

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

S
D. OF R.

STATE OF MAINE
SENATE
105TH LEGISLATURE

SENATE AMENDMENT " A" to S. P. 641, L. D. 1835, Bill, "AN ACT to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by striking out all of section 10 and inserting in place thereof the following:

'Sec. 10. R. S., T. 5, §151-A, amended. Section 151-A of Title 5 of the Revised Statutes, as enacted by Section E of chapter 154 of the private and special laws and as repealed and replaced by section 8 of chapter 544 of the public laws, both of 1967, is amended to read as follows:
§151-A. Income from temporary investment of bonds

All net income realized from the temporary investment of bond proceeds on general fund bond issues approved by the 103rd Legislature and future Legislatures shall be credited to a special account designated as Debt Service Account, and used only for the retirement of bonds and notes.'

Further amend said Bill by striking out all of section 13.

Further amend said Bill by inserting after section 15 the following:

'Sec. 15-A. R. S., T. 5, §1772-A, additional. Title 5 of the Revised Statutes is amended by adding a new section 1772-A to read as follows:

§1772-A. User fees

The Bureau of Public Improvements shall establish and charge user fees for any or all parking facilities within the legally designated capitol complex, if considered feasible and with the approval of the Governor and the Executive Council.

All user fees shall be credited to the General Fund.'

Further amend said Bill by inserting after section 18 the following:

'Sec. 18-A. R. S., T. 7, §1090, amended. The 3rd sentence of the last paragraph of section 1090 of Title 7 of the Revised Statutes, as enacted by chapter 438 of the public laws of 1971, is amended to read as follows:

(Filing No. S-312)

In view of these facts, the Legislature has determined that it is in the best interests of those engaged in agriculture and agriculturally related industry, and of the people of the entire State to regulate the relationship of producers to dealers and processors by encouraging and facilitating the formation and operation of-a-cooperative agricultural marketing association associations.

Sec. 18-B. Effective date. Section 18-A shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill by inserting after section 28 the following:

'Sec. 28-A. R. S., T. 12, §602, sub-§9, amended. The first sentence of subsection 9 of section 602 of Title 12 of the Revised Statutes, as amended by chapter 47 of the public laws of 1971, is further amended to read as follows:

To accept and receive funds from the Federal Government for all purposes relating to parks, recreational areas and property included in the National Register of Historic Places as defined in 16 U.S.C. §470 a.

(a) (1) (P. L. 89-665).

Sec. 28-B. R. S., T. 12, §682, sub-§2, repealed and replaced.

Subsection 2 of section 682 of Title 12 of the Revised Statutes, as enacted by chapter 494 of the public laws of 1969 and as repealed and replaced by section 2 of chapter 457 of the public laws of 1971, is repealed and the following enacted in place thereof:

2. Subdivision. A subdivision is a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, or by sale of the land by metes and bounds or by leasing.

(Filing No. S-312)

No sale or leasing of any lot or parcel shall be considered a subdivision if such lot or parcel is not less than 40 acres in size except where the intent of such conveyance is to avoid the objectives of this statute.

Sec. 28-C. R. S., T. 12, §685-A, sub-§6, amended. The first sentence of subsection 6 of section 685-A of Title 12 of the Revised Statutes, as enacted by section 5 of chapter 457 of the public laws of 1971, is amended to read as follows:

Prior to the adoption of district boundaries and land use guidance standards as provided in subsections 1 and 3, the commission shall by July 1, ~~1972~~ 1973 adopt and enforce interim land use guidance standards for temporary districts whose boundaries shall be determined and delineated on interim land use guidance maps.

Sec. 28-D. R. S., T. 12, §685-A, sub-§7, amended. The first, 3rd and 7th paragraphs of subsection 7 of section 685-A of Title 12 of the Revised Statutes, as enacted by section 5 of chapter 457 of the public laws of 1971, are amended to read as follows:

Within 45 days after the proposed land use district boundaries, or guidance standards ~~or~~ amendments are prepared or received by the commission, the commission shall hold a public hearing at a time and place convenient to all persons affected by the proposal.

Such notices shall state the purpose, time and place of the hearing and shall indicate the time and place where copies of the proposed maps and standards ~~or~~ amendments thereof may be inspected or obtained prior to the hearing.

