

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE-HUNDRETH LEGISLATURE

Legislative Document

No. 1692

S. P. 615

In Senate, November 27, 1961

The Committee on Judiciary suggested.

CHESTER T. WINSLOW, Secretary

Presented by Senator Erwin of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT to Correct Errors and Inconsistencies in the Public Laws.

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

Sec. 1. R. S., c. 1, § 12, amended. Section 12 of chapter 1 of the Revised Statutes is amended to read as follows:

'Sec. 12. Relinquishment to United States to title to land for erection of lighthouses, forts, etc., when title cannot otherwise be obtained; disposal of purchase money. Whenever, upon application of an authorized agent of the United States, it is made to appear to ~~any justice of~~ the Superior Court that the United States desires to purchase a tract of land and the right of way thereto, within the State, for the erection of a lighthouse, beacon light, range light or light keeper's dwelling, forts, batteries or other public building, and that any owner is a minor, or is ~~insane~~ **mentally ill**, or is from any cause incapable of making perfect title to said lands, or is unknown, or a nonresident, or from disagreement in price or any other cause refuses to convey such land to the United States, said ~~justice court~~ shall order notice of said application to be published in some newspaper in the county where such land lies, if any, otherwise in a paper in this State nearest to said land, once a week for 3 weeks, which notice shall contain an accurate description of said land, with the names of the supposed owners, provable in the manner required for publications of notice in chapter 112, and shall require all persons interested in said land on a day specified in said notice to file their objections to the proposed purchase; ~~and at.~~ **At** the time so specified ~~a justice of~~ said court shall empanel a jury, in the manner provided for the trial of civil actions, to assess the value of said land at its fair market value and all damages sustained by the owner of such land by reason of such appropriation; ~~which.~~ Such amount when so assessed, with the entire costs of said proceedings, shall

be paid into the treasury of said county, and thereupon the sheriff thereof, upon the production of the certificate of the treasurer that said amount has been paid, shall execute to the United States and deliver to its agent a deed of said land, reciting the proceedings in said cause, which deed shall convey to the United States a good and absolute title to said land against all persons. The money paid into such county treasury shall there remain until ordered to be paid out by a court of competent jurisdiction.'

Sec. 2. R. S., c. 1, § 13, amended. Section 13 of chapter 1 of the Revised Statutes is amended to read as follows:

'Sec. 13. Treasurer receiving money to give bond. The ~~justice court~~ directing the money to be paid to a county treasurer, in accordance with ~~the provisions of the preceding~~ ~~+~~ sections 9 to 12, shall require of such treasurer a bond in double the amount ordered to be paid to him, with 2 or more sufficient sureties, or with a surety company, as surety, to be approved by said ~~justice court~~. Such bonds shall be payable to the people of the State of Maine, for the use of such persons, severally, as are entitled to said money, and shall be approved and filed with the clerk of said court before payment of the money to the treasurer.'

Sec. 3. R. S., c. 3-A, § 2, sub-§ I, amended. Subsection I of section 2 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'I. Division titles. Arabic numerals refer to sections. Roman numerals refer to subsections. Capital letters refer to paragraphs. Arabic numerals ~~in parentheses~~ under paragraphs refer to subparagraphs.'

Sec. 4. R. S., c. 3-A, § 138, sub-§ III, amended. Subsection III of section 138 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'III. Court to issue order. As soon as final judgment has been rendered, ~~any justice of~~ the Superior Court, on request of the prevailing party, shall issue an order to the party unlawfully claiming or holding the office, commanding him to surrender it forthwith to the person who has been adjudged lawfully entitled to it, together with all the records and property connected with it. The prevailing party may enter upon the duties of the office as soon as his term begins.'

Sec. 5. R. S., c. 3-A, § 174, sub-§ II, amended. Subsection II of section 174 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'II. Appeal. A person aggrieved by an order of the committee may appeal to ~~a Justice of~~ the Superior Court within 5 days after being notified of the decision, by presenting ~~to him~~ a written complaint. The ~~justice court~~ shall fix a time and place for immediate hearing. ~~He~~ **It** shall order notice of the hearing to be given to the committee. Within 7 days after the hearing, the ~~justice court~~ shall affirm, modify or reverse the decision of the committee, and ~~his~~ **its** decision is final.'

Sec. 6. R. S., c. 10, § 21, amended. Section 21 of chapter 10 of the Revised Statutes is amended to read as follows:

'Sec. 21. Construction and effect of repealing acts. The repeal of an act or resolve passed after the 4th day of March, 1870 does not revive any statute in force before the act or resolve took effect. The repeal of an act does not affect any punishment, penalty or forfeiture incurred before the repeal takes effect, or any ~~act~~ **action**, or proceeding pending at the time of the repeal, for an offense committed or for recovery of a penalty or forfeiture incurred under the act repealed. Actions pending at the time of the passage or repeal of an act are not affected thereby.'

Sec. 7. R. S., c. 10, § 22, sub-§ XV, repealed. Subsection XV of section 22 of chapter 10 of the Revised Statutes is repealed, as follows:

'XV. By the words "preceding" or "following," used with reference to a section, is meant the section next preceding or following that in which it is used, when not otherwise expressed.'

Sec. 8. R. S., c. 10, § 26, sub-§ VI, amended. The 2nd sentence of subsection VI of section 26 of chapter 10 of the Revised Statutes is amended to read as follows:

'In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court of any county, ~~or of the judge thereof~~ on application of a member of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.'

Sec. 9. R. S., c. 14, § 2, amended. The first sentence of the 2nd paragraph of section 2 of chapter 14 of the Revised Statutes is amended to read as follows:

'In case of a sudden and unexpected tumult, riot, mob or body of men acting together by force with intent to commit felony or to offer violence to persons or property, or by force and violence to break and resist the laws of the State or the United States, or of imminent danger thereof, a Justice of the Supreme Judicial Court or of the Superior Court ~~in term time or vacation~~ or the sheriff of a county may call for aid upon a commanding officer of the national guard or other authorized state military or naval forces, and such call shall be in writing.'

