

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND NINTH LEGISLATURE
1979

CHAPTER 544

S. P. 617 — L. D. 1679

AN ACT to Increase the Expenses for Legislators, to Increase the Compensation for the Constitutional Officers, Justices, Judges and District Attorneys and to Appropriate Funds for the Probate Court System Study.

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

Sec. 1. 2 MRSA § 7, sub-§ 1, as repealed and replaced by PL 1977, c. 697, § 3, is repealed and the following enacted in its place:

1. Secretary of State, State Auditor and Treasurer of State. Notwithstanding section 6 or any other provision of law, the respective salaries of the Secretary of State, State Auditor and Treasurer of State shall be as follows:

- A. Secretary of State\$25,000
- B. State Auditor\$25,000
- C. Treasurer of State\$25,000

Sec. 2. 2 MRSA § 7, sub-§ 3 is enacted to read:

3. Attorney General. Notwithstanding section 6 or any other provision of law, the salary of the Attorney General shall be the same as that of an Associate Justice of the Supreme Judicial Court.

Sec. 3. 3 MRSA § 2, 3rd ¶, as repealed and replaced by PL 1975, c. 750, § 1, is amended to read:

Each member of the Senate and House of Representatives shall receive a meal and housing allowance in the amount of ~~\$25~~ \$35 for each day in attendance at sessions of the Legislature and for each day he occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature. In lieu of the meal and housing allowance, each member shall be entitled to a daily meal allowance in the amount of ~~\$12~~ \$17 and actual daily mileage allowances in an amount up to but not exceeding ~~\$13~~ \$20 per day. Each member shall also receive an annual allowance for constituent services in the amount of \$200.

Sec. 4. 3 MRSA § 2, 9th ¶, as repealed and replaced by PL 1975, c. 750, § 1, is amended to read:

The President of the Senate, the Speaker of the House of Representatives, the floor leaders and their assistants and members of a committee, with the approval

of the President of the Senate or the Speaker of the House as to members of a committee, may also meet on days when the Legislature is not in daily session at any convenient location within the State. Each member of the Senate and House of Representatives shall receive \$25 for every day's attendance when meetings or daily sessions are held, a meal and housing allowance in the amount of ~~\$25~~ \$35 for each day in attendance at such meetings or daily sessions and for each day he occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature and actual daily mileage allowances which shall be paid at the same rate paid to state employees. In lieu of the meal and housing allowance, each member shall be entitled to a daily meal allowance in the amount of ~~\$12~~ \$17 and actual daily mileage allowances in an amount up to but not exceeding ~~\$13~~ \$20 per day.

Sec. 5. 4 MRSA § 4, first sentence, as repealed and replaced by PL 1977, c. 696, § 19, is repealed and the following enacted in its place:

Each Justice of the Supreme Judicial Court shall receive an annual salary of \$32,000 until June 30, 1979, and an annual salary of \$34,240 until June 30, 1980, and an annual salary of \$36,637 thereafter; and the Chief Justice of the Supreme Judicial Court shall receive an annual salary of \$33,500 until June 30, 1979, and an annual salary of \$35,845 until June 30, 1980, and an annual salary of \$38,354 thereafter.

Sec. 6. 4 MRSA § 102, first sentence, as repealed and replaced by PL 1977, c. 696, § 20, is repealed and the following enacted in its place:

Each Justice of the Superior Court shall receive an annual salary of \$31,500 until June 30, 1979, and an annual salary of \$33,705 until June 30, 1980, and an annual salary of \$36,064 thereafter.

Sec. 7. 4 MRSA § 157, as last amended by PL 1977, c. 696, § 21, is repealed and the following enacted in its place:

§ 157. Judges; appointment; salary; retirement

The Governor, subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature, shall appoint to the District Court 5 judges at large and 15 judges. At least one judge shall be appointed in each district who shall be a resident thereof, except that in District 3 there shall be 2 judges appointed who shall be residents thereof and except that in District 9 there shall be 2 judges appointed who shall be residents thereof. Each shall have a term of office of 7 years. Each judge shall receive an annual salary of \$29,000 until June 30, 1979, and an annual salary of \$31,030 until June 30, 1980, and an annual salary of \$33,202 thereafter; and the Chief Judge shall receive an annual salary of \$30,000 until June 30, 1979, and an annual salary of \$32,100 until June 30, 1980, and an annual salary of \$34,347 thereafter. The Chief Justice of the Supreme Judicial Court shall designate one of the judges as Chief Judge. Each judge shall be

reimbursed for his expenses actually and reasonably incurred by him in performing his duties, upon presentation to the State Controller of a detailed statement of such expenses approved by the Chief Judge. The Chief Judge, with the advice and consent of the Chief Justice of the Supreme Judicial Court, shall designate one of the District Court Judges as Deputy Chief Judge. The Deputy Chief Judge shall receive compensation of \$500 annually in addition to his annual salary as District Court Judge.

To be eligible for appointment as a District Judge, a person must be a member of the bar of the State. The term "District Judge" shall include the Chief Judge and the judges at large.

A District Judge shall devote full time to his judicial duties. He shall not practice law during his term of office, nor shall he during such term be the partner or associate of any person in the practice of law.

