

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Sixth Legislature

AT THE
SPECIAL SESSION

January 2, 1974

to

March 29, 1974

§ 454. Full-time district attorneys

All district attorneys and assistant district attorneys designated as full-time assistants shall be full-time officers of the State. They shall not appear as counsel in any civil or criminal case or controversy before the Supreme Judicial Court, Superior Courts or District Courts of the State of Maine or comparable courts in any other state or before the United States District Court or at any administrative hearing held by any state or United States agency other than in their capacity as district attorney during the terms of their office, nor shall they during such term **engage in the private practice of law** nor be a partner or associate of any person engaged in the private practice of law or a member or employee of a professional association engaged in the private practice of law.

Sec. 2. P. L., 1973, c. 567, § 23, amended. Section 23 of chapter 567 of the public laws of 1973 is amended to read as follows:

Sec. 23. Effective date. The effective date of this Act is January 1, ~~1974~~ 1975, except that this Act shall determine the term of office of the district attorneys to be elected at the general election in November, 1974, as well as the terms of the district attorneys to be elected thereafter.

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

Effective January 9, 1974

CHAPTER 637

AN ACT Clarifying the Source of Payment of Bonds, Notes and Other Evidences of Indebtedness Issued for School Purposes.

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

Whereas, in 1973 the Legislature enacted a law providing for all education costs to be paid 50% from a uniform property tax limited as to rate and assessed against all municipalities in the State and 50% from nonproperty tax revenues; and

Whereas, it is not clear whether said law limits the ultimate source of payment of bonds, notes or other evidences of indebtedness issued for school purposes by school administrative units; and

Whereas, to any extent that the source of payment of bonds or notes outstanding at the time said law was enacted is substantially impaired by placing a limit on the amount of money that may be raised to pay principal thereof and interest thereon, such law would violate provisions of the United States Constitution against impairment of the obligation of contracts; and

Whereas, uncertainties as to the sources of payment of bonds or notes will tend to increase borrowing costs for school purposes; and

Whereas, under existing federal laws and regulations certain banks and banking institutions may not underwrite municipal bonds or notes that are not general obligations of political subdivision "supported by the full faith and credit of an obligor possessing general powers of taxation including property taxation;" and

Whereas, such banks and banking institutions are major purchasers of Maine school bonds and notes and limitations on their ability to underwrite such bonds or notes would diminish competition and tend to increase borrowing costs; 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. 20, § 3452, amended. The first paragraph of section 3452 of Title 20 of the Revised Statutes, as last repealed and replaced by section 66 of chapter 622 of the public laws of 1971 and as amended by section 49-A of chapter 571 of the public laws of 1973, is further amended to read as follows:

For the purposes of this chapter, chapters 117, 207, 209, 211 and ~~512~~ 510, and sections 522, 851, 1292, 2356-A to 2356-H and 3457 to 3460, the following terms are defined:

Sec. 2. R. S., T. 20, § 3452, sub-§ 1, amended. Subsection 1 of section 3452 of Title 20 of the Revised Statutes is amended to read as follows:

1. Administrative unit. "Administrative unit" shall include all municipal or quasi-municipal corporations responsible for operating or constructing public schools.

Sec. 3. R. S., T. 20, § 3713, sub-§ 1, §§ F and G, amended. Paragraphs F and G of subsection 1 of section 3713 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 556 of the public laws of 1973, are amended to read as follows:

F. Record the **estimated** expenditures of the ~~preceding~~ **current** year for capital outlay projects approved by the local unit and the State Board;

G. Record the **estimated** expenditures of the ~~preceding~~ **current** year for debt service projects which have been approved by the local unit and the State Board.

Sec. 4. R. S., T. 20, § 3714, additional. Title 20 of the Revised Statutes is amended by adding a new section 3714 to read as follows:

§ 3714. Bonds, notes, etc.

All bonds, notes or other evidences of indebtedness issued for school purposes by an administrative unit, as defined in section 3452, for capital outlay purposes or for current operating expenses, including tax or other revenue anticipation notes, shall be general obligations of such administrative unit. The municipal officers, school directors, trustees or other governing board exercising like functions in each administrative unit shall require such sums as may be necessary to meet in full the principal of and interest on such bonds, notes or other evidences of indebtedness payable in each year to be assessed and collected in the manner provided by law for the assessment and collection of taxes, provided that the sums to be so assessed and collected shall be reduced by the amount of any property and nonproperty tax revenues to become available to such unit to pay such principal and interest in such year as shall be certified to the unit by the Commissioner of Educational and Cultural Services on or before March 1st. The sums so assessed shall be payable from ad valorem taxes which may be levied without limit as to rate or amount upon all the taxable property within the administrative unit.

Sec. 5. R. S., T. 20, § 3715, additional. Title 20 of the Revised Statutes is amended by adding a new section 3715 to read as follows:

§ 3715. Special school districts

All special legislative school districts or coterminous districts created by special Acts of the Legislature for the purpose of constructing school buildings are prevented from issuing special assessments to meet debt service and maintenance costs. Such dollar needs shall be submitted to the school committee or board of directors and said committee or board shall include such requests in the school budget and shall pay the trustees of the district the necessary sums of money when due, to meet the debt service obligations and the maintenance costs.

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

Effective January 11, 1974

CHAPTER 638

AN ACT Relating to Threatening Communications.

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

R. S., T. 17, § 3701, amended. The first sentence of section 3701 of Title 17 of the Revised Statutes is amended to read as follows:

Whoever makes, publishes or sends to another any communication, written or oral, containing a threat to injure the person or property of any person,