

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

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

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

Whereas, the Maine Criminal Justice Sentencing Institute provides a continuing forum for the regular discussion by criminal judges, prosecutors, law enforcement and correctional personnel of the most appropriate methods of sentencing convicted offenders; and

Whereas, the Maine Criminal Code, Title 17-A, which becomes effective on March 1, 1976, contains many changes in the criminal sentencing provisions of the Maine statutes which is and will be the subject of intensive work by said institute; and

Whereas, because the public laws of 1975, chapter 408 created the office of the State Court Administrator whose duties include the development and implementation of preservice and inservice educational and training programs for judicial personnel of the Judicial Department, it is deemed appropriate that the Court Administrator does assume the administrative supervision of the Criminal Justice Sentencing Institute at the earliest possible date; 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:

4 MRSA § 454, 1st sentence, as enacted by PL 1975, c. 610, § 1, is amended to read:

There is established a Maine Criminal Justice Sentencing Institute under the administrative supervision of the ~~Judicial Council~~ State Court Administrator to provide a continuing forum for the regular discussion by criminal judges, prosecutors, law enforcement and correctional personnel of the most appropriate methods of sentencing convicted offenders.

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

Effective February 27, 1976

CHAPTER 651

AN ACT Relating to Fiscal Year Transitions for Municipalities.

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

Whereas, the 107th Legislature enacted legislation requiring municipalities to adopt school budgets for fiscal years beginning on July 1st and ending June 30th; and

Whereas, there exists some ambiguity in the law as to when the change to the new fiscal year must occur; and

Whereas, several municipalities see administrative advantages in a single integrated budget and wish to change their municipal year to conform with the mandated school budget year; and

Whereas, several statutes relating to tax assessment and tax anticipation borrowing should be clarified to authorize the transition from one fiscal year to another; and

Whereas, the Legislative Committee on Local and County Government has been ordered to study the feasibility of a uniform fiscal year for the State and its political subdivisions and will report its findings to the Regular Session of the 108th Legislature; 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. 20 MRSA § 3453-A is enacted to read:

§ 3453-A. Municipal school budget

Notwithstanding any public or private statute or charter provision to the contrary, each administrative unit shall annually adopt a school budget for a period beginning on July 1st and ending on June 30th. The change to a uniform school budget year shall be accomplished so that a complete 12-month school budget year begins on July 1, 1977.

Sec. 2. 30 MRSA § 101-A, as enacted by PL 1975, c. 272, § 32, is repealed.

Sec. 3. 30 MRSA § 5110 is enacted to read:

§ 5110. Change in municipal year

A municipality may raise one or 2 taxes using a single valuation if the taxes raised are based on appropriations made for a municipal fiscal year that does not exceed 18 months. A municipal fiscal year may extend beyond the end of the current tax year and the municipal officers when changing the municipality's fiscal year may for transition purposes adopt one or more fiscal years not longer than 18 months each.

Sec. 4. 30 MRSA § 5151, sub-§ 1, 1st sentence, as last repealed and replaced by PL 1973, c. 681, § 14, is amended to read:

The amount borrowed in anticipation of taxes shall not exceed the total tax levy of the preceding municipal year or of the 2 preceding municipal years if together they do not extend beyond a period of 18 months.

Sec. 5. 30 MRSA § 5151, sub-§ 2, 1st sentence, as last repealed and replaced by PL 1973, c. 681, § 14, is amended to read:

The tax anticipation notes shall be paid in the municipal year in which they were made, except during a transition to a new municipal year, the notes shall be paid within 18 months of the first day of the municipal year in which they were made.

Sec. 6. 30 MRSA § 5153, as enacted by PL 1971, c. 583, is amended by adding at the end a new paragraph to read:

In addition, the municipal officers of any municipality may borrow in anticipation of any funds or reimbursements that the Legislature has authorized to be paid to municipalities for education purposes during the municipal year. The notes shall be paid from those funds received for educational purposes from state agencies during the municipal year.

Sec. 7. 36 MRSA § 709, as last amended by PL 1973, c. 66, § 9, is further amended to read:

§ 709. Assessment and commitment; list of residents

The assessors shall assess upon the estates in their municipality all municipal taxes and their due proportion of any state or county tax payable during the municipal year for which municipal taxes are being raised, make perfect lists thereof and commit the same, when completed and signed by a majority of them, to the tax collector of their municipality, if any, otherwise to the sheriff of the county or his deputy, with a warrant under their hands, in the form prescribed by section 753.

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

Effective February 27, 1976

CHAPTER 652

AN ACT Concerning Allowances Granted to Indian Representatives During Special Sessions.

Director's Note: Repealed by 1975, c. 750, §3 and directed not to be printed in the Session Laws of 1975. See 3 MRSA §2, as repealed and replaced by PL 1975, c. 750, §1.

Effective July 29, 1976