

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

Chapter 380

AN ACT Relating to Holding of Property by Nonprofit Corporations Operating Educational Television or Radio Stations.

Emergency preamble. Whereas, the development of educational television and radio stations for dissemination of knowledge and information in the arts and sciences would serve to improve the standard of education afforded by the public schools of the State and to improve the knowledge of the public generally; and

Whereas, the development of private educational television and radio stations operated on a nonprofit basis would be of advantage to the State and would serve to relieve the State in part of expense which the State, in support of its educational program, would otherwise have to incur, of constructing, maintaining and operating, through one or more of its agencies, educational television and radio stations; and

Whereas, it is desirable that the State foster to the extent possible, construction, maintenance and operation of educational television and radio stations by corporations operated on a nonprofit basis, and one such nonprofit corporation has already been formed for such purpose; and

Whereas, it is essential that nonprofit corporations organized under the general laws of the State for such purpose be relieved of any limitation imposed by the general laws of the State with respect to the amount of property, real and personal, that can be held by them in order that such corporations may acquire the real and personal property necessary for the construction, maintenance and operation of educational television and radio stations; and

Whereas, it is essential that sales to any such nonprofit corporations be exempt from the provisions of the sales and use tax law in the same manner as sales to churches, schools, hospitals and certain other nonprofit corporations in order to lessen the financial burden on nonprofit corporations in constructing, operating and maintaining educational television or radio stations; 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. 17, § 10, sub-§ XVI, amended. The first sentence of subsection XVI of section 10 of chapter 17 of the Revised Statutes is amended to read as follows:

‘Sales to incorporated hospitals, institutions incorporated as nonprofit corporations for the sole purpose of conducting medical research or for the purpose of operating educational television or radio stations, schools and regularly organized churches or houses of religious worship, excepting sales, storage or use in activities which are mainly commercial enterprises.’

Sec. 2. R. S., c. 54, § 5, amended. The first paragraph of section 5 of chapter 54 of the Revised Statutes, as amended by chapter 280 of the public laws of 1955, is further amended to read as follows:

'Every corporation organized under the provisions of the preceding sections 1 to 4 may take and hold by purchase, gift, devise or bequest, personal or real estate, in all not exceeding in value \$500,000 or in any one town 10% of that town's state valuation, whichever is lower, owned at any one time, and may use and dispose thereof only for the purposes for which the corporation was organized. ~~Provided, however, that any~~ Any corporation organized under the provisions of this chapter for the purpose of establishing and maintaining a hospital, a free public library or a school or academy accredited by the Department of Education and conducted on a nonprofit basis, or a laboratory exclusively engaged in research for the benefit of mankind, or an educational television or radio station operated on a nonprofit basis, or a private vocational school conducted on a nonprofit basis may receive and hold real and personal estate to any amount, which may from time to time be given, granted, bequeathed or devised to it and accepted by the corporation for the uses and purposes of said hospital, free public library, school or academy ~~or~~, laboratory, or educational television or radio station provided always ~~that~~ both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest.'

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

Effective June 17, 1961

Chapter 381

AN ACT Relating to Allocation of Funds for Purchase of Real Estate by State.

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

R. S., c. 15-A, § 20, amended. The 3rd paragraph of section 20 of chapter 15-A of the Revised Statutes, as enacted by section 10 of chapter 429 of the public laws of 1957, is amended to read as follows:

'The Governor and Council may allocate from the Unappropriated Surplus amounts not to exceed ~~\$500,000~~ \$700,000 for the purchase of real estate adjacent to the State House in accordance with section ~~24 A~~ of chapter 1, section 24-A.'

Effective September 16, 1961

Chapter 382

AN ACT to Provide Schooling for Non-Indian Children Living on Indian Reservations.

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

Sec. 1. R. S., c. 41, § 159-A, additional. Chapter 41 of the Revised Statutes is amended by adding thereto a new section, to be numbered 159-A, to read as follows: