

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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
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running along the line marked by LORAN A bearing 1H7-1160 in a westerly direction to a point where that line intersects with the line defined as the "second line" in section 4465, subsection 2.

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

Effective June 15, 1977

CHAPTER 322

AN ACT Relating to Partnerships Between Husbands and Wives.

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

Sec. 1. 19 MRSA § 164 is amended by adding at the end a new sentence to read:

This section shall not be construed to mean that a wife is not liable for the debts, contracted in the name of the partnership, of a partnership between husband and herself or between husband, herself and 3rd persons; nor shall it be construed to prohibit or limit the formation of a partnership between a husband and a wife or between a husband, wife and 3rd persons.

Sec. 2. 31 MRSA § 286, 1st sentence, as enacted by PL 1973, c. 377, § 1, is amended to read:

A partnership shall mean an association of 2 or more persons, including an association of a husband and wife, to carry on as co-owners a business for profit.

Effective October 24, 1977

CHAPTER 323

AN ACT Relating to the Spending Ceiling for Education Purposes.

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

Whereas, without legislation, effective July 1, 1977, which amends the School Finance Act of 1976, a ceiling on education expenditures will be re-imposed on all local education units; and

Whereas, some school units may not be able to provide sufficient funds for local education programs without spending above the present limits; 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 § 3744, sub-§ 1, ¶ O, as repealed and replaced by PL 1975, c. 746, § 24-C, is repealed and the following enacted in its place:

O. Optional local funds without state participation raised under section 3749, subsection 1, including the 10% local portion of paragraphs C to F expended during the base year; and

Sec. 2. 20 MRSA § 3744, sub-§ 1, ¶ P is enacted to read:

P. Funds raised under a hardship waiver granted by the State Board of Education under section 3749, subsection 3, and expended during the base year.

Sec. 3. 20 MRSA § 3748, sub-§ 4, last ¶, as enacted by PL 1975, c. 660, § 2, is repealed.

Sec. 4. 20 MRSA § 3749, as amended by PL 1975, c. 746, § 24-V, is repealed and the following enacted in its place:

§ 3749. Local funds without state participation

In addition to the funds available under section 3748, any local administrative unit is authorized to raise and expend funds as follows.

1. Local addition to allocation of state funds. In addition to the allocation of state funds provided by this chapter and such appropriations that may be made under section 3748, subsection 4, any administrative unit may raise and expend the difference between its computed elementary and secondary per pupil operating costs for the base year, as adjusted, and the basic elementary and secondary per pupil operating rates, respectively, as established under section 3747, subsections 1 and 2. The total amount authorized for any administrative unit shall be computed by multiplying the above differences by the average number of resident elementary and secondary pupils, respectively, who are enrolled on April 1st and October 1st of the calendar year immediately prior to the year of allocation.

2. Calculation of operating costs. For the purposes of this chapter, moneys raised under subsection 1 shall be included in any future calculation of the administrative unit's elementary and secondary per pupil operating costs, but shall not be included in any future calculations of the state average or total operating costs.

3. Hardship waiver. If any unit petitions to the State Board of Education and demonstrates that unusual circumstances require additional appropriations and expenditures in order to avoid serious educational hardship in the

unit, the State Board of Education shall grant authority to the unit to make additional appropriations for school purposes. Moneys appropriated under such a special grant of authority by the State Board of Education shall be included in any future calculations of the administrative unit's elementary and secondary per pupil operating costs, but shall not be included in any future calculations of the state average or total operating costs.

4. Major capital projects. In the event the administrative unit undertakes major capital projects without the approval of the State Board of Education, such projects shall meet the requirements of all other statutes and shall not be reimbursed with state funds.

5. Spending limit. No unit shall raise and expend funds for purposes of elementary and secondary education except as authorized in this chapter.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1977. In section 4 of this Act, section 3749, subsection 3 shall be in effect from July 1, 1977 until June 30, 1978.

Effective July 1, 1977, unless otherwise indicated

CHAPTER 324

AN ACT to Revise the Excise Tax on Camper Trailers.

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

Sec. 1. 36 MRSA § 1481, sub-§ 1-A, as repealed and replaced by PL 1975, c. 252, § 16, is amended to read:

1-A. Camper trailer. "~~Camp~~ Camper trailer" shall mean:

A. A trailer or semitrailer of less than 32 feet in length primarily designed and constructed to provide temporary living quarters for recreational, camping, travel or other use.

B. A manufactured or homemade tent trailer, so called, which consists of a platform, shelf or box, with means of permanently or temporarily attaching a tent, used to provide temporary living quarters for recreational, camping, travel or other use.

Sec. 2. 36 MRSA § 1482, sub-§ 1, ¶ A-1, as enacted by PL 1965, c. 18, § 5, is repealed and the following enacted in its place:

A-1. Camper trailer. For the privilege of operating a camper trailer upon the public ways, each camper trailer so operated shall be subject to an excise tax as follows: A sum equal to 24 mills on each dollar of the maker's list price for the first or current year of model, 17½ mills for the 2nd year,