Sec. 10. R. S., c. 14, § 44, amended. The last paragraph of section 44 of chapter 14 of the Revised Statutes is amended to read as follows:

'The clothes, arms, military outfit and accoutrements furnished by or through the State to a member of the active militia and the uniforms, arms and equipment required of commissioned officers and warrant officers shall not be subject to any ~~suit~~ **civil action, distress, execution or sale for debt or payment of taxes.'**

Sec. 11. R. S., c. 16, § 55, amended. The first sentence of section 55 of chapter 16 of the Revised Statutes is amended to read as follows:

'The Attorney General of this State is empowered to bring ~~suits~~ **civil actions** in the courts of other states, in the name of this State or any of its tax collecting agencies to collect taxes legally due this State or its said agencies.'

Sec. 12. R. S., c. 16, § 64, amended. The 3rd sentence of section 64 of chapter 16 of the Revised Statutes is amended to read as follows:

'In case of failure on the part of any person or persons to comply with any order of the State Tax Assessor, or on refusal of any witness to testify on any matter regarding which he may lawfully be interrogated before the State Tax Assessor or his agent, the Superior Court ~~or any justice thereof~~ may, on application of the Attorney General made at the written request of the State Tax Assessor, compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirement of a subpoena issued from such court or a refusal to testify therein.'

Sec. 13. R. S., c. 16, § 67, amended. Section 67 of chapter 16 of the Revised Statutes, as amended, is further amended by inserting after the 4th sentence, a new sentence, as follows:

'Such appeal shall be tried at the first term held not less than 10 days after the notice has been given, unless delay shall be granted for good cause.'

Sec. 14. R. S., c. 16, § 67, amended. Section 67 of chapter 16 of the Revised Statutes, as amended, is further amended by inserting after the 5th sentence, a new sentence, as follows:

'Such appeal may be referred by the court in its discretion to a referee to hear the parties and to report to the court the facts, or the facts with the evidence, which report shall be prima facie evidence of the facts thereby found.'

Sec. 15. R. S., c. 16, § 67, amended. The 5th sentence from the end of section 67 of chapter 16 of the Revised Statutes is repealed, as follows:

'Such appeal shall be tried at the term at which the notice is returnable, unless delay shall be granted for good cause, and may be referred by the court in its discretion to a commissioner to hear the parties and to report to the court the facts, or the facts with the evidence, which report shall be prima facie evidence of the facts thereby found.'

Sec. 16. R. S., c. 16, § 67, amended. The 4th sentence from the end of section 67 of chapter 16 of the Revised Statutes is amended to read as follows:

'The fees of the ~~commissioner~~ referee shall be paid in the same manner as those of auditors appointed by the court, and the court may make such order relating to the payment of costs as justice shall require and issue execution therefor.'

Sec. 17. R. S., c. 16, § 102, amended. Section 102 of chapter 16 of the Revised Statutes is amended to read as follows:

'**Sec. 102. Action may be commenced within 10 years, after removal of disability.** If any such former owner, or person claiming under him, during said period of 20 years, or any portion thereof, is a minor, ~~insane~~ **mentally ill**, imprisoned or absent from the United States he may, if otherwise entitled, bring

such action at any time within 10 years after such disability is removed, notwithstanding said period of 20 years has expired, and if such person dies during the continuance of the disability, and no determination or judgment has been had on his title or right of action, such action may be brought by his heirs, or other person claiming under him, at any time within 10 years after his death, notwithstanding the 20 years have elapsed.'

Sec. 18. R. S., c. 16, § 104, amended. The 4th paragraph of section 104 of chapter 16 of the Revised Statutes, as amended by chapter 20 of the public laws of 1961, is repealed as follows:

~~'Poll taxes collected by the State Tax Assessor from the residents of Connor in the year in which the biennial state election is held shall be paid by the State to the Town of Limestone.'~~

Sec. 19. R. S., c. 16, § 155, amended. The 2nd sentence of the 2nd paragraph of section 155 of chapter 16 of the Revised Statutes is amended to read as follows:

~~'Such appeal shall be filed in the office of the clerk of said court in the county where such trust company or banking institution is located and shall be heard and determined at the next term thereof held after said date.'~~

Sec. 20. R. S., c. 16, § 212, amended. The next to the last sentence of section 212 of chapter 16 of the Revised Statutes is amended to read as follows:

~~'The claimants may appeal and shall recognize with sureties as on appeals in civil causes actions from a magistrate.'~~

Sec. 21. R. S., c. 16, § 215, amended. The 3rd sentence of section 215 of chapter 16 of the Revised Statutes is amended to read as follows:

~~'If any person shall disobey such process or, having appeared in obedience thereto, shall refuse to answer any pertinent question put to him by the Tax Assessor or his authorized agent or to produce any books and papers pursuant thereto, the Tax Assessor or such agent may apply to the Superior Court of the county wherein the taxpayer resides or wherein the business has been conducted, or to any justice of said court if the same shall not be in session setting forth such disobedience to process or refusal to answer, and said court or said justice shall cite such person to appear before said court or such justice to answer such question or to produce such books and papers, and, upon his refusal to do so, may commit him to jail until he shall testify, but not for a longer period than 60 days.'~~

Sec. 22. R. S., c. 16, § 274, amended. The last sentence of section 274 of chapter 16 of the Revised Statutes is amended to read as follows:

~~'Jurisdiction is granted to the Supreme Judicial Court and Superior Court to hear such cases in term time or vacation and to enter such orders and decrees as the nature of the case may require.'~~

Sec. 23. R. S., c. 17, § 21, amended. The last sentence of section 21 of chapter 17 of the Revised Statutes is amended to read as follows:

'The **Tax** Assessor may, at the same time, without delay, bring ~~suit~~ a **civil action** for the collection of the tax.'

Sec. 24. R. S., c. 17, § 27, amended. The last paragraph of section 27 of chapter 17 of the Revised Statutes is amended to read as follows:

'~~Any justice of the~~ **The** Superior Court upon application of the State Tax Assessor may compel the attendance of witnesses and the giving of testimony before the State Tax Assessor in the same manner, to the same extent and subject to the same penalties as if before said court.'

