

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1971

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Fifth Legislature  
1971

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## Chapter 533

### AN ACT Relating to Benefits for Widows of State Police Officers.

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

**Sec. 1.** R. S., T. 5, § 1121, sub-§ 1, ¶ C, amended. Paragraph G of subsection 1 of section 1121 of Title 5 of the Revised Statutes, as amended, is further amended by adding at the end the following new paragraph:

Upon the death of a member of the Maine State Police who is the recipient of a retirement allowance under this section, without optional modification, or is retired under either the ordinary or occupational disability provisions, his widow shall become entitled to a retirement allowance which shall be equal to  $\frac{1}{2}$  of the amount being paid at the time of his death and which payment shall continue for the remainder of her lifetime or until she should remarry. Payment of the appropriate monthly amount shall be made to the widow for the account of any deceased member of the State Police who had retired without optional modification under this paragraph as of the date this Act becomes effective and shall not be retroactive.

**Sec. 2. Appropriation.** There is appropriated to the State Police the sum of \$51,911 from the General Highway Fund and the sum of \$17,303 from the General Fund for the fiscal year ending June 30, 1972 and the sum of \$69,214 from the General Highway Fund and the sum of \$23,071 from the General Fund for the fiscal year ending June 30, 1973 to carry out the purposes of this Act.

Effective September 23, 1971

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## Chapter 534

### AN ACT Relating to Regional Facility for Mentally Retarded Children in Aroostook County.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Residential Facility for Mentally Retarded Children in Aroostook County is currently under construction at Presque Isle and will be completed on or about July 1, 1971; and

Whereas, this is a new facility with respect to which there is no existing law relative to its operation; and

Whereas, the Bureau of Mental Retardation of the Department of Mental Health and Corrections proposes to render this new facility operational at the time of commencement of the public school fall 1971 term; and

Whereas, legislation relative to the operation of this facility is vitally necessary in order to permit the availability of this facility to the mentally retarded children at the earliest possible time, and no later than the opening of the public school fall 1971 term, in order that they may be in receipt of necessary training and education; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., T. 34, c. 184-B, additional. Title 34 of the Revised Statutes is amended by adding a new chapter 184-B, to read as follows:

## CHAPTER 184-B

### RESIDENTIAL FACILITY FOR MENTALLY RETARDED

#### CHILDREN IN AROOSTOOK COUNTY

##### § 2091. Establishment; purpose

There is established under the control of the Department of Mental Health and Corrections a Residential Facility for Mentally Retarded Children in Aroostook County at Presque Isle, the purpose of which is to provide training and education as well as living accommodations for mentally retarded individuals, in order that they may attend education and training programs in the City of Presque Isle. The residential facility shall be operated pursuant to policies adopted by the Director of the Bureau of Mental Retardation, approved by the commissioner. The residential facility shall be operated primarily for living accommodations or training and education, or both, of children who are able to benefit from available programs provided that pursuant to policies adopted for its operation, the residential facility may be utilized for living accommodations or training and education, or both, of any mentally retarded person, who is able to benefit from available programs. Any mentally retarded child or adult eligible for admission to the residential facility, in accordance with policies adopted relative to admission, may be enrolled therein with the consent of a parent, guardian or other person standing in loco parentis to such mentally retarded person. The director of the residential facility, appointed by the Director of the Bureau of Mental Retardation, subject to the Personnel Law, shall be responsible for the administration of the residential facility, subject to policies established for its operation.

##### § 2092. Costs

Costs of education and training for children of school age provided by the residential facility shall be payable by the administrative unit wherein any such child is entitled to public school privileges, as provided in Title 20, section 859. Payments for such costs shall be in accordance with Title 20, chapter 403. Payments for the cost of board at the residential facility, whenever applicable, shall be in accordance with Title 20, section 3561.

In instances in which the residential facility is utilized for purposes other than those for which payment is provided in the first paragraph of this section; including but not limited to, the provision of residential services for mentally retarded persons during the summer months and the provision of residential services in connection with vocational rehabilitation programs for mentally retarded persons, the residential facility may charge the mentally retarded person or his parent or guardian for costs of residential services furnished, in accordance with rates fixed by the Director of the Bureau of Mental Retardation; the residential facility may receive payment of such costs in accordance with such rates from any public or private agency providing financial assistance to, or on behalf of, the mentally retarded person.

All amounts received by the residential facility under this section shall be paid to the General Fund.

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

Effective June 28, 1971

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## Chapter 535

### AN ACT to Provide Certain State Level Land Use Controls.

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

R. S., T. 12, Part 7, additional. Title 12 of the Revised Statutes is amended by adding a new Part 7, to read as follows:

#### PART 7

#### STATE LEVEL LAND USE CONTROLS

#### CHAPTER 424

#### MANDATORY ZONING AND SUBDIVISION CONTROL

##### § 4811. Shoreland areas

To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that shoreland areas defined as those land areas any part of which are within 250 feet of the normal high water mark of any navigable pond, lake, river or salt water body be subjected to zoning and subdivision controls. The purposes of such controls shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; control building sites, placement of structures and land uses; and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.