

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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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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or any other person to petition for the assessment of damages by reason of the adoption of such order.

The board shall cause a copy of such decree to be recorded in the registry of deeds for the county in which the wetland is situated. After a decree has been entered providing that any such order of the board shall not apply to the wetland involved in the appeal, the board may, after causing an appraisal to be made, negotiate for the purchase of such wetland, if it deems that acquisition of the same is necessary for the purposes of section 4702 or 4751. If purchase, or a written agreement therefor, has not been effected within 60 days after negotiations have begun, and the board determines that an emergency situation exists which would cause an immediate threat to the public safety, health and welfare, to the protection of public or private property, or to public or private salt water supplies, or to the conservation of wildlife or freshwater estuarine or marine fisheries, the board shall declare that the public exigency requires the taking of such wetland, and, with the consent of the Governor and Council, may acquire in behalf of the State the fee of such wetland or any lesser interest therein by eminent domain, the proceedings for such taking to be in accordance with Title 35, chapter 263.

Such wetlands or lesser interests therein, so taken, shall thereupon be under the jurisdiction and control of the board which shall hold the same for the purposes of this subchapter and issue rules and regulations governing the use thereof.

Any violation of such rules and regulations shall be punishable by a fine of not more than \$100.

§ 4758. Violation; penalty

Whoever violates or causes a violation of any such order of the board or of any provision of this subchapter, shall be punished by a fine of not more than \$500.

The Superior Court shall have jurisdiction to restrain a continuing violation of any such order or of any provision of this subchapter at the suit of any person and, if necessary to preserve any of the values and purposes for which this subchapter was passed, shall order a restoration of the affected area to as near its original condition as possible, said restoration to be undertaken and costs borne by the property owner.

Effective September 23, 1971

Chapter 542

AN ACT Authorizing the Bureau of Public Improvements to Assist Municipalities and School Administrative Districts in the Construction of School Buildings.

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

Sec. 1. R. S., T. 5, § 1741, amended. The first sentence of section 1741 of Title 5 of the Revised Statutes is amended to read as follows:

Whenever the words "public improvement" or "public improvements" shall appear in chapters 141 to 155 they shall be held to mean and include the construction, major alteration or repair of buildings or public works now owned or leased or hereafter constructed, acquired or leased by the State of Maine or any department, officer, board, commission or agency thereof, or constructed, acquired or leased, in whole or in part with state funds, and including the construction, major alteration or repair of school buildings by any school administrative unit and for which state school construction aid is to be paid.

Sec. 2. R. S., T. 5, § 1742, sub-§ 3, amended. Subsection 3 of section 1742 of Title 5 of the Revised Statutes is amended to read as follows:

3. Advise. Upon request to advise all state departments ~~and~~, agencies and school administrative units in connection with engineering and architectural questions and matters pertaining to any and all public improvements;

Sec. 3. R. S., T. 5, § 1742, sub-§ 7, amended. Subsection 7 of section 1742 of Title 5 of the Revised Statutes, as amended by section 1 of chapter 409 of the public laws of 1967, is further amended to read as follows:

7. Approve plans for public improvements. To approve all proposals, plans, specifications and contracts for public improvements which the State of Maine or any of its agencies hold in fee or by leasehold interest and for school administrative unit projects costing in excess of \$10,000;

Sec. 4. R. S., T. 5, § 1742, sub-§ 8, amended. The first sentence of subsection 8 of section 1742 of Title 5 of the Revised Statutes is amended to read as follows:

To inspect materials, equipment, methods used and changes in plans in making public improvements, and inspect public improvements during the course of construction or repair, and make such recommendations as may be indicated to the architect or engineer, when employed, ~~and~~ to the controlling department or agency head, or school administrative unit.

Sec. 5. R. S., T. 5, § 1742, amended. The last paragraph of section 1742 of Title 5 of the Revised Statutes is amended to read as follows:

The head of any agency, board, commission, ~~or~~ department of the State Government or school administrative unit, not otherwise exempted by law, who contemplates any public improvement, shall first obtain the approval of the State Director of Public Improvements for such work. This paragraph is not intended to restrict the head of any agency, board, commission or department of the State Government from making emergency repairs to any ~~State-owned~~ ~~state-owned~~ building, public work or property or any property under lease to the State Government or to restrict any school administrative unit under like conditions which is under his supervision and control whenever it appears that such repairs are immediately necessary to prevent injury to persons or further damage to such buildings or property.

Sec. 6. R. S., T. 20, § 3458, amended. Section 3458 of Title 20 of the Revised Statutes, as enacted by section 10 of chapter 224 of the public laws of 1967, and as amended, is further amended by adding after the 2nd sentence a new sentence to read as follows:

Such drawings, plans and specifications shall bear the approval of the Bureau of Public Improvements.

Sec. 7. R. S., T. 20, § 3460, amended. Section 3460 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 373 of the public laws of 1969 and as amended by section 3 of chapter 511 of the public laws of 1969, is further amended by adding after the 4th sentence a new sentence to read as follows :

No final payment shall be made until the Bureau of Public Improvements has certified its acceptance of the completed project.

Sec. 8. R. S., T. 20, § 3623, amended. The first sentence of section 3623 of Title 20 of the Revised Statutes, as amended, is further amended to read as follows :

Where the plans and specifications prepared by the commissioner are not used, all school committees, school building committees, school directors or school district trustees where new schoolhouses are to be erected shall make suitable provision for the heating, lighting, ventilating and hygienic conditions of such buildings, and all plans and specifications for any such proposed school building and plans for the reconstruction or remodeling of any school building, the expense for which shall exceed ~~\$5,000~~ \$10,000, shall be submitted to and approved jointly by the commissioner and the Bureau of Public Improvements. In addition they shall be submitted to and approved by the Bureau of Health and the Department of Insurance before the same shall be accepted by the school committee, school building committee, school directors or school district trustees of the administrative unit in which it is proposed to erect, reconstruct or remodel such building.

Sec. 9. Appropriation. There is appropriated to the Bureau of Public Improvements from the General Fund the sum of \$14,000, to carry out the purposes of this Act. The breakdown is as follows :

	1971-72	1972-73
BUREAU OF PUBLIC IMPROVEMENTS		
All Other	\$6,000	\$8,000

Effective September 23, 1971

Chapter 543

AN ACT Relating to Length of Certain Motor Vehicles.

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

R. S., T. 29, § 244, amended. The 4th paragraph from the end of section 244 of Title 29 of the Revised Statutes, as amended by chapter 54 of the public laws of 1967, is further amended to read as follows :