Sec. 25. R. S., c. 17, § 33-A, amended. The 2nd paragraph of section 33-A of chapter 17 of the Revised Statutes, as enacted by section 1 of chapter 190 of the public laws of 1959, is amended to read as follows:

'If the person does not make the payment as demanded within said 12-day period, or such extension thereof as the **Tax** Assessor may allow, the **Tax** Assessor shall certify the amount required to be paid, interest and penalty, to the Attorney General for collection. The Attorney General may ~~in term time or vacation~~ file in the office of the clerk of the Superior Court of Kennebec County, or any county, a certificate addressed to the clerk specifying the amount required to be paid, interest and penalty due, the name and address of the person liable as it appears on the records of the **Tax** Assessor, the facts whereby said amount has become final as to law and fact, the notice given, and requesting that a warrant be issued against the person in the amount required to be paid, together with interest and penalty as set forth in the certificate, and with costs.'

Sec. 26. R. S., c. 17, § 34, amended. The last 2 paragraphs of section 34 of chapter 17 of the Revised Statutes, as repealed and replaced by section 7 of chapter 317 of the public laws of 1959, are amended to read as follows:

'The complaint may be presented to ~~any Justice of~~ the Superior Court in any county where the defendant has a regular place of business, or, if he have no regular place, then in Kennebec County. ~~Such justice~~ **The court** shall forthwith fix a time and place for hearing and cause notice thereof to be given the defendant. The defendant shall serve upon the State Tax Assessor a copy of his answer to the complaint at least 3 days before the day of hearing. The answer shall be paragraphed and numbered to conform with the numbering of the paragraphs in the complaint so far as may be. Any allegation of fact in the complaint which is not denied shall be taken as true.

Jurisdiction is granted to ~~the Justices of~~ the Superior Court to hear and determine such matters, and to enter and change such orders and decrees from time to time as the nature of the case may require and, if necessary, to appoint a receiver. From any final decree of ~~such justice~~ **the Superior Court**, an appeal lies to the law court. Said appeal shall be heard by the law court in the same manner as in other actions.'

Sec. 27. R. S., c. 18, § 7, amended. Section 7 of chapter 18 of the Revised Statutes is amended to read as follows:

'**Sec. 7. Governor and Council may hear complaints against Treasurer of State; may remove him and declare office vacant.** Upon written complaint of

any person that the Treasurer of State is ~~insane~~ **mentally ill** or insolvent, or has absconded or concealed himself to avoid his creditors, or is absent from the State and neglecting his duties to the hazard of the trust reposed in him, or has violated any provision of section 5, or has failed faithfully to perform the duties of his office, the Governor and Council shall forthwith examine into the charges and if any of them is found true, they shall remove him and declare the office vacant.'

Sec. 28. R. S., c. 20, § 1, amended. The first paragraph of section 1 of chapter 20 of the Revised Statutes, as amended, is further amended to read as follows:

'The Attorney General shall appear for the State, the Secretary of State, the Treasurer of State, the Bank Commissioner, the Insurance Commissioner, the head of any other state department and the state boards and commissions in all ~~suits and other~~ **civil actions and proceedings** in which the State is a party or interested, or in which the official acts and doings of said officers are called in question, in all the courts of the State; and in such ~~suits~~ **actions** and proceedings before any other tribunal when requested by the Governor or by the Legislature or either branch thereof. All such ~~suits~~ **actions** and proceedings shall be prosecuted or defended by him or under his direction. Writs, summonses or other processes served upon such officers shall forthwith be transmitted by them to him. All legal services required by such officers, boards and commissions in matters relating to their official duties shall be rendered by the Attorney General or under his direction. Said officers, boards and commissions shall not act at the expense of the State as counsel in any ~~suit~~ **action** or proceedings in which the State is interested. The Attorney General shall have an office in the State Capitol and shall receive an annual salary of \$10,000 in full for all services and in lieu of all fees. He shall receive his actual expenses incurred in the performance of his official duties while away from his home. During his term of service, he shall not be an officer or director of any corporation engaged in business for profit within the State of Maine.'

Sec. 29. R. S., c. 20, § 9, amended. The 3rd sentence of section 9 of chapter 20 of the Revised Statutes, as amended by chapter 257 and by section 2 of chapter 360, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'He may institute and conduct prosecutions for all offenses against chapter 3-A, and for that purpose attend and present evidence to grand juries and assist them in the examination of witnesses and drawing indictments.'

Sec. 30. R. S., c. 20-A, § 1, sub-§ I, amended. Subsection I of section 1 of chapter 20-A of the Revised Statutes, as enacted by section 1 of chapter 394 of the public laws of 1961, is amended by inserting after the paragraph entitled "Maine Milk Commission" the following paragraph:

'Passenger Tramway Safety Board.'

Sec. 31. R. S., c. 20-A, § 1, sub-§ I, amended. Subsection I of section 1 of chapter 20-A of the Revised Statutes, as enacted by section 1 of chapter 394 of

the public laws of 1961, is amended by adding at the end, the following paragraph:

'Secretary of State, but only as he controls and supervises the licensing of auctioneers.'

Sec. 32. R. S., c. 20-A, § 3, sub-§§ I, IV, amended. Subsections I and IV of section 3 of chapter 20-A of the Revised Statutes, as enacted by section 1 of chapter 394 of the public laws of 1961, are amended to read as follows:

I. Filing with Secretary of State. Each agency shall file forthwith with the Secretary of State a certified copy of each rule ~~hereto~~ hereafter adopted by it and each rule in effect ~~when this chapter takes effect~~ on September 16, 1961. The Secretary of State shall keep a permanent register of such rules open to public inspection.'

IV. Effective date. Except as set forth in subsection III, each rule hereafter adopted shall become effective upon filing with the Secretary of State, unless a later date is required by statute or specified in the rule.'

Sec. 33. R. S., c. 22, § 1, amended. The 13th paragraph of section 1 of chapter 22 of the Revised Statutes, which relates to the word "section" is repealed, as follows:

~~'"Section" shall refer to this chapter unless otherwise indicated;'~~

Sec. 34. R. S., c. 22, § 4, amended. The last sentence of section 4 of chapter 22 of the Revised Statutes is amended to read as follows:

~~'Any justice of the~~ **The Superior Court, on the petition of the Secretary of State, may issue summary process to enforce the lawful orders of the Secretary of State in any matter.'**

Sec. 35. R. S., c. 22, § 6, amended. The first sentence of section 6 of chapter 22 of the Revised Statutes, as last amended by section 2 of chapter 128 and by section 3 of chapter 287, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'The Secretary of State or the deputy secretary of state may suspend or revoke any certificate of registration or any license issued to any person to operate a motor vehicle or right to operate a motor vehicle or right to obtain an operator's license after hearing for any cause which he deems sufficient.'

