

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Fourth Legislature

AT THE
SPECIAL SESSION

January 6, 1970
to
February 7, 1970

sumed. No charter adoption, revision or amendment shall be deemed invalid on account of any procedural error or omission unless it is shown that the error or omission materially and substantially affected such adoption, revision or amendment.

§ 1920. Liberal construction

This chapter, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to effect the purposes thereof.

Effective May 9, 1970

Chapter 564

AN ACT to Clarify and Amend the State Housing Authority Law.

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

Whereas, thousands of Maine citizens of low income occupy unsafe, unsanitary, and substandard dwellings; and

Whereas, the 104th Legislature recognized that such Maine housing conditions would be ameliorated through the purchase of mortgages by the State Housing Authority and empowered that authority to issue bonds to provide housing for these persons of low income as a public purpose; and

Whereas, the recent and continuing increase of unprecedented interest rates in the municipal bond market both prevent the sale of bonds within the 6% interest limit provided by Title 30, section 4751, paragraph 2 and necessitate an increase in that limit; and

Whereas, the housing authority has received requests to purchase several million dollars worth of mortgages and thereby alleviate the shortage of such mortgages to low income families; 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 R. S., T. 30, § 4601-A, sub-§ 1, ¶ H, repealed and replaced. Paragraph H of subsection 1 of section 4601-A of Title 30 of the Revised Statutes, as enacted by section 7 of chapter 470 of the public laws of 1969, is repealed and the following enacted in place thereof:

H. Issue revenue bonds or notes to carry out the purposes set forth in this Act in order to provide housing for persons of low income;

Sec. 2. R. S., T. 30, § 4601-A, sub-§ 1, ¶ I, repealed and replaced. Paragraph I of subsection 1 of section 4601-A of Title 30 of the Revised Statutes,

as enacted by section 7 of chapter 470 of the public laws of 1969, is repealed and the following enacted in place thereof:

I. Purchase and sell first mortgages or notes to carry out the purposes set forth in this Act in order to provide housing for persons of low income;

Sec. 3. R. S., T. 30, § 4602, sub-§ 2, ¶ D, amended. The last sentence of paragraph D of subsection 2 of section 4602 of Title 30 of the Revised Statutes, as enacted by section 8 of chapter 470 of the public laws of 1969, is amended to read as follows:

Appointment may be made of any persons as advisory board members or commissioners of the authority who reside within ~~its boundaries or area, or who are otherwise eligible for such appointments under this subchapter~~ the State of Maine.

Sec. 4. R. S., T. 30, § 4603, amended. Section 4603 of Title 30 of the Revised Statutes, as repealed and replaced by section 9 of chapter 470 of the public laws of 1969, is amended by adding at the end the following sentence:

This section shall not be applicable to membership in a corporation organized under Title 13, chapter 81.

Sec. 5. R. S., T. 30, § 4651, sub-§ 11, amended. Subsection 11 of section 4651 of Title 30 of the Revised Statutes, as enacted by section 12 of chapter 470 of the public laws of 1969, is amended to read as follows:

11. Mortgage credits. ~~The Pursuant to the purposes of this Act to provide housing for persons of low income, the state authority shall have the power to acquire from banks, life insurance companies, savings and loan associations, the Federal Government and other financial institutions, first mortgage loans and notes anywhere in the State of Maine consistent with section 4760, the restriction as to the area of operation in section 4552 notwithstanding, and to sell mortgages and notes to insurance companies, other financial institutions and the agencies of the United States of America or any fiduciaries or retirement funds.~~

Sec. 6. R. S., T. 30, § 4751, amended. The first 2 paragraphs of section 4751 of Title 30 of the Revised Statutes, as amended by section 15 of chapter 470 of the public laws of 1969, are further amended to read as follows:

An authority shall have power to issue bonds from time to time in its discretion for any of its corporate purposes. An authority shall have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An authority may issue such types of bonds as it may determine, including, without limiting the generality of the foregoing, bonds on which the principal and interest are payable; exclusively from the income and revenues of the project financed with the proceeds of such bonds; exclusively from the income and revenue of certain designated projects whether or not they are financed in whole or in part with the proceeds of such bonds; or from its revenues generally or in the case of the state authority, exclusively from the proceeds of mortgages, bonds, or notes or other securities held by the state authority or from moneys appropriated by the State or otherwise authorized herein to be applied for payment of principal, redemption price and interest on the bonds. Any such bonds may be additionally secured by a

pledge of any grant or contributions from the Federal Government or other source, or a pledge of any income or revenues of the authority or a mortgage of any project, projects or other property of the authority.

Whether or not the bonds are of such form and character as to be negotiable instruments under Article 8 of the Uniform Commercial Code, the bonds shall be and are hereby made negotiable instruments within the meaning of and for all the purposes of Article 8 of the Uniform Commercial Code, subject only to the provisions of the bonds for registration.

Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding ~~6%~~ 8% per year, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, as such resolution, its trust indenture or mortgage may provide.

