

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
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distributed to each school, accurately accounted for and economically used.

Sec. 17. 20-A MRSA §1055, sub-§10, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

10. Supervise school employees. The superintendent ~~shall direct and supervise the work~~ is responsible for the evaluation of all teachers and other employees of the school administrative unit.

Sec. 18. 20-A MRSA §1205, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Transfer of governing authority. The school directors shall, on the date established in subsection 1, assume responsibility for the management and control of the public schools within the former school administrative units within the district and these former school administrative units ~~shall~~ on that date have no further responsibility for the operation or control of the public schools within the district.

Sec. 19. 20-A MRSA §1256, sub-§3, as amended by PL 1983, c. 485, §11, is further amended to read:

3. Operating schools. ~~May operate~~ authorize and oversee the operation of elementary schools;

Sec. 20. 20-A MRSA §1256, sub-§7, ¶B, as amended by PL 1987, c. 737, Pt. C, §§39 and 106 and PL 1989, c. 6, c. 9, §2, c. 104, Pt. C, §§8 and 10, is further amended to read:

B. If the gift is in trust, the board shall ~~deposit cause the trust funds to be deposited or invest those trust funds invested~~ according to Title 30-A, chapter 223, subchapter III-A.

(1) Unless prohibited by a trust instrument, the district may treat any 2 or more trust funds as a single fund for the purposes of investment.

(2) After deduction for management expenses, any interest earned or capital gains realized ~~shall~~ must be prorated among the various trust funds.

(3) Property or securities included in the corpus of a trust fund ~~shall~~ must be retained where the trust instrument so provides.

(4) Unless otherwise specified in the trust instrument, only the annual income from the trust fund may be spent.

(5) If the district fails to comply with the terms of the trust instrument, the trust fund reverts to the donor or the donor's heirs.

See title page for effective date.

CHAPTER 589

H.P. 1664 - L.D. 2169

An Act to Ensure Proper Disbursement of Matching Funds under the Maine Clean Election Act

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

Sec. 1. 21-A MRSA §1017, sub-§3-B, ¶B, as corrected by RR 2001, c. 1, §25, is amended to read:

B. A nonparticipating candidate with a Maine Clean Election Act opponent shall file the following additional reports detailing the candidate's total campaign contributions, obligations and expenditures to date, unless that candidate signs an affidavit by the date the report is due, attesting that the candidate has not received, spent or obligated an amount sufficient to require a report under paragraph A:

(1) A report filed not later than 5 p.m. on the 42nd day before the date on which an election is held and complete as of the ~~49th~~ 44th day before that date;

(2) A report filed no later than 5 p.m. on the 21st day before the date on which an election is held and complete as of the ~~28th~~ 23rd day before that date; and

(3) A report filed no later than 5 p.m. on the 12th day before the date on which an election is held and complete as of the ~~19th~~ 14th day before that date.

Sec. 2. 21-A MRSA §1017, sub-§3-B, ¶C is enacted to read:

C. A candidate who is required to file a report under paragraph A must file with the commission an updated report that reports single expenditures in the following amounts that are made after the 14th day before an election and more than 48 hours before 5:00 p.m. on the date of that election:

(1) For a candidate for Governor, a single expenditure of \$1,000;

(2) For a candidate for the state Senate, a single expenditure of \$750; and

(3) For a candidate for the state House of Representatives, a single expenditure of \$500.

A report filed pursuant to this paragraph must be filed within 48 hours of the expenditure.

See title page for effective date.

CHAPTER 590

H.P. 1362 - L.D. 1819

An Act to Give the Maine Technical College System Limited Revenue Bonding Authority

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

Sec. 1. 20-A MRSA §12706, sub-§18, as enacted by PL 1985, c. 695, §11, is amended to read:

18. Delegation; other powers. To delegate duties and responsibilities as necessary for the efficient operation of this chapter and to do any other acts or things necessary or convenient to carry out the powers expressly granted or reasonably implied in this chapter; ~~and~~

Sec. 2. 20-A MRSA §12706, sub-§19, as amended by PL 1989, c. 443, §39, is further amended to read:

19. Advisory committees. To appoint or identify advisory committees to advise the board of trustees with respect to vocational and technical education and training policies and programs, to procedures for modifying the programs of the colleges to meet the needs of the State's economy and the changing job market and to the efficient operation of the colleges and the Maine Technical College System Office. These committees may include, but need not be limited to, the Maine Council on Vocational Education, authorized under the United States Carl D. Perkins Vocational Education Act, Section 112, Public Law 98-524, or its successor; and

Sec. 3. 20-A MRSA §12706, sub-§20 is enacted to read:

20. Debt. To borrow funds, issue bonds and negotiate notes and other evidences of indebtedness or obligations of the system for renovation, public improvements, land acquisition and construction

purposes to pay for costs as defined in Title 22, section 2053, subsection 3. The board of trustees may issue temporary notes and renewal notes to pay for those costs. Bonds, notes or other evidences of indebtedness or obligations of the system are legal obligations of the system on behalf of the State and are payable solely from the system's revenues and other sources of funds, including funds obtained pursuant to Title 22, section 2053, subsection 4-B, paragraph A. These borrowings by the system do not constitute debts or liabilities of, and are not includable in, any debt obligation of the State. The board of trustees has the discretion to fix the date, maturities, denomination, interest rate, place of payment, form and other details of the bonds or notes of the system. Unless otherwise provided in the vote authorizing their issuance, bonds or notes of the system must be signed by the president of the system and countersigned by the chair of the board of trustees. The aggregate principal amount of outstanding bonds, notes or other evidences of indebtedness of the system may not exceed \$35,000,000 at any one time, excluding temporary notes and renewal notes. The bonds may be issued through the Maine Health and Higher Education Facilities Authority. The board of trustees may pledge or assign its revenues, including any funds that have been or may be appropriated to the system, and the proceeds of those revenues and its other property as security toward its bonds, notes, other evidences of indebtedness or other obligations of the system. The proceeds of bonds, notes or other evidences of indebtedness may be invested in accordance with subsection 8. Bonds, notes and other evidences of indebtedness issued under this subsection are not debts of the State, nor a pledge of the credit of the State, but are payable solely from the funds of the system. Indebtedness incurred and evidences of indebtedness issued under this chapter constitute a proper public purpose, and all income derived is exempt from taxation in the State. The net earnings of the system may not inure to the benefit of any private person, and no borrowing may be effected pursuant to this chapter unless the amount of the borrowing and the project or projects are submitted to the Office of Fiscal and Program Review for review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least 60 days before closing on such borrowing for the project or projects is to be initiated.

Sec. 4. 22 MRSA §2053, sub-§4-B, ¶A, as enacted by PL 1993, c. 706, Pt. A, §5, is amended to read:

A. Any private, nonprofit or charitable institution or organization engaged in the operation of, or formed for the purpose of operating, an educational institution within this State, including the Maine Technical College System, that, by virtue of law or charter, is an educational institu-