Sec. 36. R. S., c. 22, § 16, sub-§ V-A, amended. Subsection V-A of section 16 of chapter 22 of the Revised Statutes, as enacted by section 3 of chapter 351 of the public laws of 1955, is amended to read as follows:

'V-A. Antique motor vehicles. Antique motor vehicles **\$5 \$7.50** each.'

Sec. 37. R. S., c. 22, § 27, sub-§ IV, amended. Subsection IV of section 27 of chapter 22 of the Revised Statutes, as amended, is further amended to read as follows:

IV. Convictions. On proof that dealer or holder of a transit registration certificate has been convicted of a violation of any of the provisions of this chapter or of chapter 134, section ~~38-A~~ 38-B.'

Sec. 38. R. S., c. 22, § 45, amended. The next to the last paragraph of section 45 of chapter 22 of the Revised Statutes, as last amended by chapter 35 and section 1 of chapter 343, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'The Chief of the State Police or a state police officer may issue a permit to owners of motor vehicles which are not inspected to enable them to operate such vehicle to an inspection station for the purpose of complying with this law.'

Sec. 39. R. S., c. 22, § 72, amended. Section 72 of chapter 22 of the Revised Statutes is amended to read as follows:

'Sec. 72. If plaintiff prevails, fee taxed in costs; record of processes. The fee of \$2, paid by the plaintiff to the Secretary of State at the time of the service as required by section 70, shall be taxed in his costs, if he prevails in the ~~suit~~ **action**. The said Secretary of State shall keep a record of such processes which shall show the day and hour of service.'

Sec. 40. R. S., c. 22, § 77, sub-§ VI, amended. Subsection VI of section 77 of chapter 22 of the Revised Statutes, as amended by chapter 243 of the public laws of 1955, is further amended to read as follows:

'VI. Suspension; duration. The suspension required in subsection II ~~of this section~~ shall remain in effect; the motor vehicle, trailer or semi-trailer in any manner involved in such accident shall not be registered in the name of the person whose license or registration was so suspended, and no other motor vehicle, trailer or semi-trailer shall be registered in the name of such person; nor any new licenses issued to such person, unless and until he has obtained a release or a judgment in his favor in an action ~~at law~~ to recover damages for damage to property or the death of or bodily injury to any person resulting from such accident or unless he shall have satisfied in the manner ~~hereinafter~~ provided any judgment rendered against him in such an action, and at all events gives and thereafter maintains proof of his financial responsibility ~~as hereinbefore provided~~. If the aggrieved or injured person or his legal representative shall not have brought ~~suit an action~~ within one year from the date of the accident, then the Secretary of State, upon receiving reasonable evidence of the fact, may, subject to the other requirements of the law, issue to such person a new license to operate and new registration certificates and registration plates, provided he shall give and thereafter maintain proof of financial responsibility ~~as hereinbefore provided~~. A discharge in bankruptcy shall not relieve the judgment debtor from any of the requirements of sections 75 to 82, except that 10 years after the date thereof a discharge in bankruptcy shall relieve the judgment debtor from any of the requirements of sections 75 to 82.

Sec. 41. R. S., c. 22, § 82, sub-§ I, amended. Subsection I of section 82 of chapter 22 of the Revised Statutes is amended to read as follows:

I. Limitation. ~~The provisions of sections~~ **Sections 75 to 82** shall not be construed to prevent the plaintiff in any **civil action at law** from relying upon the other processes provided by law.'

Sec. 42. R. S., c. 22, § 109, repealed and replaced. Section 109 of chapter 22 of the Revised Statutes, as repealed and replaced by section 3 of chapter 346 and amended by chapter 353, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 109. Weight of commercial vehicles limited. No motor truck, trailer, tractor, combination of truck tractor and semi-trailer, or other commercial vehicle shall be operated, or caused to be operated, on or over any way or bridge when the gross weight, actual weight of vehicle and load, exceeds 70,550 pounds. No vehicle having 2 axles shall be so operated, or caused to be operated, when the gross weight exceeds 32,000 pounds, no vehicle having 3 axles shall be so operated, or caused to be operated, when the gross weight exceeds 51,800 pounds, no vehicle having 4 axles shall be so operated, or caused to be operated, when the gross weight exceeds 62,050 pounds, and no vehicle having 5 or more axles shall be so operated, or caused to be operated, when the gross weight exceeds 70,550 pounds. The operation of the vehicle shall be prima facie evidence that said operation was caused by the person, firm or corporation holding the permit or certificate for said vehicle from the Public Utilities Commission.

Two or more axles less than 4 feet apart shall be considered as one axle and no group of axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot:

Maximum load in pounds carried on any Group of Axles

Distance in feet between the extremes of any group of axles	3 axle vehicles	4 axle vehicles with adequate brakes on the wheels of all axles	5 or more axle vehicles with adequate brakes on the wheels of all axles
4 to 7	32,000		
8	32,610		
9	33,580		
10	34,550		
11	35,510		
12	36,470		
13	37,420		
14	38,360	45,900	
15	39,300	46,750	
16	40,230	47,600	
17	41,160	48,450	
18	42,080	49,300	51,100
19	42,990	50,150	52,050
20	43,900	51,000	53,000
21	44,800	51,850	53,950

