

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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4. Exception. This section does not apply to cities or towns whose charters specify different methods of reapportionment.

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

Effective April 27, 1981

CHAPTER 209

H. P. 166 — L. D. 230

AN ACT to Clarify the School Construction Law.

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

Sec. 1. 20 MRSA § 3471, sub-§ 2, ¶ E, sub-¶ (1), as amended by PL 1979, c. 691, § 18, is further amended to read:

(1) In a town or city where the responsibility for final adoption of the school budget is vested in a town or city council by municipal charter, or in a town meeting, the election shall be ~~conducted~~ **conducted by secret ballot** in accordance with the appropriate provisions set forth in Title 21 and Title 30.

Sec. 2. 20 MRSA § 3471, sub-§ 2, ¶ E, sub-¶ (4), div. (a) and (e), as enacted by PL 1979, c. 260, are amended to read:

(a) That the initial local share of the total cost of the project shall be 5% of the total cost or one mill multiplied by the unit's ~~initial~~ state valuation, whichever is less;

(e) The rate of ~~the~~ reimbursement from state General Fund revenue sources ~~for debt service costs~~ in the year in which the project received concept approval.

Sec. 3. 20 MRSA § 3472, as last amended by PL 1979, c. 670, § 14, is further amended to read:

§ 3472. School construction financing

1. Rate of construction aid; sale of bonds. The unit's initial local share of the total cost of each project shall be either 5% of the total cost or the equivalent of one mill multiplied by the unit's ~~initial~~ state valuation, whichever is less. The one mill shall be calculated on the state valuation in effect at the time the project is first approved by the State Board of Education. The unit's initial local share shall

be applied to the project costs during the period of construction. The unit's initial local share may be derived from either local appropriations or gifts or any combination of gifts and local appropriations. The unit's initial local share shall not be considered an educational cost for purposes of subsidy reimbursement under chapter 515.

~~A. Local units shall sell bonds in their name in the amount of the state's share. Such sale shall be consistent with rules and regulations adopted by the board. The amount to be bonded shall be determined as follows. The total cost of the project shall be reduced by the local share, any proceeds from insured losses, any money from federal sources, and any other noneducation funds, except gifts and moneys from federal revenue sharing sources. The total cost of the project shall be reduced by the initial local share, any money from federal sources, and any other noneducation funds, except gifts and money from federal revenue sharing sources. Administrative units shall sell bonds in their names in the amount of this reduced total cost. The sale shall be consistent with rules and regulations adopted by the board.~~

~~B. Administrative units shall have authority to borrow money for projects in anticipation of bond sales, providing such borrowing is within rules and regulations established by the State Board of Education. Administrative units shall have authority to sell bonds consistent with State Board of Education rules and regulations~~

~~C. The State shall pay its share of project costs to units as the bonds become due~~

2. Deductions; cost of project. Proceeds from insured losses, money from federal sources and any other noneducation funds shall be deducted from the total cost of the project in order to determine the amount on which the state's share shall be calculated, except that proceeds from gifts or moneys from federal revenue sharing sources shall be treated as local appropriations.

3. Total cost defined. Total costs of school construction projects shall be defined as all costs related to or incidental to the project, except financing costs and proceeds from insured losses.

4. Unit's authority to raise funds. Administrative units shall have authority to sell bonds to raise the local share of project costs.

~~**5. Payment of state debt service allocation.** The State shall pay its share of project costs to the units according to the unit's debt retirement schedule. The state allocation for debt service costs shall be paid by the commissioner to each unit according to that unit's debt retirement schedule.~~

6. Local funds nonreimbursable, chapter 515. Notwithstanding any other statute to the contrary, the initial local share of school construction projects shall not be considered education costs for purposes of reimbursement in any way

~~under chapter 515. Expenditures for the state and local share of school construction projects including gifts shall be considered as outside any limit on expenditures by local units under chapter 515.~~

Effective September 18, 1981

CHAPTER 210

H. P. 509 — L. D. 560

AN ACT to Authorize Certain Crossings of Public Ways under the Highway Laws.

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

Sec. 1. 29 MRSA § 1652, sub-§ 5 is enacted to read:

5. Private ways and bridges. This section does not apply to private ways and bridges.

Sec. 2. 29 MRSA § 1704 is enacted to read:

§ 1704. Crossing of public way

1. Authorization. Notwithstanding any other provision of law, the Department of Transportation in respect to state aid highways and other ways maintained by the department, municipal officers in respect to public ways within their municipality and the county commissioners in respect to county roads in the unorganized territory may authorize the crossing of ways by vehicles or objects having a length, width, height or weight greater than specified in this Title, and such authority may be in the form of a contract between the department, municipal officers or county commissioners and the abutting landowners at the designated crossing. Any contract entered into pursuant to this section shall contain, among other things, the following:

A. The term for which the authorization is to remain valid, which term may extend for a term of years;

B. Provisions for reimbursement to the department, municipality or county for costs of repair or maintenance of the way arising out of the use of the crossing; and

C. Such other terms and conditions as may pertain to safety, grading and maintenance as the department may require.