

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

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

Effective January 25, 1974

CHAPTER 649

AN ACT to Change the Evaluation of the Housing Reserve Fund and to Clarify the Right of the Maine State Housing Authority to Sell Refunding Bonds.

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

Whereas, the Maine Housing Authorities Act declares that unsanitary, unsafe and overcrowded dwellings contribute to blight, disease and crime and "constitute a menace to the health, safety, morals and welfare of the residents of the State;" and

Whereas, the mortgage purchase program has been developed by the authority to carry out its mission to alleviate said conditions and will therefore help preserve the public peace, health and safety; and

Whereas, this legislation is necessary to settle current legal issues which have called into question the authority's ability to sell bonds to fund its mortgage purchase program; and

Whereas, the authority is prepared to sell previously authorized bonds immediately upon passage of this Act; 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, § 4761, amended. The last paragraph of section 4761 of Title 30 of the Revised Statutes, as enacted by section 18 of chapter 470 of the public laws of 1969 and as amended by chapter 623 of the public laws of 1973, is further amended to read as follows:

For purposes of valuation of any such fund, securities acquired as an investment for any such fund shall be valued at par or actual cost to the state authority ~~or market value~~, whichever value is less.

Sec. 2. R. S., T. 30, § 4762-A, additional. Title 30 of the Revised Statutes is amended by adding a new section 4762-A to read as follows:

§ 4762-A. Determination of outstanding obligations

In computing the total amount of obligations of the state authority which may at any time be outstanding for any purpose under the Maine Housing Authorities Act the amount of the outstanding obligations refunded or to be refunded from the proceeds of the sale of new obligations or by exchange of new obligations shall be excluded.

Sec. 3. R. S., T. 30, § 4767, additional. Title 30 of the Revised Statutes is amended by adding a new section 4767 to read as follows:

§ 4767. Operating expenses

All expenses incurred by the state authority to pay for operation and administration of any mortgage purchase program authorized pursuant to this Article shall be payable from any moneys available to the state authority from any source contemplated by this subchapter, including without limitation, the moneys authorized to be applied by section 4761, and in addition, moneys appropriated by the State; proceeds of the sales of bonds and notes; contributions, grants and other financial assistance from the Federal Government or other sources; income, rents and revenues of projects financed with the proceeds of such bonds or notes; interest on any investments of the state authority; fees related to the mortgage purchase program; insurance premiums and proceeds of mortgages or other interest-bearing obligations purchased pursuant to section 4756.

No later than January 1st in each year, the state authority shall prepare and file in the office of the Bureau of the Budget a budget of its expenses of operation and administration for such program for the fiscal year then commencing. Such budget shall also set forth service fees relating to mortgages purchased. Such budget may be amended at any time, and such amended budget shall also be filed with the office of the Bureau of the Budget. Such budget and any amendments thereto shall be approved by the commissioners prior to being filed in the office of the Bureau of the Budget.

The expenses of operation and administration set forth in each such budget shall not exceed the amount of moneys available and estimated to be available from the above sources, after deducting therefrom the aggregate amount of principal and interest accrued and to accrue during the fiscal year on all bonds outstanding issued to finance such program authorized by this Article, all as set forth in each such budget. The state authority shall not incur expenses of operation and administration for such program in excess of the amounts provided therefor in such budget.

No amount from the proceeds of the sale of bonds or income derived from bond proceeds in excess of $\frac{1}{2}$ of 1% of the bond value outstanding each year may be used to pay for the expenses of operation and administration for the mortgage purchase program nor may such funds be used for other programs of the state authority. The cost of issuance of bonds, and fees paid to any financial institution by the state authority for the purpose of servicing mortgage loans shall not be considered expenses of operation and administration for such program. The state authority shall not use any bond proceeds or income derived from bond proceeds for the purpose stated in section 4601-A, subsection 1, paragraph L.

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

Effective January 28, 1974

CHAPTER 650

AN ACT Requiring a Lighted Headlamp on Motorcycles Using the Highway.

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

R. S., T. 29, § 999, amended. The first paragraph of section 999 of Title 29 of the Revised Statutes, as enacted by chapter 65 of the public laws of 1967, is amended to read as follows:

In addition to the requirements of this chapter, motorcycles and motor driven cycles shall be operated on the highway with a lighted headlamp on when in motion and in such manner that no more than 2 such vehicles shall be operated abreast within the same lane of operation.

Effective June 28, 1974

CHAPTER 651

AN ACT to Clarify the Exemption Date in the Minimum Lot Size Law.

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

R. S., T. 12, § 4807-D, amended. Section 4807-D of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 411 of the public laws of 1973, is amended to read as follows:

§ 4807-D. Exemptions

This chapter as to the use of a lot for single family residential purposes shall not apply to any lot which prior to January 1, 1970, was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then owner or in a valid and enforceable agreement for purchase and sale or was shown on a plan recorded in accordance with law, prior to January 1, 1970; provided that contiguous lots in the same ownership on or after October 3, 1973 shall be considered as one lot for the purposes hereof.

This chapter shall not apply to any structure in existence and in place on or before ~~January 1, 1972~~ October 3, 1973, which then or theretofore disposed of wastes by means of subsurface waste disposal; except that no person shall reduce the size of the lot upon which such structure is located to a size or frontage less than that allowed by section 4807-A unless permitted pursuant to section 4807-B.

Effective June 28, 1974