(Filing No. S-312)

The land use district boundaries, or standards ~~or amendments~~ shall be adopted within 45 days from final adjournment of the hearing.

Sec. 28-E. R. S., T. 12, §685-A, sub-§10, amended. The last paragraph of subsection 10 of section 685-A of Title 12 of the Revised Statutes, as enacted by section 5 of chapter 457 of the public laws of 1971, is repealed and the following enacted in place thereof: The commission shall conduct a hearing in the manner provided in section 685-B, subsection 3.

Sec. 28-F. R. S., T. 12, §685-B, sub-§3, amended. The last sentence of the first paragraph of subsection 3 of section 685-B of Title 12 of the Revised Statutes, as enacted by section 5 of chapter 457 of the public laws of 1971, is amended to read as follows: Public notice shall be given 3 publications in the state paper and such daily papers published in the State as is determined will bring the proposals to the attention of all interested parties; the date of the first publication to be at least 30 15, and the last publication to be at least 3, days prior to the hearing.

Sec. 28-G. R. S., T. 12, §685-B, sub-§6, amended. The 3rd paragraph of subsection 6 of section 685-B of Title 12 of the Revised Statutes, as enacted by section 5 of chapter 457 of the public laws of 1971, is repealed and the following enacted in place thereof: A register of deeds shall not record any plat or any document purporting to subdivide land located within the unorganized and deorganized lands of the State unless the commission's approval is evidenced thereon.

(Filing No. S-312)

Sec. 28-H. R. S., T. 12, §685-B, sub-§7 , amended. The last paragraph of subsection 7 of section 685-B of Title 12 of the Revised Statutes, as enacted by section 5 of chapter 457 of the public laws of 1971, is amended to read as follows:

Any use for which a special exception has been granted by the commission, as provided for in section 685-A, subsection-5-10, shall not be deemed a nonconforming use, but shall be deemed a conforming use in such district.

Sec. 28-I. R. S., T. 12, §685-B, sub-§8, amended. The last paragraph of subsection 8 of section 685-B of Title 12 of the Revised Statutes, as enacted by section 5 of chapter 457 of the public laws of 1971, is repealed.

Sec. 28-J. R. S., T. 12, §685-C, sub-§1, amended. The first paragraph of subsection 1 of section 685-C of Title 12 of the Revised Statutes, as enacted by section 5 of chapter 457 of the public laws of 1971, is amended to read as follows:

Not later than July 1, ~~1972~~ 1973 the commission shall adopt an official comprehensive land use guidance plan for the unorganized and deorganized townships of the State, describing the present use of the land and delineating general categories and locations of uses in accordance with section 681.

Sec. 28-K. Effective date. Sections 28-B to 28-J shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill by striking out all of sections 34, 35 and 36.

Further amend said Bill in section 43 by inserting at the end, before the period, the following: ', whichever occurs first'

(Filing No. 5 - 312)

Further amend said Bill by inserting after section 46 the following:

'Sec. 46-A. R. S., T. 14, §6002, amended. Section 6002 of Title 14 of the Revised Statutes, as amended, is further amended by adding after the first sentence the following new sentence: Such termination shall not be affected by the receipt of moneys, whether previously owed or for current use and occupation until the date a writ of possession is issued against the tenant during the period of actual occupancy after receipt of said notice.'

Further amend said Bill by inserting after section 77 the following:

'Sec. 77-A. R. S., T. 22, §2362-A, amended. The first sentence of section 2362-A of Title 22 of the Revised Statutes, as enacted by chapter 296 of the public laws of 1971, is amended to read as follows:

No person not being a dentist, funeral director, physician, podiatrist, nurse or veterinarian, registered or licensed under the laws of this State or of the state where he resides or a manufacturer or dealer in embalming supplies, wholesale druggist, manufacturing pharmacist, pharmacist, manufacturer of surgical instruments, official of any government having possession of the articles mentioned in this section by reason of his official duties, employee of an incorporated hospital acting under official direction, or a carrier or messenger engaged in the transportation of such articles as an agent of the above-mentioned persons, employees of scientific research laboratories, employees of educational institutions, employees of an agency or organization duly authorized by the Maine Board of Commissioners of the Profession of Pharmacy or a person who has received a written prescription issued under section 2362-B shall have in his possession a hypodermic syringe, hypodermic needle or any

(Filing No. S-312)

instrument adapted for the use of narcotic drugs by parenteral administration.

