

# 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

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THE KNOWLTON AND McLEARY COMPANY  
FARMINGTON, MAINE  
1973

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

1973

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Any person who shall carry on or engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles ~~or mobile homes~~; or who shall open any place of business or lot wherein he attempts to or does engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles ~~or mobile homes~~; or who does buy, sell, exchange, deal or trade in new or used motor vehicles ~~or mobile homes~~ as a business on the first day of the week, commonly known and designated as Sunday, is a disorderly person.

**Sec. 2. R. S., T. 17, § 3204, amended.** The 2nd paragraph of section 3204 of Title 17 of the Revised Statutes, as amended by section 2 of chapter 334 of the public laws of 1971, is further amended to read as follows:

This section shall not apply to: The operation or maintenance of common, contract and private carriers; taxi cabs; airplanes; newspapers; radio and television stations; hotels, motels, rooming houses, tourist and trailer camps; restaurants; garages and motor vehicle service stations; retail monument dealers; automatic laundries; drug stores; greenhouses; seasonal stands engaged in sale of farm produce, dairy products, sea food or Christmas trees; public utilities; industries normally kept in continuous operation, including but not limited to pulp and paper plants and textile plants; processing plants handling agricultural produce or products of the sea; ship chandleries; marinas; establishments primarily selling boats, boating equipment, sporting equipment, souvenirs and novelties; motion picture theatres; public dancing; sports and athletic events; musical concerts; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities; real estate brokers and real estate salesmen; **mobile home brokers and mobile home salesmen**; provided that this section shall not exempt the businesses or facilities specified in sections 3205, 3206 and 3207 from closing in any municipality until the requirements of those sections have been met; stores wherein no more than 5 persons, including the proprietor, are employed in the usual and regular conduct of business; stores which have no more than 5,000 square feet of interior customer selling space, excluding back room storage, office and processing space.

Effective October 3, 1973

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## CHAPTER 28

### AN ACT to Clarify the State Records Law.

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

**Sec. 1. R. S., T. 3, § 22, amended.** The 3rd sentence of section 22 of Title 3 of the Revised Statutes, as amended by section 3 of chapter 441 of the public laws of 1965, is further amended to read as follows:

He shall deliver to the State Archivist all papers on file in the office of the Secretary of the Senate which were considered by a session of the Legislature held more than ~~to~~ 5 years previously, and the State Archivist shall inspect said papers and preserve ~~all~~ those having ~~any historical or~~ permanent value.

**Sec. 2. R. S., T. 12, § 501-A, sub-§ 8, repealed.** Subsection 8 of section 501-A of Title 12 of the Revised Statutes, as enacted by section 3 of chapter 226 of the public laws of 1965, is repealed.

**Sec. 3. R. S., T. 27, § 275-A, additional.** Title 27 of the Revised Statutes is amended by adding a new section 275-A to read as follows:

**§ 275-A. Definitions**

The following definitions are established for terms used in this chapter.

1. **Agency records.** "Agency records" means semicurrent records of government agencies to which they retain legal title, but that have been transferred to the custody of the Maine State Archives to effect economies and efficiency in their storage and use pending their ultimate disposition as authorized by law.

2. **Archives.** "Archives" means noncurrent government records that have been determined by the State Archivist to have sufficient value to warrant their continued preservation and that are in the physical and legal custody of the Maine State Archives.

3. **Record center.** "Record center" means facilities maintained by the State Archivist for the storage, security, servicing and other processing of agency records that must be preserved for varying periods of time and need not be retained in office equipment and space.

**Sec. 4. R. S., T. 27, § 278, sub-§ 1, amended.** Subsection 1 of section 278 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 441 of the public laws of 1965 and as amended by section 3 of chapter 596 of the public laws of 1971, is further amended by adding at the end the following new sentence:

**He shall have custody and control of the facilities provided for the administration of this chapter.**

**Sec. 5. R. S., T. 27, § 278, sub-§ 3, amended.** Subsection 3 of section 278 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 441 of the public laws of 1965 and as amended by section 6 of chapter 318 of the public laws of 1969, is further amended by adding at the end a new sentence to read as follows:

**The State Archivist shall promulgate rules and regulations governing the transfer of records from the custody of one agency to that of another subject to any applicable provision of law.**

