

# 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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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

**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]

Act shall take effect when approved.

Effective April 13, 1976

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## CHAPTER 754

### AN ACT Relating to Monthly School Tax Payments by Municipal Treasurers to the Treasurer of State.

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

Whereas, municipalities must often borrow money to make periodic payments of the uniform property tax to the Treasurer of State; and

Whereas, the Treasurer of State returns these funds to the municipalities within 4 days thereafter; and

Whereas, the cost of borrowing money creates an additional tax burden on the citizens of the municipalities; 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Sec. 1. 20 MRSA § 3747, sub-§ 3, first sentence, as enacted by PL 1975, c. 660, § 2, is repealed and the following enacted in place thereof:

Establish the basic education allocation for paragraphs A through G and subsection 5 and the appropriations for paragraphs H through J and subsections 4 and 7.

Sec. 2. 20 MRSA § 3747, sub-§ 6, as enacted by PL 1975, c. 660, § 2, is repealed and the following enacted in place thereof:

6. Appropriation for basic education allocation. Appropriate the necessary funds for the state's share of the basic education allocation. The Legislature shall allocate 90% of the amounts established for subsection 4 and subsection 3, paragraphs C, D, E and F, subparagraph (1).

Sec. 3. 20 MRSA § 3747, sub-§ 8, last sentence, as enacted by PL 1975, c. 660, § 2, is amended to read:

This rate shall produce an amount not to exceed 50% of the basic education ~~appropriation~~ allocation as established by the Legislature.

Sec. 4. 20 MRSA § 3748, sub-§ 2, last sentence, as enacted by PL 1975, c. 660, § 2, is amended to read:

The commissioner shall authorize payments of aid to the various administrative units in the amount of the subsidy allocation and any adjustments in such allocation within the periods required in section 3455 and sections 3457 to 3460, less the amount of state tax as required by Title 36, section 453.

Sec. 5. 20 MRSA § 3748, sub-§ 11, as enacted by PL 1975, c. 660, § 2, is repealed and the following enacted in place thereof:

11. Notification of allocation. The commissioner shall annually, on or before April 15th, notify the school committees or school directors of each administrative unit of the amount allocated to the unit. The superintendent of schools of each unit shall report to the municipal officers whenever the unit is notified of the allocation or a change is made in the allocation to a unit resulting from a December or June adjustment.

Sec. 6. 36 MRSA § 453, 2nd and 3rd sentences, as last repealed and replaced by PL 1975, c. 660, § 5, are repealed and the following enacted in place thereof:

Municipal treasurers shall, on or before the 20th of each month, certify to the Treasurer of State that  $\frac{1}{12}$  of the uniform property tax for the fiscal year ending June 30th has been made available to school officials to meet the state-local allocation requirements of the unit as approved by the voters at a budget meeting or meetings, by the issuance of a credit voucher and direct payment, if applicable. If the amount of the monthly credit voucher exceeds  $\frac{1}{12}$  of the total allocation to the unit, the treasurer of the municipality shall pay to the Treasurer of State the difference each month. Municipalities which are members of School Administrative Districts or community school districts under general law or special act shall submit monthly credit vouchers to the Treasurer of State for amounts paid to the governmental organization which provides education for children from that municipality. When any municipality fails to file such monthly vouchers certifying that appropriate payments have been made, the Treasurer of State shall take whatever action is necessary to ensure prompt statutory compliance. The Treasurer of State shall have the authority and is required to draw up reasonable guidelines to assist municipal officials in carrying out their duties under this section.

Sec. 7. 36 MRSA § 453-A is enacted to read:

#### § 453-A. Adjustments in appropriations

Income received by the Treasurer of State from the uniform property tax assessed for school purposes in excess of the amount estimated shall be appropriated to the major capital construction fund as defined in Title 20. Changes in the sums payable to the Treasurer of State by municipalities, due to subsidy adjustments required under Title 20, may necessitate appropriation adjustments. The Commissioner of Educational and Cultural Services shall, during the subsequent annual legislative session, advise the executive and legislative branches of any adjustments in appropriations required. The Legislature shall, during the final 2 weeks of that annual legislative session, adjust the appropriation to reflect any changes necessary in the sums payable to the Treasurer of State during the current fiscal year.

**Sec. 8. Appropriation.** The appropriation to the Department of Educational and Cultural Services for 1976-77 shall be reduced in "0308 Education—General Purpose Aid for Local Schools—All Other" by an amount of \$113,298,754, and the anticipated General Fund revenue from the state assessed property tax shall be reduced in an amount of \$113,298,754.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect July 3, 1976.

Effective July 3, 1976

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## CHAPTER 755

### AN ACT to Reorganize or Repeal Certain Activities and Agencies in Maine State Government.

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

Whereas, the reorganization of certain activities and agencies is found to be essential for the effective operation of Maine State Government; 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.** 5 MRSA § 711, sub-§ 11, as enacted by PL 1971, c. 350, § 1, and as amended by P & SL 1973, c. 53, is repealed and the following enacted in place thereof:

11. Officials of the Department of Mental Health and Corrections. The directors of Mental Health, of Mental Retardation and of Corrections, and the superintendents of the Augusta Mental Health Institute, of the Bangor Mental Health Institute and of the Pineland Center.

**Sec. 2.** 5 MRSA §§ 3306-3307, as enacted by PL 1967, c. 533, § 1, are repealed.

**Sec. 3.** 10 MRSA §§ 901-902, as amended by PL 1971, c. 584, § 1, are repealed.

**Sec. 4.** 22 MRSA § 1, 3rd ¶, as repealed and replaced by PL 1973, c. 793, § 1, is amended to read:

The commissioner may employ such bureau and division heads, deputies, assistants and employees as may be necessary to carry out the work of the department. All personnel of the department shall be under the immediate