

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

1973

CHAPTER 511

AN ACT Relating to Veterans Preference and Military Service for Employees of State Agencies.

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

Sec. 1. R. S., T. 5, § 555, amended. The first sentence of section 555 of Title 5 of the Revised Statutes, as amended by chapter 587 of the public laws of 1971, is further amended to read as follows:

Whenever any employee, regularly employed in other than a temporary position for a period of at least 6 months by the State or by any department, bureau, commission or office thereof, or by the University of Maine, Vocational Technical Institutes, Maine School Building Authority, Maine Turnpike Authority, Maine Industrial Building Authority, Maine Recreational Authority or any other state or quasi-state agency, or by any county, municipality, township or school district within the State shall in time of war, contemplated war, emergency or limited emergency, enlist, enroll, be called or ordered, or be drafted ~~in~~ into the Armed Forces of the United States or any branch or unit thereof, or shall be regularly drafted under federal ~~man power~~ manpower regulations, he shall not be deemed or held to have thereby resigned from or abandoned his said employment, nor shall he be removable therefrom during the period of his service.

Sec. 2. R. S., T. 5, § 674, amended. The last paragraph of section 674 of Title 5 of the Revised Statutes, as repealed and replaced by chapter 561 of the public laws of 1971, is amended to read as follows:

This section shall apply to all examinations for original positions in the State Police, the Department of Inland Fisheries and Game ~~and~~, the Department of Sea and Shore Fisheries, the University of Maine, Vocational Technical Institutes, Maine School Building Authority, Maine Turnpike Authority, Maine Industrial Building Authority, Maine Recreational Authority or any other state or quasi-state agency.

Effective October 3, 1973

CHAPTER 512

AN ACT to Amend the Personal Property and Homestead Exemption Laws to Provide for Realistic and Liberalized Exemptions.

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

Sec. 1. R. S., T. 14, § 4401, sub-§ 1, amended. Subsection 1 of section 4401 of Title 14 of the Revised Statutes, as amended by section 2 of chapter 412 of the public laws of 1967, is further amended to read as follows:

1. Apparel, household furniture and goods, bed. The debtor's apparel; household furniture and goods necessary for himself, wife and children, not exceeding \$500 in value, and one bed, bedstead and necessary bedding for

each such person, one radio and one television not exceeding \$200 in total values and one automobile or truck not exceeding \$600 in value;

Sec. 2. R. S., T. 14, § 4551, repealed and replaced. Section 4551 of Title 14 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4551. Homestead exemption

Except as provided in section 4552, a homestead whenever acquired shall be exempt from attachment, execution or forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon; provided that only so much of such property as does not exceed \$3,000 in value is exempt. The term "homestead" means a lot of land and the buildings thereon, owned by the householder, who uses the same as his principal place of abode.

Sec. 3. R. S., T. 14, § 4552, repealed and replaced. Section 4552 of Title 14 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 4552. Exceptions

The homestead shall not be exempt from any of the following:

1. Claims secured by real estate mortgages on the homestead;
2. Claims secured by security interests in the homestead;
3. Claims of lien creditors pursuant to Title 10, chapter 603.

Sec. 4. R. S., T. 14, § 4553, repealed and replaced. Section 4553 of Title 14 of the Revised Statutes, as amended by section 3 of chapter 315 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 4553. Creditors claiming greater value

If the interest of a householder in his homestead exceeds \$3,000 it may be subjected to a forced sale. The householder may set off such part thereof which is of a value of \$3,000 and designate that portion as exempt from sale. If the householder fails to so designate such portion, the whole of the property shall be sold and the proceeds of said sale shall be distributed as follows:

1. To the householder in the amount of \$3,000; and said \$3,000 shall remain exempt from attachment and execution by any creditor for a period of one year. At the end of said period, if the \$3,000 is not reinvested in property which qualifies for a homestead exemption, the \$3,000 shall become subject to attachment and execution;
2. To the creditor attaching or executing on the homestead to the extent of his claim;
3. To the householder, the balance of the proceeds.

Sec. 5. R. S., T. 14, § 4554, repealed and replaced. Section 4554 of Title 14 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4554. Death of householder; mechanics liens

Subject to the exceptions in section 4552, the exempt portion of the homestead shall not be subject to claims of creditors of the householder or of his estate in the event of his death, testate or intestate.

Sec. 6. R. S., T. 18, § 1858, additional. Title 18 of the Revised Statutes is amended by adding a new section 1858 to read as follows:

§ 1858. Homestead exemption; exemptions from attachment and execution

Anything provided in this Title to the contrary notwithstanding, any part of the decedent's estate, whether real or personal property and whether the decedent died testate or intestate, which shall be exempt under Title 14, sections 4401 and 4552 on the date of death of decedent, shall not be liable for payment of debts of the decedent or claims against his estate and shall not be subject to sale by license of the probate court for payment of debts of the decedent or any other process or action for the payment of debts of the decedent.

Effective October 3, 1973

CHAPTER 513

AN ACT to Create a Department of Marine Resources.

Preamble. The marine and estuarine resources of Maine constitute an extremely valuable asset which must be adequately protected and preserved for present and future generations but which must also be utilized, promoted and developed in a manner compatible with ecological considerations for the benefit of the citizens of Maine. The Legislature finds that there is a need for a marine-oriented agency to be responsible for research, comprehensive long-range planning and conservation of Maine's marine resources. The Legislature finds that these objectives can best be achieved by the creation of a Department of Marine Resources; now, therefore,

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

Sec. 1. R. S., T. 12, § 3401, sub-§§ 5-A, 8-A, 11-A, 16-B, 19-A, 26-A and 30-A, additional. Section 3401 of Title 12 of the Revised Statutes is amended by adding 7 new subsections 5-A, 8-A, 11-A, 16-B, 19-A, 26-A and 30-A, to read as follows:

5-A. Conservation. "Conservation" means providing for the development and wise utilization of Maine's marine resources or protecting the ultimate supply for present and future generations or preventing waste or for implementing sound management programs.

8-A. Cultivation. "Cultivation" means artificial control or manipulation by man of any marine species at some stage of its life history for the purpose of increasing yield or improving quality.