Sec. 8. 4 MRSA § 1151, sub-§ 3, ¶ C, as enacted by PL 1977, c. 551, § 1, is amended to read:

C. The Administrative Court Judge shall receive as annual compensation an amount which is ~~\$1,500 less than that of a Superior Court Justice~~ **the same as the Chief Judge of the District Court**. He shall be entitled to actual and necessary expenses in the performance of his duties. He may employ necessary clerical assistance for the court. An Associate Administrative Court Judge shall receive as annual compensation an amount which is ~~\$1,000 less than the Administrative Court Judge~~ **the same as a District Court Judge** and he shall be entitled to actual and necessary expenses in the performance of his duties.

Sec. 9. 30 MRSA § 2, sub-§ 2, as enacted by PL 1977, c. 67, § 3, is repealed.

Sec. 10. 30 MRSA § 553-B is enacted to read:

§ 553-B. District attorney salaries

1. Annual salary. The district attorney for each of the several prosecutorial districts, as described in section 553-A, shall receive an annual salary of \$25,500.

2. Biweekly payments. The district attorneys and their assistants shall receive their annual salaries from the State Treasury in biweekly payments on a date to be determined by the State Controller and in a sum which will, in a year aggregate, most nearly equal the annual salary.

3. Additional sums. In addition to the annual salary as set forth in subsection 1, each district attorney shall receive such additional sums for which he qualifies under the following provisions:

A. \$700 for each full calendar year of prior service as an elected or appointed

Attorney General, Deputy Attorney General, United States Attorney or district attorney within the State of Maine;

B. \$300 for each 50,000 persons constituting the population of his district according to the latest Federal Decennial Census;

C. \$300 for each county within the district;

D. \$200 for each full calendar year of prior service as assistant district attorney, United States attorney or assistant attorney general; and

E. \$300 for each full calendar year of prior service as an elected or appointed county attorney.

4. Prior service.

A. Whenever it appears that any district attorney shall qualify for any payments set forth in subsection 3, the records of the Secretary of State shall control as to the length and type of prior service.

B. Should any district attorney be qualified for payment by virtue of prior service with the Federal Government or in another state, it shall be the burden of the person to secure and furnish to the Secretary of State such official records as may properly document the prior service.

5. Salary; exception. In no event shall the salary of any district attorney exceed that of a Judge of the District Court.

Sec. 11. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of section 2 of this Act.

	1979-80	1980-81
ATTORNEY GENERAL, DEPARTMENT OF		

Attorney General — Operations

Personal Services	\$10,019	\$12,809
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Sec. 12. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of sections 3 and 4 of this Act.

		1980-81
LEGISLATIVE ACCOUNT		
All Other		\$186,000

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Sec. 13. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of sections 5 to 10 of this Act.

1979-80 1980-81

JUDICIAL DEPARTMENT

Supreme Judicial, Superior, District
and Administrative Courts

Unallocated	\$130,318	\$269,751
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ATTORNEY GENERAL, DEPARTMENT OF

Attorney General — District

Attorneys

Personal Services	\$ 74,898	\$ 65,096
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Total	\$205,216	\$334,847
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Sec. 14. Appropriation. The following funds are appropriated from the General Fund to carry out the following purposes:

1979-80

COMMISSION ON PROBATE CODE

All Other		\$15,000
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To provide funds to study and make recommendations to the Legislature of the probate court system. Any balance in this appropriation shall not lapse June 30, 1980, but shall be carried forward until June 30, 1981, to be expended for the same purpose.

Sec. 15. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of section 1.

1979-80 1980-81

SECRETARY OF STATE, DEPARTMENT OF

Personal Services	\$2,874	\$2,874
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AUDIT, DEPARTMENT OF

Personal Services	5,748	5,748
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TREASURY, DEPARTMENT OF

Personal Services	8,047	8,047
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Sec. 16. Retroactivity. Sections 1, 2, 5, 6, 7, and 8 of this Act shall be retroactive to July 1, 1979. Sections 9 and 10 of this Act shall be retroactive to January 1, 1979.

Effective September 14, 1979 unless otherwise indicated

CHAPTER 545

H. P. 1127 — L. D. 1498

AN ACT to Recodify and Resolve Minor Administrative Problems in the Forestry Statutes; and Reorganize the Maine Forestry District.

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

Sec. 1. 12 MRSA § 552, sub-§ 1, ¶A, as enacted by PL 1975, c. 339, § 6, is amended to read:

A. Have the care, custody, control and the responsibility for the management of all lands owned by the State, including public reserved lands, public domain lands, islands in inland and coastal waters, land beneath great ponds, rivers and streams, subtidal lands, lands acquired under section ~~512~~ 8003, **subsection 3, paragraph N**, lands acquired by the bureau pursuant to other lawful authority and any other lands the management and control of which are not otherwise provided for by law.

Sec. 2. 12 MRSA § 558 is enacted to read:

§ 558. Submerged and intertidal lands owned by the State

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following words shall have the following meanings.

A. **Permanent.** "Permanent" means occupying submerged and intertidal lands owned by the State during 7 or more months during any one calendar year.

B. **Occupying.** "Occupying" refers to the total area of the structure or alteration itself to the extent that the area within its boundaries is directly upon or over such state-owned lands.