Maximum load in pounds carried on any Group of Axles

Distance in feet between the extremes of any group of axles	3 axle vehicles	4 axle vehicles with adequate brakes on the wheels of all axles	5 or more axle vehicles with adequate brakes on the wheels of all axles
22	45,700	52,700	54,900
23	46,590	53,550	55,850
24	47,470	54,400	56,800
25	48,350	55,250	57,750
26	49,220	56,100	58,700
27	50,090	56,950	59,650
28	50,950	57,800	60,600
29	51,800	58,650	61,550
30		59,500	62,500
31		60,350	63,450
32		61,200	64,400
33		62,050	65,350
34			66,300
35			67,250
36			68,200
37			69,150
38			70,100
39			70,550

provided, that no vehicle shall have a gross weight imparted to any road surface of more than 22,000 pounds on any one axle, and no vehicle having 2 or more axles less than 8 feet apart shall be operated, or caused to be operated, with more than 18,000 pounds imparted to the road surface from either axle or 32,000 pounds from both axles; provided further that no vehicle shall be so operated, or caused to be operated, when the load imparted to the road surface is greater than 600 pounds per inch width tire, manufacturer's rating; except that 3-axle trucks with brakes on the wheels of all axles hauling forest products may be operated for a gross weight of 48,000 pounds with a distance between the extreme axles of not less than 18 feet, and except further that 3-axle trucks with 2 rear axles driven and with brakes on wheels of all axles, hauling forest products may be operated upon the payment of an additional license fee of \$75 during the months of December, January and February at 15% in excess of the maximum gross weight permitted and that tractor-trailer combinations hauling forest products may be operated upon the payment of an additional license fee of \$75 during the months of December, January and February a 15% in excess of the maximum gross and axle weights permitted, not, however, permitting, validating or in any way applying to the use of the Interstate System as defined in the Federal Aid Highway Act of 1956 by vehicles with weights carried on any one axle, tandem axle weights or overall gross weight or with width in excess of the applicable maximum weights or maximum widths permitted by the provisions of section 108 (j) of the Federal Aid Highway Act of 1956 and except that 3-axle trucks with brakes on the wheels of all axles hauling construction

materials may be operated for a gross weight of 48,000 pounds with a distance between the extreme axles of not less than 16 feet and except that in special cases, special permits for the transportation of individual shipments in loads of greater gross weights may be granted by the State Highway Commission or such appropriate commission or officials as is duly authorized elsewhere in this chapter. All trucks with 4 or more axles shall have adequate brakes on the wheels of all axles.'

Sec. 43. R. S., c. 22, § 118, repealed. Section 118 of chapter 22 of the Revised Statutes is repealed, as follows:

~~'Sec. 118. Overtaken vehicle to give right of way. The driver of a vehicle upon a way about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.'~~

Sec. 44. R. S., c. 23, § 73, amended. Section 73 of chapter 23 of the Revised Statutes is amended to read as follows:

'Sec. 73. Maintenance of secondary federal aid roads. All state aid highways improved with funds provided under the provisions of section 7 of the federal act approved June 16, 1936, (Public No. 686 74th Congress) Title 23 of the U. S. Code, approved August 27, 1958 (Public No. 85-767), and all acts amendatory thereof and supplementary thereto, for the construction of secondary or federal roads, except improved secondary federal projects on the state highway system as defined in section 5, shall be maintained by the State Highway Commission under the same provisions as hereinbefore stated in this chapter for the maintenance of state aid roads.'

Sec. 45. R. S., c. 23, § 149-A, amended. The first sentence of section 149-A of chapter 23 of the Revised Statutes, as enacted by chapter 419 of the public laws of 1957 and as amended, is further amended to read as follows:

'In order to guide the users of the state turnpike system to the exit leading therefrom to the ~~19~~ major recreational areas of the State, there shall be erected and maintained at strategic points on the rights-of-way beside the lanes of traffic approaching the said exits, separate descriptive and directional signs of such design that each sign will be conspicuous and readable when traveling at the maximum lawful speed.'

Sec. 46. R. S., c. 23, § 149-A, amended. The first line of the 2nd paragraph of section 149-A of chapter 23 of the Revised Statutes, as enacted by chapter 419 of the public laws of 1957 and as amended, is further amended to read as follows:

'The ~~19~~ major recreational areas of the State are:'

Sec. 47. R. S., c. 25, § 29, repealed and replaced. Section 29 of chapter 25 of the Revised Statutes, as amended by section 4 of chapter 303 and repealed and replaced by section 5 of chapter 304, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 29. License suspended or revoked after hearing. When the department believes a license should be suspended or revoked it shall file a statement or complaint with the Hearing Officer designated in chapter 20-A. A person aggrieved by the refusal of the department to issue a license may file a statement or complaint with said Hearing Officer.'

'Sec. 48. R. S., c. 25, § 105, amended. Section 105 of chapter 25 of the Revised Statutes, as amended, is further amended to read as follows:

'Sec. 105. Control of tuberculosis. The department or any full-time municipal health officer is empowered to make such investigations as may be necessary to ascertain the source of any infectious or communicable disease. Whenever said department or any full-time municipal health officer has cause to believe that any person is infected with tuberculosis so as to expose others to the dangers thereof, said department by its representative or full-time municipal health officer shall petition ~~a justice of~~ the Superior Court in the county where said person resides or is found, setting forth said facts and requesting an examination of such person. Said ~~justice, in term or vacation court~~ may order such notice thereon as ~~he~~ it may deem proper for such person to appear and answer thereto. Upon hearing, if said ~~justice court~~ finds cause to believe that such person is so infected, ~~he~~ it may issue an order requiring said person to be examined by a board of 3 physicians licensed to practice in this State at the expense of said department. Said board shall be comprised of the superintendent of one of the state sanatoriums, a physician chosen by the person suspected of having tuberculosis and the third appointed by the ~~justice court~~. The board shall make a report to the ~~justice court~~ within the time designated by ~~him~~ it.

If the board finds and reports that the alleged tuberculous infected person does not have active infectious tuberculosis and is not dangerous to the public health the court shall enter an order dismissing the petition. If the board finds and reports that the alleged tuberculous infected person has active infectious tuberculosis and is dangerous to the public health, the ~~justice court~~ shall hold a hearing at the time fixed. If the ~~justice court~~ determines that such person has active infectious tuberculosis and is dangerous to the public health ~~he~~ it may commit such person to a sanatorium for such period of time as shall in the opinion of the superintendent of the sanatorium be necessary to remove the danger of infection to the public health and improve the health of the person, so that he will not have active infectious tuberculosis. The ~~justice court~~, in ~~his~~ its order committing a person to a sanatorium, may direct the sheriff to take such person into his custody and forthwith deliver him to the sanatorium.'

