

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth 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
FARMINGTON, MAINE
1973

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
AT THE
SPECIAL SESSION

January 24, 1972

to

March 10, 1972

The owner or keeper of any dog hunting, chasing ~~killing, wounding~~ or pursuing any moose, caribou or deer at any time or any other wild animal in closed season shall be punished by a fine of not less than \$25 nor more than \$100. **The owner or keeper of any dog killing or wounding any moose, caribou or deer at any time or any other wild animal in closed season shall be punished by a fine of not less than \$200 nor more than \$1,000, which fine shall not be suspended, and an additional penalty of not more than 30 days in jail, at the discretion of the court.**

Sec. 2. R. S., T. 7, § 3602, amended. Section 3602 of Title 7 of the Revised Statutes, as amended by section 2 of chapter 404 of the public laws of 1967, is further amended by adding after the 2nd paragraph a new paragraph to read as follows:

The owner or keeper of any bird dog, retrieving dog or hound found killing or wounding any deer or moose during the period in which it is lawful to train dogs as provided for in sections 3551 and 3553, while said dog is at a licensed dog training area, or at a licensed trial for retrieving dogs, shall be subject to the penalties as provided in Title 12, section 3060.

Effective June 9, 1972

CHAPTER 573

AN ACT Relating to Costs of Inspections by the Passenger Tramway Safety Board.

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

R. S., T. 25, § 1947, amended. The 2nd sentence of section 1947 of Title 25 of the Revised Statutes is amended to read as follows:

The board shall not charge in excess of ~~\$5 an hour~~ **the hourly rate charged the board by the inspector** for the services of its personnel in making such inspections and shall not be entitled to any reimbursement for the travelling time or expenses of such personnel.

Effective June 9, 1972

CHAPTER 574

AN ACT Relating to Transit Districts.

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

Whereas, there is a possibility that public mass transportation in the greater Portland area will terminate on June 30, 1972; and

Whereas, public mass transportation is essential to the well-being and welfare of the people in the greater Portland area; and

Whereas, the following legislation is vitally necessary to clarify the borrowing and fiscal powers of the Greater Portland Transit District to insure the continuation of the mass transportation system; 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:

Sec. 1. R. S., T. 30, § 4982, repealed and replaced. Section 4982 of Title 30 of the Revised Statutes, as enacted by chapter 488 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 4982. Estimate of expenditures; contributions; budget

The board of directors shall on or before November 1st of each year prepare and submit to the municipal officers of the municipalities comprising a district an itemized estimate of expenditures and revenues for the following calendar year, which shall be the fiscal year. Such estimate shall include the following:

1. Anticipated revenues. An itemized estimate of anticipated revenues during the ensuing fiscal year from each source;
2. Estimate of expenditure. An itemized estimate of expenditures for each classification for such ensuing fiscal year, including payments of principal and interest on bonds or notes issued or to be issued by the district;
3. Actual receipts. After the first year of operation, an itemized statement of all actual receipts from all sources to and including September 30th of each previous fiscal year, with estimated receipts from such sources shown for the balance of such year;
4. Actual expenditures. After the first year of operation, an itemized statement of all actual expenditures to and including September 30th of each previous fiscal year, with estimated expenditures shown for the balance of such year;
5. Estimate of surplus or deficit. An estimate of revenue surplus or deficit of the district for the fiscal year for which estimates are being prepared.

Each year prior to such submission to the municipal officers, the board of directors of the district, by a $\frac{2}{3}$ vote of its entire membership, shall establish a formula for contributions to be made by each municipality in order to defray any projected deficit, and the formula and estimated amount of such contribution required from each municipality shall be shown in said estimates filed with the municipal officers of each municipality. Such formula shall be based upon such items as route mileage, profit or loss resulting from

such service to the municipality, population and such other factors as the board of directors deem relevant. In the event the board of directors is unable to establish the formula by securing a $\frac{2}{3}$ vote of its entire membership, it shall, on or before November 1st, petition the Public Utilities Commission as provided and shall include with its submission of said estimates to the municipal officers of each municipality a statement that a formula has not been established but that a petition has been made to the Public Utilities Commission for findings and a decision with respect to a formula. In the event a municipality refuses to accept a formula submitted to it on or before November 1st as established by the board of directors, the municipal officers of such municipality shall, within 30 days after such submission, notify the board of directors of such refusal and the board of directors shall, on or before December 15th, petition the Public Utilities Commission as provided. Upon the filing of a petition by the district, the Public Utilities Commission, after notice to all the municipalities comprising the district and a hearing, shall consider the formula and make its findings and decision with respect thereto within 60 days from the date of the filing of the petition by the district. Said findings and decision of the Public Utilities Commission shall be binding upon the district and the municipalities. The district or any municipality may appeal from the findings and decision of the Public Utilities Commission in accordance with Title 35, section 303.

