

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

when such offense is of a high and aggravated nature, shall be deemed guilty of a felony and a conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 5 years, or by both; but when such offense is not of a high and aggravated nature, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than 11 months.

Effective June 28, 1974

CHAPTER 639

AN ACT Relating to Investment of State Funds and Revenue Sharing Funds in Interest Bearing Accounts.

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

Whereas, the 106th Legislature in regular session enacted public laws 406 and 407 to permit the investment of State funds and revenue sharing funds in interest bearing accounts; and

Whereas, the law should be clarified so that the value of the securities shall be determined on the basis of market value; and

Whereas, they also should be amended to have the depositing institution, if municipal funds, approved by the municipal officers; 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. 5, § 135, amended. The 5th and 2nd sentences from the end of the 2nd paragraph of section 135 of Title 5 of the Revised Statutes, as enacted by section 3 of chapter 406 of the public laws of 1973, are amended to read as follows:

The value of the securities so pledged shall be determined by the Treasurer of State on the basis of ~~book value, par value or market value whichever is lower.~~

The securities shall be held in ~~the~~ a depository institution **approved by the Treasurer of State** and pledged to indemnify the State of Maine against any loss.

Sec. 2. R. S., T. 30, § 5051, sub-§ 5, amended. The 3rd and the 6th sentences of subsection 5 of section 5051 of Title 30 of the Revised Statutes, as enacted by chapter 407 of the public laws of 1973, are amended to read as follows:

The value of the securities so pledged shall be determined by the municipal officers on the basis of ~~book value, par value or~~ market value ~~whichever is lower.~~

The securities shall be held in ~~the~~ a depository institution approved by the municipal officers and pledged to indemnify the municipalities against any loss.

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

Effective January 11, 1974

CHAPTER 640

AN ACT Relating to Guardianship of Incapacitated Adults in Need of Protective Service.

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

Sec. 1. R. S., T. 18, § 3638, amended. Section 3638 of Title 18 of the Revised Statutes, as enacted by section 1 of chapter 631 of the public laws of 1973, is amended to read as follows:

§ 3638. Public guardian; Department of Health and Welfare

The ~~Bureau of Social Welfare of the~~ Department of Health and Welfare shall act as public guardian for incapacitated adults as provided in this subchapter and whenever the term "public guardian" is used in this subchapter it shall mean and refer to ~~the Bureau of Social Welfare the~~ Department of Health and Welfare.

Sec. 2. R. S., T. 18, § 3639, amended. The last sentence of section 3639 of Title 18 of the Revised Statutes, as enacted by section 1 of chapter 631 of the public laws of 1973, is amended to read as follows:

The authority of the public guardian shall be exercised by the ~~Director of the Bureau of Social Welfare~~ Commissioner of the Department of Health and Welfare and by any persons duly delegated by said ~~Director of the Bureau of Social Welfare~~ Commissioner of the Department of Health and Welfare to exercise such authority.

Sec. 3. R. S., T. 18, § 3644, amended. The last 2 sentences of the first paragraph of section 3644 of Title 18 of the Revised Statutes, as enacted by