

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

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

J.S. McCarthy Co., Inc.
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PUBLIC LAWS
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tion and the actor has supervisory or disciplinary authority over such other person; or

F. The other person, not his spouse, has not in fact attained his 18th birthday and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student.

2. Unlawful sexual contact is a Class D crime, except that a violation of subsection 1, paragraph C is a Class C crime.

Effective September 19, 1985.

CHAPTER 248

H.P. 508 - L.D. 713

AN ACT to Amend the School Construction Law.

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

Whereas, the State Board of Education approves the majority of the school construction projects for a given year at its July meeting; and

Whereas, this bill eliminates the requirement for school administrative units to raise an initial local share; and

Whereas, the projects which will be approved in July 1985, will not be funded until several months thereafter, but would be required to raise an initial local share if this Act is not effective prior to the July meeting; 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. 20-A MRSA §15603, sub-§8, ¶A, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

A. Principal and interest costs for approved major capital projects in the year of allocation including the initial local share of school construction projects which received voter approval for all or part of their funding in referendum in fiscal year 1984-85;

Sec. 2. 20-A MRSA §15901, sub-§4-A is enacted to read:

4-A. Small scale school construction project. "Small scale school construction project" means a project which will not be eligible for state subsidy and is limited to:

A. New buildings not exceeding 600 square feet in gross area to be utilized solely for storage or custodial work, or both; or

B. On-site additions to existing school buildings not exceeding 600 square feet in gross area.

Sec. 3. 20-A MRSA §15904, first ¶, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

Prior to final approval by the state board, a school construction project, except a small scale school construction project as defined in section 15901, subsection 4-A, must receive a favorable vote conducted in accordance with the following.

Sec. 4. 20-A MRSA §15904, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Councils and town meetings. In a municipality where the responsibility for final adoption of the school budget is vested in a municipal council by municipal charter or in a town meeting, the vote shall be by ~~secret ballot~~ referendum in accordance with the appropriate provisions set forth in Title 21 and Title 30.

Sec. 5. 20-A MRSA §15904, sub-§4, ¶¶A and B, as enacted by PL 1981, c. 693, §§5 and 8, are repealed.

Sec. 6. 20-A MRSA §15905, sub-§1, as amended by PL 1983, c. 859, Pt. L, §1, is further amended to read:

1. Approval authority. The state board must approve a each school construction project, unless it

is a small scale school construction project as defined in section 15901, subsection 4-A.

A. The state board may approve projects so long as no project approval will cause debt service costs, as defined in ~~section 15503, subsection 9~~ section 15603, subsection 8, paragraphs A and D, to exceed \$35,000,000 in a subsequent fiscal year.

B. Nonstate funded projects, such as school construction projects or portions of projects financed by proceeds from insured losses, money from federal sources, other noneducational funds or local funds which are not eligible for inclusion in an administrative unit's state-local allocation, shall be outside the total cost limitations set by the Legislature.

Sec. 7. 20-A MRSA §15907, sub-§3, as amended by PL 1983, c. 426, §4, is repealed.

Sec. 8. 20-A MRSA §15909, sub-§1, ¶E is enacted to read:

E. This subsection does not apply to projects approved in local referendum under section 15904 after June 30, 1985.

Sec. 9. 20-A MRSA §15909, sub-§2, ¶A, as amended by PL 1983, c. 426, §6, is further amended to read:

A. The amount to be bonded shall be determined as follows. The total cost of the project shall be reduced by:

~~(1) The initial local share;~~

(1-A) The initial state share as defined in section 15914;

(2) Proceeds from insured losses;

(3) Money from federal sources; and

(4) Other noneducational funds, except gifts and moneys from federal revenue sharing sources.

Sec. 10. 20-A MRSA §15909, sub-§4 is enacted to read:

4. Construction projects approved in fiscal year 1984-85. School administrative units which received

voter approval on a school construction project in a referendum under section 15904 in fiscal year 1984-85 shall include the initial local share under subsection 1 in the total cost of the project under subsection 2, paragraph A.

Sec. 11. 20-A MRSA §15914, first ¶, as enacted by PL 1983, c. 426, §7, is amended to read:

It is the intent of the Legislature that, notwithstanding any other statute, the \$30,000,000 debt service limit set forth in section 15905, subsection 1, paragraph A, should be allocated so that the state share of all new school construction projects will be funded in the current fiscal year starting with fiscal year 1993 or as soon thereafter as possible. This section shall not affect projects funded under chapter 609, prior to its implementation. This goal shall be accomplished in the following manner.

Sec. 12. 20-A MRSA §15914, sub-§4, as enacted by PL 1983, c. 426, §7, is amended to read:

4. State-local allocation share. The ~~state local~~ state-local allocation share of a unit's project shall be the total cost of the project, as defined in section 15901, subsection 5, minus the initial state share as determined in subsection 3 ~~of this section,~~ and the initial local share as determined in section ~~15909,~~ subsection 1.

The state-local allocation share shall be financed in accordance with section 15909.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1985.

Effective July 1, 1985.

CHAPTER 249

H.P. 883 - L.D. 1240

AN ACT to Clarify the Agricultural Exemption
in the Workers' Compensation Laws.

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

Sec. 1. 39 MRSA §2, sub-§12 is enacted to read: