

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

K. J. Printing
Augusta, Maine
1979

**SELECTED
PROCLAMATIONS**

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

Proposing an Amendment to the Constitution to Provide that Taxes Which a School District is Authorized to Levy May be Assessed in any Cost-sharing Formula Mutually Agreeable to the Communities Involved.

WHEREAS, the One Hundred and Eighth Legislature of the State of Maine by a Constitutional Resolution passed by a concurrent vote of both branches March 22, 1978, proposed to the electors of said State the following amendment to the Constitution, to wit:

Article IX, Section 8, is repealed and the following enacted in its place:

'Section 8. Taxation; intangible property; permits valuation of certain lands upon current use; proviso; school districts. All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally according to the just value thereof.

1. The Legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes or property.
2. The Legislature shall have power to provide for the assessment of the following types of real estate whenever situated in accordance with a valuation based upon the current use thereof and in accordance with such conditions as the Legislature may enact:
 - A. Farms and agricultural lands, timberlands and woodlands;
 - B. Open space lands which are used for recreation or the enjoyment of scenic natural beauty; and
 - C. Lands used for game management or wildlife sanctuaries.

In implementing paragraphs A, B and C, the Legislature shall provide that any change of use higher than those set forth in paragraphs A, B and C, except when the change is occasioned by a transfer resulting from the exercise or threatened exercise of the power of eminent domain, shall result in the imposition of a minimum penalty equal to the tax which would have been imposed over the 5 years preceding that change of use had that real estate been assessed at its highest and best use, less all taxes paid on that real estate over the preceding 5 years, and interest, upon such reasonable and equitable basis as the Legislature shall determine.

3. The Legislature shall have power to provide that taxes, which it may authorize a School Administrative District or a community school district to levy, may be assessed on real, personal and intangible property in accordance with any cost-sharing formula which it may authorize.'

WHEREAS, it appears by the returns of votes given in by the electors of the various cities, towns and plantations voting upon said amendment as directed in the aforementioned Constitutional Resolution at the General Election on November 7, 1978, and reviewed by the Governor on November 27, 1978, that a majority of said votes were in favor of this amendment; namely,

212,063 for, and
97,764 opposed;

NOW, THEREFORE, I, James B. Longley, Governor of the State of Maine, do proclaim the Constitution of the State of Maine amended as proposed in accordance with the provisions of this said Constitutional Resolution, the amendment shall hereupon as of the date of this proclamation, become a part of the Constitution.

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine this seventh day of December, the year of our Lord, One Thousand Nine Hundred and Seventy-eight.

JAMES B. LONGLEY
Governor

By the Governor:

MARKHAM L. GARTLEY
Secretary of State

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

Proposing an Amendment to the Constitution to Eliminate the Office of Justice of the Peace as a Constitutional Office.

WHEREAS, the One Hundred and Eighth Legislature of the State of Maine by a Constitutional Resolution passed by a concurrent vote of both branches April 28, 1977, proposed to the electors of said State the following amendment to the Constitution, to wit:

Article V, Part First, Section 8, fifth paragraph, as repealed and replaced by CR 1975, c. 4, is repealed as follows:

~~‘He shall nominate and appoint justices of the peace for an initial term only, and additional terms of these officers shall be by renewal of commission, as provided by law.’~~

WHEREAS, it appears by the returns of votes given in by the electors of the various cities, towns and plantations voting upon said amendment as directed in the aforementioned Constitutional Resolution at the General Election on November 7, 1978, and reviewed by the Governor on November 27, 1978, that a majority of said votes were in favor of this amendment; namely,

179,146 for, and
141,527 opposed;

NOW, THEREFORE, I, James B. Longley, Governor of the State of Maine, do proclaim the Constitution of the State of Maine amended as proposed in accordance with the provisions of this said Constitutional Resolution, the amendment shall hereupon, as of the date of this proclamation, become a part of the Constitution.

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this seventh day of December, in the year of our Lord, One Thousand Nine Hundred and Seventy-eight.

JAMES B. LONGLEY
Governor

By the Governor:

MARKHAM L. GARTLEY
Secretary of State

**STATE OF MAINE
PROCLAMATION BY THE GOVERNOR**

Proposing an Amendment to the Constitution to Repeal Provisions Relating to the Poll Tax and to Payment in Lieu of Military Duty.

WHEREAS, the One Hundred and Eighth Legislature of the State of Maine by a Constitutional Resolution passed by a concurrent vote of both branches May 19, 1977, proposed to the electors of said State the following amendment to the Constitution, to wit:

Article VII, Section 5 is amended to read:

'Section 5. Persons exempted from military duty. Persons of the denominations of Quakers and Shakers, Justices of the Supreme Judicial Court, Ministers of the Gospel and persons exempted by laws of the United States may be exempted from military duty, but no other able-bodied person of the age of eighteen and under the age of forty-five years, excepting officers of the militia who have been honorably discharged, shall be so exempted.'

Article IX, Section 7 is amended to read:

'Section 7. Valuation. While the public expenses shall be assessed on estates, a general valuation shall be taken at least once in ten years.'

WHEREAS, it appears by the returns of votes given in by the electors of the various cities, towns and plantations voting upon said amendment as directed in the aforementioned Constitutional Resolution at the General Election on November 7, 1978, and reviewed by the Governor on November 27, 1978, that a majority of said votes were in favor of this amendment; namely,

185,997 for, and
124,650 opposed;

NOW, THEREFORE, I, James B. Longley, Governor of the State of Maine, do proclaim the Constitution of the State of Maine amended as provided in accordance with the provisions of this said Constitutional Resolution, the amendment shall hereupon, as of the date of this proclamation, become a part of the Constitution.

Given at the office of the Governor at Augusta
and sealed with the Great Seal of the State of
Maine this seventh day of December, in the year
of our Lord, One Thousand Nine Hundred and
Seventy-eight.

By the Governor:

JAMES B. LONGLEY
Governor

MARKHAM L. GARTLEY
Secretary of State

**STATE OF MAINE
PROCLAMATION BY THE GOVERNOR**

Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities from State Tax Sources for 50% of Losses Caused by Property Tax Exemptions and Credits Enacted after April 1, 1978.

WHEREAS, the One Hundred and Eighth Legislature of the State of Maine by a Constitutional Resolution passed by a concurrent vote of both branches July 11, 1977, proposed to the electors of said State the following amendment to the Constitution, to wit:

Article IV, Part Third, Section 23 is enacted to read:

'Sec. 23. Municipalities reimbursed annually. The Legislature shall annually reimburse each municipality from state tax sources for 50% of the property tax revenue loss suffered by that municipality during the previous calendar year because of statutory property tax exemptions or credits enacted after April 1, 1978. The Legislature shall enact appropriate legislation to carry out the intent of this section.'

WHEREAS, it appears by the returns of votes given in by the electors of the various cities, towns and plantations voting upon said amendment as directed in the aforementioned Constitutional Resolution at the General Election on November 7, 1978, and reviewed by the Governor on November 27, 1978, that a majority of said votes were in favor of this amendment; namely,

213,417 for, and
100,488 opposed;

NOW, THEREFORE, I, James B. Longley, Governor of the State of Maine, do proclaim the Constitution of the State of Maine amended as proposed in accordance with the provisions of this said Constitutional Resolution, the amendment shall become part of the Constitution on January 1, 1978.

Given at the office of the Governor at Augusta
and sealed with the Great Seal of the State of
Maine this seventh day of December, in the year
of our Lord, One Thousand Nine Hundred and
Seventy-eight.

JAMES B. LONGLEY
Governor

By the Governor:

MARKHAM L. GARTLEY
Secretary of the State

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

AN ACT to Authorize a Self-liquidating Bond Issue in the Amount of \$2,100,000 to Establish a Dormitory at Northern Maine Vocational-Technical Institute.

WHEREAS, the One Hundred and Eighth Legislature of the State of Maine, by an act entitled,

“AN ACT to Authorize a Self-liquidating Bond Issue in the Amount of \$2,100,000 to Establish a Dormitory at Northern Maine Vocational-Technical Institute,”

presented to the Governor by the Senate on March 21, 1978, and became law without his signature, which said act is known and identified as Chapter 106 of the Private and Special Laws of 1977, enacted said measure expressly conditioned upon the people's ratification by a referendum vote at the general election to be held on the Tuesday following the first Monday in November, 1978, and

WHEREAS, it appears by the return of votes given in by the electors of the various cities, towns and plantations voting upon said act, upon the seventh day of November, 1978, and reviewed by the Governor on November 27, 1978, that a majority of said votes were in favor of this act becoming law; namely,

191,888 for, and
 139,486 opposed;

NOW, THEREFORE, I, James B. Longley, Governor of the State of Maine, in pursuance of the provisions of the Constitution of said State in such case provided, declare said measure adopted, to take effect and become a law thirty days after the date of this proclamation.

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine this seventh day of December, in the year of our Lord, One Thousand Nine Hundred and Seventy-eight.

JAMES B. LONGLEY
 Governor

By the Governor:

MARKHAM L. GARTLEY
 Secretary of State

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

Proposing an Amendment to the Constitution to Reduce and Combine the Guarantee Limits for the Insurance of Enterprises within the State, and to make Vessels Registered in the State Eligible for Such Insurance.

WHEREAS, the One Hundred and Eighth Legislature of the State of Maine by a Constitutional Resolution passed by a concurrent vote of both branches June 16, 1977, proposed to the electors of said State the following amendment to the Constitution, to wit:

Article IX, Section 14, first sentence, is amended to read:

'The credit of the State shall not be directly or indirectly loaned in any case, except as provided in sections 14-A, 14-C, 14-D and 14-E.'

Article IX, Section 14-A is repealed and the following enacted in its place:

'Section 14-A. Authority to insure, appropriate moneys and issue bonds for the payment of industrial, manufacturing, fishing and agricultural mortgage loans. For the purposes of fostering, encouraging and assisting the physical location, settlement and resettlement of industrial, manufacturing, fishing, agricultural and recreational enterprises within the State, the Legislature by proper enactment may insure the payment of mortgage loans on real estate and personal property within the State of such industrial, manufacturing, fishing, agricultural and recreational enterprises not exceeding in the aggregate \$90,000,000 in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid. For the purposes of this section, a documented fishing vessel or a vessel registered under state law shall be construed as real estate.'

Article IX, Section 14-B is repealed.

WHEREAS, it appears by the returns of votes given in by the electors of the various cities, towns and plantations voting upon said amendment as directed in the aforementioned Constitutional Resolution at the General Election on November 7, 1978, and reviewed by the Governor on November 27, 1978, that a majority of said votes were in favor of this amendment; namely,

204,747 for, and
 95,546 opposed;

NOW, THEREFORE, I, James B. Longley, Governor of the State of Maine do proclaim the Constitution of the State of Maine amended as proposed in accordance with the provisions of this said Constitutional Resolution, the amendment shall hereupon as of the date of this proclamation, become a part of the Constitution.

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this twenty-first day of December, in the year of our Lord, One Thousand Nine Hundred and Seventy-eight.

JAMES B. LONGLEY
Governor

By the Governor:

MARKHAM L. GARTLEY
Secretary of State

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

Proposing an Amendment to the Constitution to Require the Legislature to Convene in December after the General Election.

WHEREAS, the One Hundred and Eighth Legislature of the State of Maine by a Constitutional Resolution passed by a concurrent vote of both branches July 8, 1977, proposed to the electors of said State the following amendment to the Constitution, to wit:

Article IV, Part First, Section 2, first sentence, as amended by CR 1975, c. 5, is further amended to read:

'The House of Representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, and hold their office two years from the day next preceding the first Wednesday in December following the general election.'

Article IV, Part First, Section 5, last 2 sentences, as amended by CR 1975, c. 5, are further amended to read:

'The Governor shall examine the returned copies of such lists and seven days before the first Wednesday of December biennially, shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats. All such lists shall be laid before the House of Representatives on the first Wednesday of December biennially, and they shall finally determine who are elected.'

Article IV, Part Second, Section 2, first sentence, as repealed and replaced by CR 1975, c. 1, is amended to read:

'The Legislature which shall convene in 1984 and every tenth year thereafter shall cause the State to be divided into districts for the choice of a Senator from each district, using the same method as provided in Article IV, Part First, Section 2 for the apportionment of Representative Districts.'

Article IV, Part Second, Section 3, last sentence, is amended to read:

'Fair copies of the lists of votes shall be attested by the clerks of the cities and towns or other duly authorized officials and sealed up in open meetings and such officials shall cause said lists to be delivered into the office of the Secretary of State forthwith.'

Article IV, Part Second, Section 4, as last amended by CR 1975, c. 5, is further amended to read:

'Sec. 4. Examination of lists; summons to persons who appear to be elected.'

The Governor shall, as soon as may be, examine the copies of such lists, and at least seven days before the said first Wednesday of December, issue a summons to such persons, as shall appear to be elected by a plurality of the votes in each senatorial district, to attend that day and take their seats.'

Article IV, Part Second, Section 5, first sentence, as amended by CR 1975, c. 5, is further amended to read:

'The Senate shall, on said first Wednesday of December, biennially determine who is elected by a plurality of votes to be Senator in each district.'

Article IV, Part Third, Section 1, first sentence, as amended by CR 1975, c. 5, is further amended to read:

'The Legislature shall convene on the first Wednesday of December following the general election in what shall be designated the first regular session of the Legislature; and shall further convene on the first Wednesday after the first Tuesday of January in the subsequent even-numbered year in what shall be designated the second regular session of the Legislature; provided, however, that the business of the second regular session of the Legislature shall be limited to budgetary matters; Legislation in the Governor's call; Legislation of an emergency nature admitted by the Legislature; Legislation referred to committees for study and report by the Legislature in the first regular session; and Legislation presented to the Legislature by written petition of the electors under the provisions of Article IV, Part Third, Section 18.'

WHEREAS, it appears by the returns of votes given in by the electors of the various cities, towns and plantations voting upon said amendment as directed in the aforementioned Constitutional Resolution at the General Election on November 7, 1978, and reviewed by the Governor on November 27, 1978, that a majority of said votes were in favor of this amendment; namely,

165,262 for, and
153,409 opposed;

NOW, THEREFORE, I, James B. Longley, Governor of the State of Maine, do proclaim the Constitution of the State of Maine amended as proposed in accordance with the provisions of this said Constitutional Resolution, the amendment shall hereupon as of the date of this proclamation, become a part of the Constitution.

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this twenty-first day of December, in the year of our Lord, One Thousand Nine Hundred and Seventy-eight.

By the Governor:

JAMES B. LONGLEY
Governor

MARKHAM L. GARTLEY
Secretary of State