Sec. 77-B. Effective date. Section 77-A shall become effective 91 days after adjournment of the Legislature.

Sec. 77-C. R. S., T. 22, §2382, sub-§1, amended. The first sentence of subsection 1 of section 2382 of Title 22 of the Revised Statutes, as enacted by section 7 of chapter 443 of the public laws of 1969 and as amended by section 1 of chapter 472 of the public laws of 1971, is further amended to read as follows:

"Cannabis," sometimes called marijuana or marihuana, includes all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin; but shall not include the mature ~~stecks~~ stalk of such plant, fiber produced from such ~~stecks~~ stalks, oil or cake made from the seeds of such plant, or any other compound, manufacture, salt, derivative, mixture or preparation of such mature ~~steck~~ stalk, except resin extracted therefrom, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.'

Further amend said Bill by inserting after section 118 the following:

'Sec. 118-A. R. S., T. 32, §4668, amended. Section 4668 of Title 32 of the Revised Statutes, as enacted by chapter 395 of the public laws of 1969 and as amended by chapter 530 of the public laws of 1969, is further amended to read as follows:

§4668. Limitation

This subchapter shall not apply to sales where the gross sales price, including any interest or carrying charges, is less than \$25, nor

(Filing No. S-312)

to any transaction covered by Title 9, section 3917, nor shall it apply to any sale, by any dealer or agent or salesman of a registered dealer, registered pursuant to Title 32, chapter 13, of stocks, bonds, debentures or securities representing stocks, bonds or debentures registered pursuant to Title 32, chapter 13 or expressly exempt from registration thereof.

Sec. 118-B. R. S., T. 34, §802, amended. The first paragraph of section 802 of Title 34 of the Revised Statutes, as repealed and replaced by section 12 of chapter 391 of the public laws of 1967 and as amended, is further amended to read as follows:

When, before any court having jurisdiction, a male of not less than 17 years of age and of not more than 26 years of age is convicted of or has pleaded guilty to an offense punishable by imprisonment in the State Prison or by imprisonment in the county jail for more than 6 months, such court may sentence him and order his commitment to the Men's Correctional Center, or sentence him to the punishment provided by law for the same offense.

Sec. 118-C. R. S., T. 34, §853, amended. The first paragraph of section 853 of Title 34 of the Revised Statutes, as repealed and replaced by section 18 of chapter 391 of the public laws of 1967, is amended to read as follows:

When before any court having jurisdiction, a woman over the age of 17 years and under the age of 40 years is convicted of, or has pleaded guilty to, an offense punishable by imprisonment in the State Prison, or by imprisonment in the county jail for more than 6 months, such court may sentence her and order her commitment to the center, or sentence her to the punishment provided by law for the same offense.

(Filing No. S-312)

Further amend said Bill by inserting after section 120 the following:

'Sec. 120-A. R. S., T. 36, §5, additional. Title 36 of the Revised Statutes is amended by adding a new section 5 to read as follows:

§5. Effect of repeal

The repeal of an Act or resolve or part thereof imposing a tax or taxes shall have no effect upon the reporting, collecting or refunding of taxes accrued to the date of such repeal. The procedures relating to the reporting, collecting, or refunding of taxes in effect at the date of such repeal shall remain in full force and effect until the liabilities incurred pursuant to such Act or resolve or part thereof are satisfied.'

Further amend said Bill by inserting after section 143 the following:

'Sec. 143-A. P. & S. L., 1959, c. 155, §129-A, reenacted.

Section 129-A of chapter 155 of the private and special laws of 1959,

(Filing No. S-312)

as enacted by section 6 of chapter 277 of the public laws of 1963 and as repealed by section 11 of chapter 408 of the public laws of 1969, is reenacted to read as follows:

Sec. 129-A. Digging of clams on flats of York River. It shall be lawful to dig clams on any of the flats in the York River in the County of York, provided said clams are not used for any purposes except as bait for fishing.'

Statement of Fact

The purpose of this amendment is to correct other errors and inconsistencies.

Proposed by Senator:

(Tanous)

NAME:

COUNTY: Penobscot

Reproduced and distributed pursuant to Senate Rule No. 11A.

(Filing No. S-312)

6/22/71