

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 Seventh Legislature

1975

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

5 MRSA § 678, as last amended by PL 1973, c. 390, § 4, is further amended by adding a new paragraph at the end to read:

Notwithstanding any other provision of law, the head of any institution under the control of the Department of Mental Health and Corrections as the appointing authority may suspend with pay any employee who is charged by indictment with the commission of a criminal offense involving acts alleged to have been perpetrated upon any resident or residents of any such institution. Any such suspension with pay may be authorized by the appointing authority only when to permit the employee to remain on duty at the institution would be against the best interest of any one or more of the residents of the institution, and such authorization for suspension with pay shall obtain only during the pendency of the criminal proceedings in the trial court but not longer than 30 working days. Sections 751 to 753 shall not apply to suspension with pay ordered by the appointing authority under this paragraph.

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

Effective May 30, 1975

CHAPTER 367

AN ACT Amending the Law Regulating Municipal Debt.

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

Whereas, there are several municipalities which are in need of school facilities for the forthcoming academic years; and

Whereas, construction cannot be started this summer to meet this deadline unless enabling legislation is passed as an emergency; 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. 30 MRSA § 5061, as enacted by PL 1973, c. 665, is repealed and the following enacted in place thereof:

§ 5061. Limitation

No municipality shall incur debt which would cause its total debt outstanding at any time, exclusive of debt incurred for school purposes, for storm or sanitary sewer purposes or for municipal airport purposes, to exceed 7½%

of its last full state valuation. A municipality may incur debt for school purposes to an amount outstanding at any time not exceeding 10% of its last full state valuation, for storm or sanitary sewer purposes to an amount outstanding at any time not exceeding 7½% of its last full state valuation, and for municipal airport, water and special district purposes to an amount outstanding at any time not exceeding 3% of its last full state valuation; provided, however, that in no event shall any municipality incur debt which would cause its total debt outstanding at any time to exceed 15% of its last full state valuation.

For the purposes of this section, full state valuation shall mean the state valuation most recently certified by the State Tax Assessor pursuant to Title 36, section 381, adjusted to 100%.

If a particular loan is or has been incurred by a municipality for school, storm or sanitary sewer, municipal airport, water and other purposes, or any combination thereof, the treasurer of the municipality shall make and maintain records showing the proportion, if any, of such loan incurred for school purposes, for storm or sanitary sewer purposes, for municipal airport purposes, for water purposes and for other purposes and the same proportions shall be applied to each maturity of such loan.

Sec. 2. 30 MRSA § 5062, as enacted by PL 1973, c. 665, is repealed and the following enacted in place thereof:

§ 5062. Exclusion

The limitations on municipal debt in section 5061 shall not be construed as applying to any funds received in trust by any municipality, any loan which has been funded or refunded, notes issued in anticipation of federal or state aid or revenue sharing money, tax anticipation loans, notes maturing in the current municipal year, indebtedness of entities other than municipalities, indebtedness of any municipality to the Maine School Building Authority, debt issued under chapter 235 and chapter 242, obligations payable from revenues of the current municipal year or from other revenues previously appropriated by or committed to the municipality, and the state reimbursable portion of school debt.

For the purpose of this section, the state reimbursable portion of school debt with respect to any municipality shall be the sum of the amounts determined by multiplying: The outstanding amount of each issue of debt incurred for school purposes by the municipality in connection with a project which qualifies for state school construction aid; and the percentage of the capital outlay costs of such project which was applicable to determine the amount of state school construction aid therefor pursuant to Title 20, at the time such project was approved for such state school construction aid. The certificate of the Commissioner of Educational and Cultural Services that a project qualifies for state school construction aid and as to the percentage of such aid to which a municipality was so entitled shall be conclusive evidence of the facts stated therein.

Sec. 3. 30 MRSA § 5064, as enacted by PL 1973, c. 665, is repealed.

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