Sec 7. R. S., T. 30, § 4752, sub-§ 8, additional. Section 4752 of Title 30 of the Revised Statutes, as amended by section 17 of chapter 470 of the public laws of 1969, is further amended by adding a new subsection 8 as follows:

8. Intent. It is the intention hereof that any pledge made by the state authority in respect of such bonds or notes shall be valid and binding from the time when the pledge is made; that the moneys or property so pledged and thereafter received by the state authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the state authority irrespective of whether such parties have notice thereof. Neither the resolution, trust indenture nor any other instrument by which a pledge is created need be recorded.

Sec. 8. R. S., T. 30, § 4756, amended. The last sentence of the 2nd paragraph of section 4756 of Title 30 of the Revised Statutes, as enacted by section 18 of chapter 470 of the public laws of 1969, is amended to read as follows:

The state housing authority shall have the power to sell mortgages or notes to banks, life insurance companies, savings and loan associations, other financial institutions lawfully doing business in the State of Maine, and the United States and its agencies or instrumentalities or any fiduciaries or retirement funds.

Sec. 9. R. S., T. 30, § 4760, repealed and replaced. Section 4760 of Title 30 of the Revised Statutes, as enacted by section 18 of chapter 470 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 4760. Bonds; use of proceeds

The state authority may authorize the issuance of revenue bonds of the authority in the manner and as provided in section 4751 for any of its au-

thorized purposes including the purchase of first mortgage loans or evidences thereof made not more than 6 months prior to such purchase, for residential housing in the State of Maine from the financial institutions and other agencies specified in section 4756. Such loans may include but shall not be limited to loans which are insured, guaranteed or assisted by the United States or an instrumentality thereof or for which there is a commitment by the United States or an instrumentality thereof to insure, guaranty or assist such loan and shall be for persons and families deemed by the state authority to require such assistance as is made available by this subchapter on account of low personal or family income, taking into consideration:

1. The amount of the total income of such persons and families available for housing needs;
2. The size of the family;
3. The eligibility of such persons and families for federal housing assistance of any type predicated upon a low income basis; and
4. The ability of such persons and families to compete successfully in the normal housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing, and deemed by the state authority therefore to be eligible to occupy residential housing constructed and financed, wholly or in part, with insured construction loans or insured mortgages, or with other public or private assistance.

The state authority may not purchase a first mortgage loan or evidence of such loan if the mortgagor's annual net income, together with the income of family members living in the mortgaged residential housing, at the time the original loan was made, exceeded 100% of the equivalent income rates for public housing rental eligibility under section 4653.

Sec. 10. R. S., T. 30, § 4765, amended. Section 4765 of Title 30 of the Revised Statutes, as enacted by section 18 of chapter 470 of the public laws of 1969, is amended to read as follows:

§ 4765. Mortgages eligible for investment

All mortgages, bonds and obligations of the state authority are made legal investments for all insurance companies, trust companies, banks, investment companies, savings banks, savings and loan associations, executors, trustees and other fiduciaries, pension or retirement funds.

Sec. 11. R. S., T. 30, § 4601-A, sub-§ 1, ¶ F, amended. Paragraph F of subsection 1 of section 4601-A of Title 30 of the Revised Statutes, as enacted by section 7 of chapter 470 of the public laws of 1969, is amended to read as follows:

F. Act as the public agency of the State of Maine for the purpose of accepting federal funds or other assistance in relation to housing activity in those areas and for those projects duly authorized under section ~~4552~~, ~~subsection 1~~ 4651, subsection 2 and other relevant provisions of this statute;

Sec. 12. R. S., T. 30, § 4602, sub-§ 2, ¶ C, amended. The 2nd sentence of paragraph C of subsection 2 of section 4602 of Title 30 of the Revised Statutes,

as enacted by section 8 of chapter 470 of the public laws of 1969, is amended to read as follows:

The powers and duties of the state authority, except those enumerated in subsection \mp 2, paragraph B, shall be vested solely in the director of the state authority.

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

Effective February 3, 1970

Chapter 565

AN ACT Providing for Immunity to Members of Ski Patrols in Emergency Cases.

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

R. S., T. 14, § 164, additional. Title 14 of the Revised Statutes is amended by adding a new section 164, to read as follows:

§ 164. Immunity for ski patrols

Notwithstanding any inconsistent provision of any general, special or local law, any person who is registered as a member of a ski patrol within the National Ski Patrol System and who voluntarily and without the expectation of monetary compensation from the person aided or treated renders first aid, initial emergency medical aid procedures or emergency treatment at a ski area to a person who is unconscious, ill or injured shall not be liable for damages for injuries alleged to have been sustained by such person or for damages for the death of such person alleged to have occurred by reason of an act or omission in the rendering of such first aid, initial emergency medical aid procedures or emergency treatment, unless it is established that such injuries were or such death was caused willfully, wantonly or by gross negligence on the part of such person. This section shall not exempt such a member of a ski patrol within the National Ski Patrol System from negligence while operating a motor vehicle.

Effective May 9, 1970

Chapter 566

AN ACT Relating to Easements in Lands.

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

Sec. 1. R. S., T. 33, § 667, additional. Title 33 of the Revised Statutes is amended by adding a new section 667, as follows: