

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**

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## CHAPTER 98

## AN ACT Relating to School Funding and Inventory Tax Reimbursement.

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

Whereas, this 90-day period will terminate after April; and

Whereas, the requirements of Title 20, section 3747, must be complied with; 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. Appropriation.** The appropriation provided for general purpose aid for local schools in 1977-78 shall be expended for the purposes listed below under Parts A and B of this section as modified by section 3.

## PART A

1. Elementary and Secondary Operating Costs	\$219,555,155
2. Special Education costs for programs operated by the administrative units	9,032,600
3. Special Education—costs for tuition and board, excluding medical costs	4,314,600
4. Vocational Education Costs	5,680,800
5. Transportation Costs	
a. Operating	15,286,019
b. Purchase of Buses	2,827,400
6. Debt Service Costs	
a. Capital Outlay	763,900
b. Debt Service	26,750,000
Subtotal	284,210,474
Less: P. L. 874 Funds	1,900,000
Total — Part A	\$282,310,474

**PART B**

1. Cost of Unusual Enrollment Adjustments	600,000
2. Cost of Geographic Isolation Adjustments	308,934
3. Cost of Reimbursement for Private School Transportation	217,000
4. Audit Adjustments	71,000
5. Optional Local Appropriations with State Participation — maximum State obligation	7,095,826
Total — Part B	8,292,760
Grand Total	\$290,603,234

**Sec. 2. Basic per pupil elementary and secondary per pupil operating rate.** The basic elementary per pupil operating rate for 1977-78 shall be \$827 and the basic secondary per pupil rate for 1977-78 shall be \$1,159.

**Sec. 3. Limit of state's obligation.** In the event that the state's computed obligation for any individual program contained within Part A and B exceeds the level of funding provided for that program, any unexpended balances occurring in other programs within that Part may be applied to avoid proration of payments for any individual program. Any unexpended balance from Part A or Part B shall not lapse but shall be carried forward to be used for the same purpose.

**Sec. 4. Appropriation.** There is appropriated from the General Fund to the Department of Educational and Cultural Services the sum of (\$3,086,860) for the fiscal year ending June 30, 1977, and the sum of \$160,868,924 for the fiscal year ending June 30, 1978, to carry out the purposes of this Act. The breakdown shall be as follows:

	1976-77	1977-78
<b>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</b>		
General purpose aid for local schools		
All Other	(\$3,086,860)	\$160,868,924

**Sec. 5.** 20 MRSA § 3748, sub-§ 4, 3rd, 4th and 7th sentences, as repealed and replaced by PL 1975, c. 746, § 24-P, are amended to read:

Under this subsection, an administrative unit is authorized to appropriate a maximum of ~~\$90~~ \$115 per pupil per year for the pupils specified in subsection 1. The maximum levy on a municipality within an administrative unit shall not exceed ~~\$45~~ \$57.50 per pupil per mill levied on that municipality.

If the additional school levy authorized under this subsection fails to produce

~~\$45~~ \$57.50 per pupil per mill levied, the commissioner shall add to the allocation of the unit for the unit's fiscal year a sum which, when combined with the local levy under this section, shall equal ~~\$45~~ \$57.50 per pupil per mill.

Sec. 6. 20 MRSA § 3748, sub-§ 4, 10th sentence, as amended by PL 1975, c. 746, § 24-R, is further amended to read:

The purpose of these appropriations is to provide that all administrative units may raise and appropriate at least ~~\$45~~ \$57.50 per pupil per mill to supplement the adjusted allocations when necessary in the judgment of the local administrative units.

Sec. 7. 30 MRSA § 5056, sub-§ 2, as enacted by PL 1973, c. 592, § 2, is amended by adding at the end the following:

This reimbursement shall be made to each municipality in accordance with the following schedule:

A. For the year 1977-78, 70% of each municipality's revenue loss shall be reimbursed;

B. For the year 1978-79, 60% of each municipality's revenue loss shall be reimbursed;

C. For the year 1979-80, 50% of each municipality's revenue loss shall be reimbursed;

D. For the year 1980-81, 40% of each municipality's revenue loss shall be reimbursed;

E. For the year 1981-82, 30% of each municipality's revenue loss shall be reimbursed;

F. For the year 1982-83, 20% of each municipality's revenue loss shall be reimbursed; and

G. Thereafter, no municipality's revenue loss shall be reimbursed.

Sec. 8. 36 MRSA § 451-A is enacted to read:

§ 451-A. Mill rate for fiscal year 1977-78

Notwithstanding the provisions of section 451, subsection 2, the uniform property tax rate shall be 11.50 mills for the period beginning July 1, 1977 and ending June 30, 1978.

Sec. 9. Appropriation. There is appropriated from the General Fund to the Treasurer of State the sum of \$18,590,000 for the fiscal years 1977-78 and 1978-79. The breakdown shall be as follows:

1977-78

1978-79

STATE TREASURY

All Other

\$10,010,000

\$ 8,580,000

**Sec. 10. Reimbursement funding.** 50% but not to exceed an aggregate of \$4,300,000 of any funds to be received by the State of Maine under PL 94-369; Title II of the Public Works Act of 1976 after May 1, 1977, shall be allocated to reimburse Maine cities and towns for 1973 inventory taxes lost. Such additional moneys shall be apportioned based upon the relative 1973 inventory taxes of each community to the total 1973 inventory collections of all communities.

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

Effective April 27, 1977

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## CHAPTER 99

### AN ACT Relating to Payment of Expenses for Examination of Crime Victims.

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

30 MRSA § 507, as enacted by PL 1975, c. 415, is repealed and the following enacted in its place:

#### § 507. Physical examination of crime victims

1. **Payment of expenses by district attorney.** In all cases of alleged rape, gross sexual misconduct, sexual abuse of minors and assault when serious bodily injury has been inflicted, which are reported to a law enforcement officer, the office of the district attorney of the county in which the alleged crime occurred shall pay all expenses for a physical examination of a victim of the alleged crime which is conducted for the purpose of obtaining evidence for the prosecution.

2. **Limitation.** In no event shall the office of the district attorney be liable for payment of any charges, costs or fees for an examination pursuant to subsection 1 until such time as the district attorney has received copies of all reports and records pertaining to and relevant to the examination, if the copies have been requested.

3. **Liability in damages of medical personnel for furnishing reports, records or testimony.** No physician, nurse, hospital, clinic or any other person, firm or corporation attending a victim pursuant to subsection 1 shall be liable in damages or otherwise for providing reports or records or copies thereof or