

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3 Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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§ 1605. Permit fee

The fee for such permit shall be \$25 and must accompany the application therefor. All moneys received under this chapter shall be used to help defray the costs of the administration thereof.

§ 1606. Penalty

Any person violating any provision of this chapter, or any rule and regulation issued pursuant thereto, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 11 months, or by both.

§ 1607. Application

This chapter does not apply to fairs, exhibitions and similar events held by agricultural societies and associations, Boy Scouts of America activities, pomological societies or poultry associations as defined and regulated under Title 7, chapter 3, or military activities. It shall not apply to persons, associations, corporations, trusts or partnerships licensed under Title 8, chapters 11, 13 and 19.

Effective September 23, 1971

Chapter 342

AN ACT to Improve Procedures in Post-conviction Cases.

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

Sec. 1. R. S., T. 14, § 5505, amended. The first sentence of section 5505 of Title 14 of the Revised Statutes is repealed and the following enacted in place thereof:

When the petitioner has counsel by appointment or retention and the justice has been advised that no amendment to the petition will be filed or one has been filed, he shall order the Attorney General to respond to the petition and any amendments thereto within 10 days of the date the order is received, by answer, motion or notice that the State does not contest the petition.

Sec. 2. R. S., T. 14, § 5508, amended. The first paragraph of section 5508 of Title 14 of the Revised Statutes is repealed and the following enacted in place thereof:

A final judgment entered under section 5505 may be reviewed by the Supreme Judicial Court sitting as a law court. An appeal by the petitioner may not proceed unless the law court issues a certificate of probable cause. The filing of the notice of appeal shall be deemed to constitute a request for such a certificate. The clerk of the Superior Court, upon receipt of a notice of appeal, shall forward to the law court the complete record of the proceedings in the Superior Court. The record so forwarded shall be returned to the Superior Court with the order of the court. Denial of the certificate consti-

tutes finality of the proceedings. An appeal after the issuance of a certificate of probable cause to the petitioner shall be in the same mode and scope of review as any civil appeal.

If an appeal is taken by the State, a certificate of probable cause is not required but shall be in accordance with the civil rules.

Effective September 23, 1971

Chapter 343

AN ACT Relating to the Laws of the Maine Industrial Building Authority.

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

Sec. 1. R. S., T. 10, § 703, sub-§ 3, ¶ A, amended. Paragraph A of subsection 3 of section 703 of Title 10 of the Revised Statutes, as repealed and replaced by section 2 of chapter 525 and as amended by section 1 of chapter 548, both of the public laws of 1967, is further amended to read as follows:

A. Any lands, buildings, real estate improvements or machinery and equipment, with auxiliary real and personal property, used by an industrial, manufacturing, fishing or agricultural enterprise for the manufacturing, processing, assembling or preparing for market of raw materials or other products, **not including farm machinery or machinery used on a farm,** including, but not limited to, an industry constructing sea-going ships and vessels, or for the purposes of research and development for such enterprises;

Sec. 2. R. S., T. 10, § 703, sub-§ 3, ¶ C, repealed. Paragraph C of subsection 3 of section 703 of Title 10 of the Revised Statutes, as repealed and replaced by section 2 of chapter 525 of the public laws of 1967, is repealed as follows:

~~**C.** Any agricultural machinery and equipment, whether or not used on a farm, and with a cost or fair market value, as determined by the authority, of not less than \$10,000;~~

Sec. 3. R. S., T. 10, § 751, amended. Section 751 of Title 10 of the Revised Statutes, as amended, is further amended by inserting after the 2nd sentence the following new sentence:

No person shall be appointed to serve more than 2 consecutive terms on the authority or more than 8 years in the aggregate.

Sec. 4. R. S., T. 10, § 803, sub-§ 2, amended. The first sentence of subsection 2 of section 803 of Title 10 of the Revised Statutes, as repealed and replaced by section 11 of chapter 525 of the public laws of 1967, is amended to read as follows:

Involve a principal obligation not to exceed ~~\$8,000,000~~ \$4,000,000 for any one project and not to exceed 90% of the cost of project related to real estate,