Sec. 49. R. S., c. 25, § 105-A, amended. Section 105-A of chapter 25 of the Revised Statutes, as enacted by section 3 of chapter 371 of the public laws of 1955, is amended to read as follows:

'Sec. 105-A. Return of person to sanatorium. Any person committed under section 105 who leaves the sanatorium to which he has been committed without having been discharged by the superintendent shall be recommitted to the sanatorium by ~~a Justice of~~ the Superior Court in the county from which the person was originally committed upon an affidavit being filed before such ~~justice court~~ by the superintendent of the sanatorium from which the person left ~~said~~. Said

affidavit shall state that such person has left the sanatorium and has not been discharged by the superintendent of said sanatorium. The order of recommitment shall direct the sheriff to forthwith deliver such person to the superintendent of the sanatorium named in the recommitment order.'

Sec. 50. R. S., c. 25, § 105-B, amended. The 2nd sentence of section 105-B of chapter 25 of the Revised Statutes, as enacted by section 4 of chapter 371 of the public laws of 1955, is amended to read as follows:

'Every order shall be executed forthwith unless the ~~justice court~~ entering the order or the Supreme Judicial Court, in its discretion, enters a supersedeas order and fixes the terms and conditions thereof.'

Sec. 51. R. S., c. 25, § 141-A, reallocated. Section 141-A of chapter 25 of the Revised Statutes, as enacted by chapter 120 of the public laws of 1961, is reallocated to be section 145-A.

Sec. 52. R. S., c. 25, § 165, repealed and replaced. Section 165 of chapter 25 of the Revised Statutes, as amended by section 36 of chapter 317 and repealed and replaced by section 6 of chapter 394, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 165. Suspension or revocation of licenses. When the department believes a license should be suspended or revoked it shall file a statement or complaint with the Hearing Officer designated in chapter 20-A. A person aggrieved by the refusal of the department to issue a license may file a statement or complaint with the Hearing Officer.'

Sec. 53. R. S., c. 25, § 205, amended. The 3rd paragraph of section 205 of chapter 25 of the Revised Statutes, as amended by section 37 of chapter 317 and by section 9 of chapter 394, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Any person who has been refused a license or a renewal of his license may file a statement or complaint with said Hearing Officer.'

Sec. 54. R. S., c. 25, § 213, amended. The 3rd sentence of the 4th paragraph of section 213 of chapter 25 of the Revised Statutes, as repealed and replaced by section 1 of chapter 359 of the public laws of 1961, is amended to read as follows:

'The executive secretary of said board shall keep a record of all proceedings, issue all notices, **except those required to be issued by the Hearing Officer under chapter 20-A**, certificates of regulation and licenses, attest all such papers and orders as said board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to license under sections 213 to 230 and sections 230-A to 230-P, as directed by said board, and shall report annually to the Governor and Council giving a full statement of all receipts and expenditures and a statement of the work performed by the Board of Hairdressers during the year, together with such recommendations as deemed necessary.'

Sec. 55. R. S., c. 25, § 215, amended. The first and 2nd paragraphs of section 215 of chapter 25 of the Revised Statutes, as repealed and replaced by section 1 of chapter 359 of the public laws of 1961, are amended to read as follows:

'The board shall make rules and regulations not contrary to law, ~~same to be submitted to the Bureau of Health for its approval~~ subject to chapter 20-A and the approval of the Department of Health and Welfare, concerning the proper use of appliances, apparatus and electrical machines used in any establishment for or in connection with any of the practices defined in section 214, and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where hairdressing or beauty culture are practiced and by persons engaged in such practice and shall make rules and regulations not contrary to law relative to the applications for licenses and certificates of registration. The board shall cause such rules and regulations to be printed in suitable form and a copy thereof to be sent to the proprietors of such shops and establishments, which shall be kept posted in a conspicuous place in such shops so as to be easily read by customers.

The board shall make rules and regulations not contrary to law, ~~same to be submitted to the Bureau of Health for its approval~~ subject to chapter 20-A and the approval of the Department of Health and Welfare, prescribing the requirements for the construction, operation, maintenance and sanitary requirements of any school of hairdressing and beauty culture, subject to a license under sections 213 to 230.'

Sec. 56. R. S., c. 25, § 215, amended. The 5th paragraph of section 215 of chapter 25 of the Revised Statutes, as repealed and replaced by section I of chapter 359 and amended by section II of chapter 394, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'The failure of any person to observe the requirements of any rule or regulation made by said board shall be cause for the suspension or revocation of such license. When the board believes a license should be suspended or revoked it shall file a statement or complaint with the Hearing Officer designated in chapter 20-A. Any such license suspended or revoked shall be delivered to any agent of the board upon demand.'

Sec. 57. R. S., c. 25, § 222, repealed and replaced. Section 222 of chapter 25 of the Revised Statutes, as repealed and replaced by section 3 of chapter 359 and amended by sections 12 and 13 of chapter 394, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 222. Schools of hairdressing and beauty culture; fees. No school of hairdressing and beauty culture shall be approved by said board until it shall attach to its staff a physician duly licensed to practice medicine in the state where the school is located, and familiar with the installation and use of electrical appliances adapted to hairdressing and beauty culture, nor unless it has a minimum requirement of a continuous course of study of 1,500 hours distributed over a term of not less than 9 months, including practical demonstrations, written or oral tests and theoretical and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances, which course of study and instruction shall be subject to the approval of said board. Time spent in any out-of-state school of hairdressing and beauty culture may be credited in full or in part against said 1,500 hours, subject to the decision and approval of the board. No school of hairdressing and beauty culture shall be an approved

school until approval shall be recorded in the records of said board and until it shall receive a certificate of approval issued by said board. The fee for such certificate shall be \$25 and it shall be good for one year from the date when issued, unless sooner suspended. Said certificate may, so long as such school continues to meet the approval of said board, be renewed from year to year upon payment of a fee of \$25 for each renewal. When the board believes a license should be suspended or revoked it shall file a statement or complaint with the Hearing Officer designated in chapter 20-A. No person shall be engaged to instruct in any of the branches of hairdressing and beauty culture as defined in section 214 unless said instructor has a certificate to practice hairdressing and beauty culture under sections 213 to 230, excepting physicians as specified.'

Sec. 58. R. S., c. 25, § 224, repealed and replaced. Section 224 of chapter 25 of the Revised Statutes, as amended by section 1 of chapter 29 and repealed and replaced by section 3 of chapter 359, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 224. Examinations. The board shall hold at least 2 public examinations each year, and at such times and places as it shall designate. Additional examinations may be held at the discretion of the board. Notice of all examinations shall be given by publication at least 10 days before the holding of any such examination in at least 2 daily newspapers printed and published in the county in which such examinations shall be held.

If any applicant to practice hairdressing and beauty culture, who has been a resident of the State of Maine for a period of at least 6 months, qualifies for examination, the board may issue to such applicant, until the results of the applicant's examination have been given, a permit to practice hairdressing and beauty culture under the supervision of a person registered to practice hairdressing and beauty culture. The permit shall terminate with the examination following applicant's qualification. If applicant fails first examination following qualification, said applicant may renew permit to practice hairdressing and beauty culture under supervision of a person registered to practice hairdressing and beauty culture, until the results of the next consecutive examination have been given, at which time said permit expires and shall not be renewable. Such applicant shall not be considered an apprentice. The applicant shall pay to the board a fee of \$3.'

Sec. 59. R. S., c. 25, § 225, repealed and replaced. Section 225 of chapter 25 of the Revised Statutes, as amended by sections 1 and 2 of chapter 356 and repealed and replaced by section 3 of chapter 359, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 225. Certificate of registration; limited certificate for manicuring, renewal; fees. Said board shall furnish to each registered operator in the practice of hairdressing and beauty culture a certificate of registration bearing the seal of the board and the names of all of its members, certifying that the holder thereof is entitled to practice hairdressing and beauty culture in this State, and it shall be the duty of the holder of such certificate of registration to post the same in a conspicuous place where it may be readily seen by all persons whom he may serve. Said certificate of registration shall be renewed on or before the

first day of July in each year, and the holder of said certificate of registration shall pay to the secretary of said board the sum of \$5 for said renewal. Certificate of registration limited to manicuring only may be issued upon complying with such examination requirements as may be determined by the board and upon payment of the fees as provided by sections 213 to 230.

Any person registered to practice hairdressing or beauty culture who fails to renew his certificate of registration during any license year, in subsequent years may renew his certificate of registration only after payment of all unpaid renewal fees.'

Sec. 60. R. S., c. 25, § 227, repealed and replaced. Section 227 of chapter 25 of the Revised Statutes, as repealed and replaced by section 3 of chapter 359 and amended by section 14 of chapter 394, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 227. Suspension or revocation of certificates of registration; appeal. The board may either refuse to issue or renew or may file a statement or complaint with the Hearing Officer requesting the suspension or revocation of any certificate of registration granted by it under sections 213 to 230 for:

- I. Felony. Conviction of a felony shown by a certified copy of the record of the court of conviction;
- II. Malpractice or incompetency. Gross malpractice or gross incompetency;
- III. Disease. Continued practice by a person knowingly having an infectious or contagious disease;
- IV. Drunkenness or drug addiction. Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;
- V. Conduct. Immoral or unprofessional conduct;
- VI. Unclean shop. The keeping of a shop or other establishment, or the tools, appliances or furnishings thereof in an unclean or insanitary condition;
- VII. Requirements of law. Failure to comply with any of the prescribed requirements of sections 213 to 230;
- VIII. Misrepresentation of qualifications. For misrepresentation of qualifications.

Any person whose certificate has been suspended or revoked may apply to the Hearing Officer to have the same reissued, and the same shall be reissued upon satisfactory evidence that the disqualifications have ceased.

Any such certificate of registration suspended or revoked shall be delivered to any agent of the board upon demand.'

Sec. 61. R. S., c. 25, § 228, repealed. Section 228 of chapter 25 of the Revised Statutes, as repealed and replaced by section 3 of chapter 359 and repealed by section 15 of chapter 394, both of the public laws of 1961, is repealed.

Sec. 62. R. S., c. 25, § 230-A, amended. The 3rd sentence of the 2nd paragraph of section 230-A of chapter 25 of the Revised Statutes, as enacted by section 4 of chapter 359 of the public laws of 1961, is amended to read as follows:

'The executive secretary of said board shall keep a record of all proceedings, issue all notices **except those required to be issued by the Hearing Officer under chapter 20-A**, certificates of registration and licenses, attest all such papers and orders as said board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to license under sections 230-A to 230-P as directed by said board, and shall report annually to the Governor and Council giving a full statement of all receipts and expenditures and a statement of the work performed by the Board of Barbers during the year, together with such recommendations as deemed necessary.'

Sec. 63. R. S., c. 25, § 230-C, amended. The first, 2nd and 5th paragraphs of section 230-C of chapter 25 of the Revised Statutes, as enacted by section 4 of chapter 359 of the public laws of 1961, are amended to read as follows:

'The board shall make rules and regulations not contrary to law, ~~same to be submitted to the Bureau of Health for approval~~ **subject to chapter 20-A and the approval of the Department of Health and Welfare**, concerning the proper use of appliances, apparatus and electrical machines used in any establishment for or in connection with any of the practices defined in section 230-B, and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where barbering is practiced and by persons engaged in such practice and shall make rules and regulations not contrary to law relative to the applications for licenses and certificates of registration. The board shall cause such rules and regulations to be printed in suitable form and a copy thereof to be sent to the proprietors of such shops and establishments, which will be kept posted in a conspicuous place in such shops so as to be easily read by customers.

The board shall make rules and regulations not contrary to law, ~~same to be submitted to the Bureau of Health for approval~~ **subject to chapter 20-A and the approval of the Department of Health and Welfare**, prescribing the requirements for the construction, operation, maintenance and sanitary requirements of any school of barbering subject to a license under sections 230-A to 230-P.'

'The failure of any person to observe the requirements of any rule or regulation made by said board shall be cause for the suspension or revocation of such license ~~but no license shall be suspended or revoked without a reasonable opportunity being offered to such person to show cause to said board why such license shall not be suspended or revoked~~ **by the Hearing Officer under chapter 20-A**. Any such license suspended or revoked shall be delivered to any agent of the board upon demand.'

