

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

Limerick and due certificate of the results filed by the clerks with the Secretary of State.

This Act takes effect for all other purposes immediately upon its approval by a majority of the legal voters of each town voting at the referendum. 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 within 2 years after the effective date of this Act.

Effective pending referendum.

CHAPTER 15

S.P. 283 - L.D. 895

An Act To Allow the City of Bangor To Replace the Bangor Auditorium and Civic Center at the Bass Park Complex

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

Sec. 1. Certain debt of City of Bangor not subject to limitations on municipal debt. Notwithstanding any other provision of law, any bonded indebtedness incurred by the City of Bangor and financed in whole or in part by the proceeds from a tax increment financing district in order to fund a replacement building or structure for the existing Bangor Auditorium and Civic Center is not subject to the limitations on municipal debt contained in the Maine Revised Statutes, Title 30-A, section 5702.

Sec. 2. Certain debt of City of Bangor excluded from aggregate value of debt in Penobscot County. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5223, subsection 3, paragraph D, any bonded indebtedness incurred by the City of Bangor and financed in whole or in part by the proceeds from a tax increment financing district in order to fund a replacement building or structure for the existing Bangor Auditorium and Civic Center is excluded from the aggregate value of municipal general obligation indebtedness within Penobscot County.

Sec. 3. Time limit for construction does not apply. Notwithstanding any other provision of law, the 5-year time limit set forth in the Maine Revised Statutes, Title 30-A, section 5223, subsection 3, paragraph D, subparagraph (2) does not apply to the acquisition, construction and installment of all real and personal property improvements, buildings, structures, fixtures and equipment needed to replace the existing Bangor Auditorium and Civic Center, regardless of whether the improvements are financed through bonded indebtedness incurred by the City of Bangor and financed in whole or in part by the proceeds from a tax increment financing district.

Sec. 4. Bonds may mature within 30 years from date of issue. Notwithstanding the bond financing provisions contained in the Maine Revised Statutes, Title 30-A, section 5231, with respect to any bonded indebtedness incurred by the City of Bangor and financed in whole or in part by the proceeds from a tax increment financing district in order to fund a replacement building or structure for the Bangor Auditorium and Civic Center, the City of Bangor may authorize, issue and sell such bonds, including, but not limited to, general obligation or revenue bonds or notes, that mature within 30 years from the date of issue.

See title page for effective date.

CHAPTER 16

H.P. 573 - L.D. 766

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2012

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

Sec. 1. Allocation. Gross revenues of the Maine Turnpike Authority for the calendar year ending December 31, 2012 must be segregated, apportioned and disbursed as designated in the following schedule.

MAINE TURNPIKE AUTHORITY	2012
Administration	
Personal Services	\$1,281,712
All Other	1,627,493
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TOTAL	\$2,909,205
Accounts and Controls	
Personal Services	\$2,970,705
All Other	1,349,190
	<hr/>
TOTAL	\$4,319,895
Highway Maintenance	
Personal Services	\$4,633,431

All Other	3,210,534
TOTAL	\$7,843,965
Equipment Maintenance	
Personal Services	\$1,180,929
All Other	1,857,919
TOTAL	\$3,038,848
Fare Collection	
Personal Services	\$10,932,716
All Other	4,743,236
TOTAL	\$15,675,952
Public Safety and Special Services	
Personal Services	\$502,105
All Other	6,286,555
TOTAL	\$6,788,660
Building Maintenance	
Personal Services	\$623,488
All Other	674,896
TOTAL	\$1,298,384
Subtotal of Line Items Budgeted	\$41,874,909
General Contingency - 5% of line items budgeted for 2012 (10% allowed)	2,093,745
MAINE TURNPIKE AUTHORITY	_____
TOTAL REVENUE FUNDS	\$43,968,654

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 the 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 2012 that are necessary for capital expenditures and reserves and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority during 2012, including debt service and the maintenance of reserves for debt service and reserve maintenance, is submitted.

Turnpike Revenue Bond	2012
Resolution Adopted April 18, 1991; Issuance of Bonds Authorized Pursuant to the Maine Revised Statutes, Title 23, section 1968, subsections 1 and 2	
Debt Service Fund	\$33,315,738
Reserve Maintenance Fund	30,000,000
General Reserve Fund, to be applied as follows:	
Capital Improvements	4,730,691

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	2,463,250
<hr style="width: 20%; margin-left: auto; margin-right: 0;"/>	
TOTAL	\$70,509,679

See title page for effective date.

CHAPTER 17

H.P. 413 - L.D. 530

**An Act To Allow Alternative
Delivery Methods for Locally
Funded School Construction
Projects**

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

Sec. 1. P&SL 1999, c. 79, §9-B is enacted to read:

Sec. 9-B. Additional eligible projects with contracts dated before October 1, 2016. After October 1, 2011, no more than 10 projects may be approved under the provisions of this section. A school administrative unit seeking to use an alternative delivery method for a school construction project subject to approval under section 11 of this Act may employ any one of the following methods in undertaking a school construction project that is locally funded, has a minimum total project cost of \$2,500,000 and has an executed contract between the school administrative unit and the project designer dated prior to October 1, 2016:

1. The construction-manager-advisor method;
2. The design-build method; and
3. The construction-manager-at-risk method.

See title page for effective date.

CHAPTER 18

H.P. 627 - L.D. 830

**An Act To Provide for the 2011
and 2012 Allocations of the
State Ceiling on Private
Activity Bonds**

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

Sec. 1. Allocation to the Treasurer of State. The \$5,000,000 of the state ceiling on private activity bonds for calendar year 2011 previously allocated to the Treasurer of State remains allocated to the Treasurer of State to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5 for calendar year 2011. Five million dollars of the state ceiling for calendar year 2012 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 the Finance Authority of Maine. The state ceiling on private activity bonds allocated to the Finance Authority of Maine is as follows.

1. The \$40,000,000 of the state ceiling for calendar year 2011 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 2011. Forty million dollars of the state ceiling for calendar year 2012 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

2. None of the \$40,000,000 of the state ceiling for calendar year 2011 previously allocated to the Finance Authority of Maine remains allocated to the Finance Authority of Maine, which is the entity designated pursuant to Title 20-A, section 11407, for use or reallocation in accordance with Title 10, section 363, subsection 8-A.

Sec. 3. Allocation to the Maine Municipal Bond Bank. The \$10,000,000 of the state ceiling on private activity bonds for calendar year 2011 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 2011. Ten million dollars of the state ceiling for calendar year 2012 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 the Maine Educational Loan Authority. The \$20,000,000 of the state ceiling on private activity bonds for calendar year 2011 previously allocated to the Maine Educational Loan Authority remains allocated to the Maine Educational Loan Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8 for calendar year 2011. Twenty million dollars of the state ceiling for calendar year 2012 is allocated to the Maine Educational Loan