

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and First Legislature

OF THE

# STATE OF MAINE

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The Knowlton and McLeary Company  
Farmington, Maine  
1963

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PUBLIC LAWS  
OF THE  
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against any real estate while it is occupied as a home by the surviving spouse of the patient or person legally liable for support under this section and said spouse does not marry again.

**VI. Debt to State.** Charges made under this section shall be a debt of the patient or of any person legally liable for support under this section, recoverable in any court of competent jurisdiction in a civil action, in the name of the State of Maine.

**VII. Military and Naval Children's Home.** This section shall be applicable to the support of children admitted to the Military and Naval Children's Home.'

Effective September 21, 1963

## Chapter 20

### AN ACT to Clarify the Procedure for the Dissolution of School Administrative Districts.

**Emergency preamble.** Whereas, the present statute for the dissolution of school administrative districts has proved costly and cumbersome; and

Whereas, it is necessary to clarify and simplify the method of voting on dissolution so that the various municipalities or school administrative districts will be able to proceed with needed construction programs to replace inadequate and unsafe school buildings; and

Whereas, it is essential that safe and adequate school facilities be constructed in many school administrative districts and municipalities without further delay; 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. R. S., c. 41, § 111-P, amended.** The 5th paragraph from the end of section 111-P of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 of the public laws of 1957 and as last repealed and replaced by section 1 of chapter 270 of the public laws of 1961, is amended to read as follows:

'Article: To see if the residents of School Administrative District No. \_\_\_\_\_ will vote to dissolve School Administrative District No. \_\_\_\_\_ subject to the following terms and conditions; (~~Set forth agreement recommended by the Maine School District Commission~~) of the dissolution agreement dated \_\_\_\_\_  
 \_\_\_\_\_ 19 \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

The dissolution agreement need not be printed on the ballot. Copies of said agreement must be posted in each participating municipality in the same manner as specimen ballots must now be posted under chapter 90-A.'

**Sec. 2. R. S., c. 41, § 111-P, amended.** Section 111-P of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 of the public laws of 1957 and as last repealed and replaced by section 1 of chapter 270 of the public laws of 1961, is amended by adding before the last paragraph the following paragraph:

'If within 7 days of the computation and recording of the results of the voting from all municipalities, the municipal officers of any participating municipality request in writing a recount of the votes in the district, the district commission shall forthwith cause the check lists and all the ballots cast in all of the participating municipalities to be collected and kept at the commission office so they may be recounted by interested municipalities. The town clerks of the participating municipalities are authorized to deliver said check lists and ballots to the commission notwithstanding any other provision of the law to the contrary. The commission shall resolve any question with regard to disputed ballots.'

**Sec. 3. R. S., c. 41, § 111-P, amended.** Section 111-P of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 of the public laws of 1957 and as last repealed and replaced by section 1 of chapter 270 of the public laws of 1961, is amended by adding at the end new paragraphs to read as follows:

'The foundation program allowance for former member towns of dissolved School Administrative Districts in the year of dissolution shall be as follows:

The average of the 2 preceding years' resident pupil count, as hereinafter defined, of the member town shall be multiplied by the applicable dollar allowance set forth in Table 1, section 237-D. Resident pupil count shall be the average April 1st pupil count of the 2 school years next preceding the convening of the Legislature. This computation shall be made for elementary and secondary pupils, except that any member town, which prior to entrance into the School Administrative District did not operate elementary or secondary schools, but operated on a tuition basis with other towns, shall be considered for the purpose of this computation as having paid the average tuition rate of the School Administrative District for the 2 preceding years.

To these amounts so computed, there shall be added the average of the expenditures by the School Administrative District for the 2 preceding school years for board for the benefit of students of the member town; in addition, there shall be added an allowance for transportation expenditures which shall be computed by dividing the sum of the School Administrative District's transportation expenses for the 2 preceding years by the resident pupil count of the School Administrative District and multiplying the result by the resident pupil count of the member town.

The average net operating cost of the School Administrative District for the 2 preceding years as computed for the district shall be apportioned to the

member town in the same proportion as the resident pupil count of the member town bears to the total resident pupil count of the School Administrative District. The subsidy to individual member towns shall then be computed in accordance with section 237-E.

