Maine Turnpike Authority that at any time is not required for the purpose named in the allocation or subdivision may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year subject to review by the joint standing committee of the Legislature having jurisdiction over transportation matters. Financial statements describing the transfer, other than a transfer from "General Contingency," must be submitted by the Maine Turnpike Authority to the Office of Fiscal and Program Review 30 days before the transfer is to be implemented. In case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, amounts to be transferred, a description of the transfer and a detailed explanation as to why the transfer is needed.

Sec. 3. Encumbered balance at year-end. At the end of each calendar year, encumbered balances may be carried to the next calendar year.

Sec. 4. Supplemental information. As required by the Maine Revised Statutes, Title 23, section 1961, subsection 6, the following statement of the

revenues in 2007 that are necessary for capital expenditures and reserves and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority during 2007, including debt service and the maintenance of reserves for debt service and reserve maintenance, is submitted.

**Turnpike Revenue Bond
Resolution Adopted April 18,
1991; Issuance of Bonds
Authorized Pursuant to the Maine
Revised Statutes, Title 23, section
1968, subsections 1 and 2-A.**

	2007
Debt Service Fund	\$24,051,801
Reserve Maintenance Fund	22,000,000
General Reserve Fund, to be applied as follows:	
Capital Improvements	3,096,487
Debt Service Fund under the General Special Obligation Bond Resolution adopted May 15, 1996; issuance of bonds authorized pursuant to the Maine Revised Statutes, Title 23, section 1968, subsection 2-A	2,464,588
TOTAL	<u>\$51,612,876</u>

See title page for effective date.

CHAPTER 38

H.P. 1344 - L.D. 1903

An Act To Restore the Cost-sharing Agreement Established by the Voters of Maine School Administrative District No. 40

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period to enable the school board and school administration of Maine School Administrative District No. 40 to prepare the annual school budget for presentation to the voters; 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. Local cost of education; exception for Maine School Administrative District No. 40.

Beginning in fiscal year 2006-07, the provisions of the Maine Revised Statutes, Title 20-A, section 15688, subsection 2 do not apply in determining the local cost of education of member municipalities in Maine School Administrative District No. 40. The cost-sharing formula established between the member municipalities in this school administrative district prior to January 1, 2005 remains in effect until the formula is changed pursuant to Title 20-A, section 1301, subsection 3.

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

Effective March 17, 2006.

CHAPTER 39

H.P. 1291 - L.D. 1851

An Act Relating to the Flanders Bay Community School District

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

Whereas, the Flanders Bay Community School District is composed of the towns of Franklin, Gouldsboro, Sorrento, Sullivan, Steuben and Winter Harbor and provides education for the pupils from those towns in grades 9 to 12; and

Whereas, the governing body of the Flanders Bay Community School District was denominated the "Board of Trustees" of the district when the district was formed in 1950; and

Whereas, the Commissioner of Education approved a reapportionment plan for the governing body of the Flanders Bay Community School District in 1994 that denominated the governing body of the district as the "Board of Directors"; and

Whereas, in recent years the governing body of the district has been denominated the "District School Committee" in the official records of the district; and

Whereas, the original votes in the member municipalities that created the district included limitations on the authority of the district to own property and to incur indebtedness that are inconsistent with the general laws of the State governing community school districts; and

Whereas, these facts have created uncertainty as to the legal existence of the governing body of the Flanders Bay Community School District, its authority and the validity of its past actions; 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. Flanders Bay Community School District. The Flanders Bay Community School District is hereby validated and approved as a legally constituted community school district within the meaning of the Maine Revised Statutes, Title 20-A, chapter 105, responsible for operating grades 9 to 12 for the towns of Franklin, Gouldsboro, Sorrento, Sullivan, Steuben and Winter Harbor.

Sec. 2. District school committee. The governing body of the Flanders Bay Community School District is called the district school committee and shall perform the duties of both the district school committee and the district board of trustees under the Maine Revised Statutes, Title 20-A, chapter 105. The members of the district school committee on the effective date of this Act as appointed by the school committees of the district's member towns continue to serve on the district school committee until their terms expire or until a vacancy is otherwise created.

Sec. 3. District authority. The Flanders Bay Community School District and the district school committee's authority to hold and acquire property, to borrow money and to issue bonds and notes are governed by laws applicable to community school districts and are not subject to any limitations adopted or established by the district prior to January 1, 1965.

Sec. 4. District's costs. The Flanders Bay Community School District's costs must be shared in accordance with the applicable provisions of state law, except that all costs that are subject to local cost-sharing formulas under state law are shared on the basis of the average of the 2 pupil counts for April 1st and October 1st of the most recent calendar year prior to the fiscal year at issue. This cost-sharing formula may be changed in accordance with law.