**Sec. 6. R. S., T. 27, § 278, sub-§ 7, amended.** Subsection 7 of section 278 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 441 of the public laws of 1965, is amended by adding at the end a new paragraph to read as follows:

**The head of each agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency in compliance with the standards, procedures and regulations issued by the State Archivist.**

Sec. 7. R. S., T. 27, § 278, sub-§ 10-C, additional. Section 278 of Title 27 of the Revised Statutes, as amended, is further amended by adding a new subsection 10-C to read as follows:

10-C. Legislative records. The Secretary of the Senate and the Clerk of the House of Representatives shall obtain the noncurrent records of the Legislature and of each committee thereof at the close of each Legislature and transfer them to the Maine State Archives for preservation, subject to the orders of the Senate or the House, respectively;

Sec. 8. R. S., T. 27, § 278, sub-§ 12, amended. Subsection 12 of section 278 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 441 of the public laws of 1965, is amended by adding at the end a new sentence to read as follows:

A facsimile of the signature of the State Archivist imprinted by or at his direction upon any certificate issued by him shall have the same validity as his written signature.

Sec. 9. R. S., T. 27, § 278, sub-§ 13, additional. Section 278 of Title 27 of the Revised Statutes, as amended, is further amended by adding a new subsection 13 to read as follows:

#### Laboratory Provisions

13. Photoreproduction and restoration. To provide centralized photoreproduction and records preservation services for government agencies to the extent he deems advisable in his administration of the state program and facilities. Such services shall be furnished to such agencies at cost.

Sec. 10. R. S., T. 27, § 280, additional. Title 27 of the Revised Statutes is amended by adding a new section 280 to read as follows:

#### § 280. Violation

Whoever violates any provision of this chapter or rules and regulations issued under section 278, subsection 3, excepting only those violations for which specific penalties are provided, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment for not more than 90 days, or by both.

Sec. 11. R. S., T. 30, § 351, amended. The last sentence of section 351 of Title 30 of the Revised Statutes, as amended by section 10 of chapter 318 of the public laws of 1969, is further amended to read as follows:

Such copies, when so made, shall constitute a duplicate record and shall be filed in fire resisting safe cabinets located separate and apart from the original records, or deposited with the State Archivist.

Sec. 12. R. S., T. 30, § 352, amended. Section 352 of Title 30 of the Revised Statutes, as amended by section 5 of chapter 441 of the public laws of 1965, is further amended to read as follows:

## § 352. Destruction of county records

The ~~old~~ records of any county department which in the opinion of the head of such department are no longer ~~of value to~~ needed to conduct the current business of the county department may be destroyed upon approval in writing of the county commissioners and the State Archivist, but not otherwise. If any old record appears to have sufficient value, approval to destroy shall be withheld until said old record has been copied at the expense of the county by any photostatic, photographic, microfilm or other process which produces a clear, accurate and permanent copy or reproduction thereof and satisfactory provision is made for the permanent storing of such copies or reproductions in fireproof containers. Records which have been determined by the county commissioners and the State Archivist to possess sufficient value to warrant their permanent preservation shall be preserved by the county or deposited with the State Archivist.

Sec. 13. R. S., T. 30, § 5705, amended. Section 5705 of Title 30 of the Revised Statutes, as amended by section 8 of chapter 441 of the public laws of 1965, is further amended to read as follows:

## § 5705. Records surrendered

Whenever any municipality within this State shall become deorganized, the municipality shall surrender all records of birth, marriage and death to the State Registrar of Vital Statistics at Augusta and all other municipal its records to the State Archivist.

Sec. 14. R. S., T. 33, § 655, amended. The 2nd sentence, as amended, and the last sentence of section 655 of Title 33 of the Revised Statutes, are repealed.

Sec. 15. R. S., T. 33, § 656, repealed. Section 656 of Title 33 of the Revised Statutes, as amended by section 7 of chapter 441 of the public laws of 1965 and by section 15 of chapter 318 of the public laws of 1969, is repealed.

Effective October 3, 1973

## CHAPTER 29

### AN ACT Classifying Pleasant Lake, Aroostook County.

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

R. S., T. 38, § 371, sub-§ 12, additional. Section 371 of Title 38 of the Revised Statutes which relates to waters captioned Great Ponds, is amended by adding a new subsection 12 to read as follows:

**12. Pleasant Lake, located in Island Falls, T4, R3—Class A.**

Effective October 3, 1973