On or before March 1st of each year, the board of directors shall adopt a final budget for such year which shall be itemized in the same manner as the estimate of expenditures and revenues. Such budget shall be submitted forthwith to the municipal officers of the municipalities comprising the district and the amounts allocated to each municipality to defray any projected revenue deficit in said budget shall be included in the warrant to the assessors of each municipality in the manner provided in section 4987. In the event an appeal from any findings and decision of the Public Utilities Commission as provided in the preceding paragraph is pending on such March 1st, such allocations shall be made in accordance with the findings and decision of the Public Utilities Commission from which the appeal was taken, provided that any adjustments to be made in accordance with the decision upon such appeal shall be made as follows. If the allocation to any municipality is increased, such additional payment shall be included in the current assessment or, if such increase be made after April 1st, shall be certified to the municipal officers of such municipality who shall appropriate the amount of such increase out of unappropriated surplus, contingency fund or shall raise such amount by the issuance of temporary notes which shall be payable not later than one year from their dates. If the allocation to any municipality is decreased, the amount of such decrease shall be deducted from the current assessment or, if such decrease is made after April 1st, shall be paid over by the district to the treasurer of such municipality from funds received from municipalities whose allocation is increased.

Sec. 2. R. S., T. 30, § 4986, amended. Section 4986 of Title 30 of the Revised Statutes, as enacted by chapter 488 of the public laws of 1965, is amended by adding at the end the following new sentence:

Securities as used in this section shall mean negotiable bonds or notes issued by the district and shall include temporary notes.

Sec. 3. Greater Portland Transit District validated. All proceedings relating to the organization and establishment of the Greater Portland Transit

District comprised of the Cities of Portland, South Portland and Westbrook and the Town of Cape Elizabeth are validated, confirmed and made effective and said district is declared to be, and from the date of its organization to have been, a transit district with all the powers, privileges and franchises granted to it by the Revised Statutes, Title 30, chapter 240, as amended, and its certificate of organization dated June 24, 1966.

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

Effective February 11, 1972

CHAPTER 575

AN ACT Relating to Speed of Motor Vehicles on Divided Controlled-access Highways and to Clarify the Definition of Motorcycle to Exclude Certain Traffic Control Vehicles.

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

Sec. 1. R. S., T. 29, § 1, sub-§ 4, amended. Subsection 4 of section 1 of Title 29 of the Revised Statutes is amended to read as follows:

4. Motorcycle. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor and a parking control vehicle.

Sec. 2. R. S., T. 29, § 1, sub-§ 9-A, additional. Section 1 of Title 29 of the Revised Statutes, as amended, is further amended by adding a new subsection 9-A, to read as follows:

9-A. Parking control vehicle. "Parking control vehicle" shall mean a 3-wheel vehicle of 25 horsepower or less with a metal roof operated by law enforcement officials for the purpose of controlling parking and traffic.

Sec. 3. R. S., T. 29, § 249-A, additional. Title 29 of the Revised Statutes is amended by adding a new section 249-A to read as follows:

§ 249-A. Parking control vehicle

Parking control vehicles, as defined in section 1, subsection 9-A, shall be registered as motorcycles.

Sec. 4. R. S., T. 29, § 1251, amended. The 2nd sentence of section 1251 of Title 29 of the Revised Statutes, as amended by section 1 of chapter 23 of the public laws of 1969, is further amended to read as follows:

The State Highway Commission, with the consent and approval of the Chief of the Maine State Police, shall have authority to increase the speeds of all motor vehicles at any and all points on the highway where, in its opinion, higher speeds are warranted to promote the normal and reasonable movement of traffic, provided that such increased speed shall not exceed 60 miles