For the biennium following the dissolution year, the above computation shall be made for that portion of the 2-year period during which the town was actually a member of the School Administrative District; the computation for the balance of the 2-year period shall be made as set forth in sections 237-D and 237-E.'

Sec. 4. R. S., c. 41, § 111-P, amended. The last sentence of the 6th paragraph from the end of section 111-P of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 of the public laws of 1957 and as last repealed and replaced by section 1 of chapter 270 of the public laws of 1961, is amended to read as follows:

~~The Board of Directors shall within ten days call a district meeting under section 111-T to vote upon the following Article:~~

The Maine School District Commission shall determine the date upon which all municipalities shall vote upon the dissolution agreement submitted to them. The commission shall give written notice by registered or certified mail, at least 10 days before the date so set, which notice shall be sent directly to the town or city clerk of each municipality having a right to vote on the dissolution agreement. The town or city clerk shall immediately notify the municipal officers upon receipt of said notice and said municipal officers shall meet and immediately issue a warrant for a special town meeting or city election, as the case may be, and the date of said town meeting or said city election so called shall be the date as designated by said commission and no other date shall be used. In the respective warrants the municipal officers shall direct that the polls shall be open at 10 o'clock in the forenoon and shall remain open until 7 o'clock in the afternoon.

Except as otherwise herein provided, the voting at meetings held in towns shall be held and conducted in accordance with chapter 90-A, sections 37 to 39, even though the town has not accepted the provisions of said section 37, and the voting at meetings in cities shall be held and conducted in accordance with chapter 3-A. In no event shall voting by absentee ballot be permitted.'

Sec. 5. R. S., c. 41, § 111-T, amended. The first paragraph of section 111-T of chapter 41 of the Revised Statutes, as enacted by section 2 of chapter 443 of the public laws of 1957, and as amended, is further amended to read as follows:

~~When it is necessary to hold a district meeting to approve the issuance of bonds or notes for capital outlay purposes, to approve an agreement to add another municipality or municipalities to the School Administrative District, to dissolve a School Administrative District or to approve a proposed lease~~

agreement with the Maine School Building Authority, or to authorize the school directors to contract for the schooling of secondary pupils, or to authorize the school directors to dispose of real property, the school directors shall be authorized to call such meeting as follows:

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective February 26, 1963

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## Chapter 21

### AN ACT Relating to Penalties for Burglary and Larceny.

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

**Sec. 1. R. S., c. 131, § 11, amended.** Section 11 of chapter 131 of the Revised Statutes, as amended by chapter 59 of the public laws of 1959, is further amended to read as follows:

**‘Sec. 11. Breaking and entering with intent to commit a felony or any larceny.** Whoever, with intent to commit a felony or any larceny, breaks and enters in the daytime or enters without breaking in the nighttime any dwelling house, or breaks and enters any office, bank, shop, store, warehouse, vessel, railroad car of any kind, motor vehicle, aircraft, house trailer, or building in which valuable things are kept, any person being lawfully therein and put in fear, shall be punished by imprisonment for not ~~less than 1 year nor~~ more than 10 years; but if no person was lawfully therein and put in fear, by imprisonment for not more than 5 years or by a fine of not more than \$500.’

**Sec. 2. R. S., c. 132, § 1, amended.** Section 1 of chapter 132 of the Revised Statutes is amended to read as follows:

**‘Sec. 1. Larceny, defined.** Whoever steals, takes and carries away, of the property of another, money, goods or chattels, or any writ, process, public record, bond, bank bill or note, promissory note, bill of exchange, order, certificate, book of accounts, conveyance of real estate, valuable contract, receipt, release, defeasance or instrument in writing whereby any demand, right or obligation is created, increased, diminished or extinguished is guilty of larceny; and shall be punished, when the value of the property exceeds \$100, by imprisonment for not ~~less than 1 year nor~~ more than 5 years; and when the value of the property does not exceed \$100, by a fine of not more than \$100 or by imprisonment for not more than 6 months, or by both ~~such fine and imprisonment.~~’

**Sec. 3. R. S., c. 132, § 3, amended.** Section 3 of chapter 132 of the Revised Statutes is amended to read as follows:

**‘Sec. 3. Larceny by night in a dwelling house, or at any time breaking and entering certain other buildings, vessel or railroad car.** Whoever, without breaking, commits larceny in the nighttime in a dwelling house or building adjoining