

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1310

S. P. 414

In Senate, February 19, 1965

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Violette of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT to Correct Errors and Inconsistencies in the Public Laws.

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

Sec. 1. R. S., T. 1, c. 11, sub-c. III, additional. Chapter 11 of Title 1 of the Revised Statutes is amended by adding a new subchapter III, to read as follows:

'SUBCHAPTER III

REVISED STATUTES

§ 361. Positive law

The Legislature declares that the Maine Revised Statutes and the Maine Revised Statutes Annotated are identical as to the text of the law. Since the text of the revision has been enacted by the Legislature, it is positive law.

§ 362. Supplements as part of Revised Statutes

The laws contained in any current pocket parts or supplements to the Revised Statutes, printed and published hereafter under contract or otherwise as may be authorized by law, shall constitute, prima facie, a part of the Revised Statutes if such laws, as so contained, purport to represent reproduction of statutory amendments of the Revised Statutes, as stated in accompanying notes thereto and are so certified by the Secretary of State. If any such pocket parts or supplements are printed and published on a cumulative basis, then only such laws contained in the latest publication thereof shall constitute, prima facie, a part of the Revised Statutes.

§ 363. Secretary of State

To entitle any copy of a law published in the Revised Statutes of 1964 to be

read in evidence, there shall be contained in the same book a printed certificate of the Secretary of State that such copy is a correct transcript of the text of the original laws. A facsimile of the signature of the Secretary of State imprinted by or at his direction upon such certificate shall have the same validity as his written signature.'

Sec. 2. R. S., T. 1, § 503, repealed and replaced. Section 503 of Title 1 of the Revised Statutes is repealed and the following enacted in place thereof:

'§ 503. Delivery to successor in office

All revisions of the statutes, and supplements thereto, the session laws and the Maine Reports sold or furnished to any state, county or municipal officer, shall be held in trust by said officer for the sole use of his office; and at the expiration of his term of office or on his removal therefrom by death, resignation or other cause, such officer, or if he is dead, his legal representatives, shall turn them over to his successor in office. If there is no successor to his office, such officer, or his legal representatives, shall turn over all of said publications to the State, county or municipal unit which purchased the same. Copies of said publications distributed or sold to Justices and Ex-justices of the Supreme Judicial and Superior Courts shall be and remain the personal property of said justices.'

Sec. 3. R. S., T. 4, § 154, sub-§§ 7, 8, 9 and 11, amended. Subsections 7, 8, 9 and 11 of section 154 of Title 4 of the Revised Statutes are amended to read as follows:

'7. Seventh District. The 7th district consists of the divisions of Northern Kennebec (Waterville) and Southern Kennebec (Augusta) ~~and Northern Androscoggin (Livermore Falls).~~

8. Eighth District. The 8th district consists of the divisions of Southern Androscoggin (Lewiston) and Eastern Cumberland (Brunswick) ~~and Northern Cumberland (Bridgton).~~

9. Ninth District. The 9th district consists of the ~~division~~ divisions of Southern Cumberland (Portland) and Northern Cumberland (Bridgton).'

'11. Eleventh District. The 11th district consists of the divisions of Northern Androscoggin (Livermore Falls), Franklin (Farmington), Northern Oxford (Rumford) and Southern Oxford (South Paris).'

Sec. 4. R. S., T. 4, § 168, amended. Section 168 of Title 4 of the Revised Statutes is amended to read as follows:

'§ 168. Examination to determine sanity of accused

A Judge of the District Court may order a person, who is accused of an offense, to be examined by a physician ~~on the same day as the order~~, to determine whether or not such person is insane. The cost of such examination shall be paid from the treasury of the county in which the action is pending.'

Sec. 5. R. S., T. 4, § 171, amended. The last 3 paragraphs of section 171 of Title 4 of the Revised Statutes are amended to read as follows:

'He may, and on complaint shall, cause to be arrested persons found within his county charged with offenses; and those having committed offenses therein who have escaped therefrom; and all persons charged with felonies, offenses and misdemeanors, and all affrayers, rioters, breakers of the peace and violators of the law, and may require such offenders to find sureties for keeping the peace; ~~the jurisdiction of the District Court for trial, he the judge may cause them to and when.~~ **When** the offense on examination is found to be one not within ~~his~~ **the jurisdiction of the District Court for trial, he the judge** may cause them to recognize with sufficient sureties to appear before the Superior Court, and, in default thereof, shall commit them.

~~He~~ **The District Court Judge** may try those brought before him for offenses within his jurisdiction, although the penalty or fine accrues wholly or partly to his town.

Warrants issued by such ~~judges~~ **proper officer of the District Court** in criminal cases shall be under seal and be signed by them at the time they are issued.'

Sec. 6. R. S., T. 5, § 1124, sub-§ 1, ¶ B, sub-¶ (2), amended. The first paragraph of subparagraph (2) of paragraph B of subsection 1 of section 1124 of Title 5 of the Revised Statutes is amended to read as follows:

'Should a member die as the result of illness or injury received in line of duty while in the service of the State of Maine, irrespective of the number of years of creditable service, ~~divisions (a), (b), (c) or (e)~~ **paragraph B, subparagraph (1), divisions (a), (b), (c) or (e)** shall be payable if applicable. If the member died on or after March 1, 1952 as a result of illness or injury received in line of duty while in the service of the State of Maine, ~~divisions (a), (b), (c) or (e)~~ **paragraph B, subparagraph (1), division (a), (b), (c) or (e)** shall be payable if applicable, except that the payments shall begin on the first day of the month following September 16, 1961 and shall not be retroactive to the date of death if the death occurred before July 1, 1957.'

Sec. 7. R. S., T. 12, § 3855, sub-§ 4, repealed. Subsection 4 of section 3855 of Title 12 of the Revised Statutes is repealed, as follows:

~~'4. Penalty. Any person, firm or corporation who violates any provision of this section shall be punished by a fine of not less than \$100 nor more than \$500 for each offense, or by imprisonment for not more than 60 days.'~~

Sec. 8. R. S., T. 12, § 3857, amended. Section 3857 of Title 12 of the Revised Statutes is amended to read as follows:

§ 3857. Penalties

Any person, firm or corporation who violates any provision of sections 3852, 3853 ~~or~~, 3854 and 3855 shall be punished by a fine of not less than \$100 nor more than \$500 for each offense, or by imprisonment for not more than 60 days.'

Sec. 9. R. S., T. 12, § 4651, amended. Section 4651 of Title 12 of the Revised Statutes is amended to read as follows:

§ 4651. Ratification

The Governor of this State is authorized and directed to execute a compact on

behalf of the State of Maine with any one or more of the states of New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, **Pennsylvania**, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida and with such other states as may enter into the compact, legally joining therein in the form substantially as in this chapter.'

Sec. 10. R. S., T. 15, § 703, amended. Section 703 of Title 15 of the Revised Statutes is amended to read as follows :

§ 703. Officer's oath to complaint

When it is the duty of an officer to make complaint before any judge, **clerk or complaint justice**, he may make oath to it according to his knowledge and belief.'

Sec. 11. R. S., T. 15, § 801, amended. The first sentence of section 801 of Title 15 of the Revised Statutes is amended to read as follows :

'Every person arrested for an offense shall be brought before the **judge court** issuing the warrant ~~or some other in the same county~~ for examination.'

Sec. 12. R. S., T. 18, § 1057, amended. The first sentence of section 1057 of Title 18 of the Revised Statutes is amended to read as follows :

'When a provision is made in a will for the widow of a testator who died after the 26th day of April, 1897, or for the widower of a testatrix who died after the first day of June, 1903, and such provision is waived, such widow or widower shall have and receive the same share of the real estate and the same distributive share of the real and personal estate of such testator or testatrix as is provided by law in intestate estates, except that if such testator or testatrix died leaving no kindred **within the 2nd degree**, such widow or widower shall have and receive the same share of the real estate and the same distributive share of the real and personal estate of such testator or testatrix as is provided by law in intestate estates of persons deceased who die leaving kindred **within the 2nd degree**.'

Sec. 13. R. S., T. 20, § 3722, amended. Table I of section 3722 of Title 20 of the Revised Statutes is amended to read as follows :

'TABLE I

Size of School Administrative Unit Based on Average Daily Membership	Necessary	
	Elementary Schools Grades Sub-primary to 8	Secondary Schools
1 - 25	\$3,000 + \$140 per pupil (+)	\$9,000 + \$300 per pupil (1)
26 - 50	\$250 per pupil (+)	\$470 per pupil (1)
51 - 100	\$240 per pupil (+)	\$465 per pupil (1)
101 - 200	\$235 per pupil (+)	\$435 per pupil (1)
201 - 300	\$230 per pupil	\$430 per pupil (1)
301 - 500	\$230 per pupil	\$390 per pupil
501 - 800	\$225 per pupil	\$380 per pupil
801 and over	\$225 per pupil	\$350 per pupil'

Sec. 14. R. S., T. 21, § 102, sub-§ 5, additional. Section 102 of Title 21 of the Revised Statutes is amended by adding a new subsection 5, to read as follows:

'5. Residents of unorganized territory. If all other legal requirements are complied with, residents of unorganized territory not apportioned within a specific area shall be allowed to register and vote in the nearest accessible organized municipality within the same county and, for this purpose, shall be considered classed in the same representative district.'

Sec. 15. R. S., T. 21, § 1154, amended. The first sentence of section 1154 of Title 21 of the Revised Statutes is amended to read as follows:

'Any resident of the municipality affected may inspect referendum ballots, have ~~then~~ ~~them~~ recounted and appeal those disputed to the Governor and Council as provided in sections 1151 to 1153.'

Sec. 16. R. S., T. 26, § 141, sub-§ 4, amended. Subsection 4 of section 141 of Title 26 of the Revised Statutes is amended to read as follows:

'4. Miniature boiler. "Miniature boiler" shall mean a boiler as defined by the American Society of Mechanical ~~Engineers~~ **Engineers Code.**'

Sec. 17. R. S., T. 26, § 953, amended. The 4th sentence of the 2nd paragraph of section 953 of Title 26 of the Revised Statutes is amended to read as follows:

'If the making of the collective bargaining contract or of the written submission agreement for arbitration ~~of~~ ~~or~~ the failure, neglect or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof.'

Sec. 18. R. S., T. 27, § 62, repealed and replaced. Section 62 of Title 27 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 62. Distribution and sale

Copies of the Revised Statutes, supplements thereto, and session laws shall be delivered by the printer to the State Librarian for distribution and for sale.'

Sec. 19. R. S., T. 27, § 65, repealed and replaced. Section 65 of Title 27 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 65. Recipients authorized

A copy of all revisions of the statutes, and supplements thereto, and the session laws shall be sold at the established price to the following: Each free public library, college library, municipality, county attorney, clerk of courts, county commissioners' court, sheriff, county treasurer, register of deeds, register of probate, judge of probate and ex-governor.

A copy of all revisions of the statutes, and supplements thereto, and the session laws shall be furnished to each county law library, Justice and Ex-justice of the Supreme Judicial Court, Justice and Ex-justice of the Superior Court, District Court, Councillor, the Governor, Reporter of Decisions, Judge of the United States District Court for Maine, United States District Attorney for Maine, Clerk of the United States District Court for Maine, the Library of the United

States Court of Appeals for the first circuit, Senator and Representative from Maine in the Congress of the United States, the Secretary of the Senate and the Clerk of the House.

The Legislature, state administrative departments, bureaus, agencies and commissions shall be sold or furnished copies necessary for legislative or administrative purposes under rules and regulations promulgated by the State Librarian.

Copies shall be sent, on an exchange basis, to the Library of Congress, secretary of the Maine State Bar Association, the Supreme Court Library of Canada and to each state or territorial library in the United States.

One copy of the laws passed by each session of the Legislature shall be given to each member thereof, the Secretary of the Senate, the Assistant Secretary of the Senate, the Clerk of the House and the Assistant Clerk of the House.

One copy of the latest unannotated revision of the statutes and the current supplement thereto shall be given to each Member of the Legislature who has not previously received such a copy as a Member of the Legislature which enacted the revision or a Legislature which met in regular session after the effective date of such revision of statutes.

The remaining copies of the revisions of the statutes, and supplements thereto, and the session laws shall be held in the library for exchange or library use, except as otherwise provided by law.'

Sec. 20. R. S., T. 32, § 2902, amended. The last paragraph of section 2902 of Title 32 of the Revised Statutes is amended to read as follows:

'Every person holding a valid and unexpired certificate of registration as a registered assistant pharmacist, in the State of Maine, on July 1, 1960, may be permitted to qualify as a registered pharmacist by examination as such, prior to July 1, 1966, provided such a registered assistant pharmacist has held such a certificate for a minimum of 5 years and shall have been in actual practice as a registered assistant as actively engaged in retail or hospital practice ~~or~~ of pharmacy for a minimum of at least 3 years immediately preceding the date of his application for examination by the Maine State Board of Pharmacy as a registered pharmacist. No applicant who fails in 2 such examinations, by July 1, 1966, shall be permitted to qualify for any additional examinations as a registered pharmacist.'

Sec. 21. R. S., T. 32, § 3953, amended. The 2nd sentence of section 3953 of Title 32 of the Revised Statutes is repealed, as follows:

~~'The board may waive an examination and the requirements of section 3951, subsection 5, for any person who is qualified by training and experience to practice psychology and who had been engaged in such practice for at least 3 years prior to August 8, 1953.'~~

Sec. 22. R. S., T. 36, § 2912, amended. The 6th and 7th sentences of section 2912 of Title 36 of the Revised Statutes are amended to read as follows:

'The Aeronautics Commission is authorized and directed to expend so much of

the Aeronautical Fund as may be necessary for the purposes of carrying out the duties imposed upon it by law and to expend any unexpended balance in such fund toward the development and promotion of aviation, and to assist in construction, repair and the maintenance of, and the removal of snow from, municipal, state, **county** and federal airports in this State, and assist in the construction and maintenance of a system of air marking, in such manner and in such amounts as it shall deem equitable. Such assistance may likewise be given for snow removal on a state, federal, **county** or municipal owned airport used by a commercial air carrier of passengers and freight operating on a regular schedule, this assistance being extended to such carrier where the state, federal, **county** or municipal owner does not obligate itself and the airport is open to itinerant planes.'

Sec. 23. R. S., T. 38, § 369, amended. That part of section 369 of Title 38 of the Revised Statutes, under the caption "**Lincoln County—Medomak River Drainage**", is amended by repealing subsection 2, as follows:

'~~2. Medomak River, main stem, from a point 400 feet above the Route 4 bridge in Waldeboro to the head of tide — Class C.~~

Sec. 24. R. S., T. 38, § 370, amended. That part of section 370 of Title 38 of the Revised Statutes, under the caption "**Cumberland County**" is amended by adding a new subsection 8-A, to read as follows:

'8-A. South Portland.

A. All tidal waters in the City of South Portland—Class SC.'

Sec. 25. R. S., T. 38, § 411, amended. Section 411 of Title 38 of the Revised Statutes is amended by adding at the end, a new paragraph, as follows:

'All proceeds of the sale of bonds for the construction and equipment of pollution abatement facilities to be expended under the direction and supervision of the Water Improvement Commission shall be segregated, apportioned and expended as provided by the Legislature.'

Sec. 26. P. L., 1963, c. 437, repealed. Chapter 437 of the public laws of 1963 is repealed.

Sec. 27. P. L., 1963, c. 438, repealed Chapter 438 of the public laws of 1963 is repealed.

Sec. 28. P. L., 1963, c. 439, repealed. Chapter 439 of the public laws of 1963 is repealed.

Sec. 29. District Court defined. Wherever the words "District Court" are used in any law enacted by the 102nd Legislature, they shall also mean "municipal court" or "trial justice" as long as such a court or a trial justice continues to exist.