Sec. 64. R. S., c. 25, § 230-H, amended. The first paragraph of section 230-H of chapter 25 of the Revised Statutes, as enacted by section 4 of chapter 359 of the public laws of 1961, is amended to read as follows:

'No school of barbering shall be approved by the board until it shall attach to its staff a physician duly licensed to practice medicine in the state where the

school is located, who shall instruct the students by lectures or demonstrations at least twice but not more than 4 times during the course on subjects of sanitation, sterilization, general anatomy and diseases, nor unless it has a minimum requirement of a continuous course of study of 1,000 hours distributed over a term of not less than 6 months ~~or in lieu thereof has satisfactorily completed a course of instruction of 1,500 hours in not less than 9 months in a school of barbering approved by said board~~, including practical demonstrations, written or oral tests and theoretical and practical instruction in sanitation, fundamentals for barbering, hygiene, histology of the hair, skin, face and neck, diseases of the skin, hair, glands and nails, massaging and manipulating the muscles of the upper body, hair cutting, shaving and arranging, dressing, coloring, bleaching, tinting the hair, sterilization and the use of antiseptics, cosmetics and electrical appliances customarily used in the practice of barbering, which course of study and instruction shall be subject to the approval of said board. No school of barbering shall be an approved school until approval shall be recorded in the records of said board and until it shall receive a certificate of approval issued by said board. The fee for such certificate shall be \$25 and it shall be good for one year from date when issued, unless sooner suspended. Said certificate may, so long as such school continues to meet the approval of said board, be renewed from year to year upon payment of a fee of \$25 for each renewal. ~~The board may revoke any such certificate at any time for cause. Notice shall be given to such school of said proposed action in order that said school may have an opportunity to be heard.~~ When the board believes a license should be suspended or revoked it shall file a statement or complaint with the Hearing Officer designated in chapter 20-A.'

Sec. 65. R. S., c. 25, § 230-M, repealed and replaced. Section 230-M of chapter 25 of the Revised Statutes, as enacted by section 4 of chapter 359 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 230-M. Suspension or revocation of certificates of registration; appeal. The board may either refuse to issue or renew or may file a statement or complaint with the Hearing Officer requesting the suspension or revocation of any certificate of registration granted by it under sections 230-A to 230-P for:

- I. Felony. Conviction of a felony shown by a certified copy of the record of the court of conviction;
- II. Malpractice or incompetency. Gross malpractice or gross incompetency;
- III. Disease. Continued practice by a person knowingly having an infectious or contagious disease;
- IV. Drunkenness or drug addiction. Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;
- V. Conduct. Immoral or unprofessional conduct;
- VI. Unclean shop. The keeping of a shop or other establishment, or the tools, appliances or furnishings thereof in an unclean or insanitary condition;
- VII. Requirements of law. Failure to comply with any of the prescribed requirements of sections 230-A to 230-P;

VIII. Misrepresentation of qualifications. For misrepresentation of qualifications.

Any person whose certificate has been suspended or revoked may apply to the Hearing Officer to have the same reissued, and the same shall be reissued upon satisfactory evidence that the disqualifications have ceased.

Any such certificate of registration suspended or revoked shall be delivered to any agent of the board upon demand.'

Sec. 66. R. S., c. 25, § 230-N, repealed. Section 230-N of chapter 25 of the Revised Statutes, as enacted by section 4 of chapter 359 of the public laws of 1961, is repealed.

Sec. 67. R. S., c. 25, § 251, amended. The first sentence of section 251 of chapter 25 of the Revised Statutes is amended to read as follows:

'Whenever the court deems it suitable and conducive to the public welfare that any such child be placed under the control of an individual, the court shall first take a bond from such person running to the State in such sum and with such sureties as the court approves, conditioned that such person shall humanely treat and properly support, clothe and educate the child, and in case of nonperformance of the conditions of said bond, a ~~suit~~ **civil action** may be commenced thereon and the sum so recovered shall be paid into the Treasury of the State for the joint benefit of the State and town settlement, if any, of said child in proportion to the amount of expenses incurred by the State and said town because of the failure of said person so to treat, support, clothe and educate said child.'

Sec. 68. R. S., c. 25, § 256, amended. Section 256 of chapter 25 of the Revised Statutes is amended to read as follows:

'**Sec. 256. Parents or guardians may petition for restoration of custody.** Whenever a child is in the custody of any children's institution, or child's welfare organization, or suitable person or of the department, the parents or either of them may make application in writing to ~~any justice of~~ the Superior Court to have its custody restored to him or them, such notice on the application and the time and place of the hearing thereon as the court orders shall be given to such person, institution or organization, or to the department and to the municipal board of the town where the proceedings therein were commenced; ~~and if~~. **If**, upon such hearing, it appears that the applicant is of sufficient ability and inclination suitably to provide for maintenance and education of said child, and that justice requires that its custody be restored to said applicant, the ~~judge~~ **court** shall so order, and the custody and control of said child shall thereafter be given to said applicant until the further order of the court.'

Sec. 69. R. S., c. 25, § 273-B, amended. Section 273-B of chapter 25 of the Revised Statutes, as enacted by section 2 of chapter 330 of the public laws of 1959, is amended to read as follows:

'**Sec. 273-B. Investment of hospital trust funds.** Hospitals may treat any 2 or more trust funds as a single fund solely for the purpose of investment, if such investment is not prohibited by the instrument, judgment, decree or order creating such trust funds. Unless ordered by decree, the hospital so investing

said funds is not required to render a court accounting with regard to such funds, but it, as accountant, or any interested person, may by petition to the ~~Supreme Judicial Court~~, the Superior Court or the probate court in the county where said hospital is located secure approval of such accounting on such conditions as the court may establish.'

Sec. 70. R. S., c. 25, § 290, amended. The first sentence of section 290 of chapter 25 of the Revised Statutes, as amended by section 39 of chapter 317 and repealed by section 4 of chapter 393, both of the public laws of 1961, is repealed, as follows:

~~'The department may recover from any child, children, or spouse of any beneficiary under sections 276 to 297, who is able to support the said beneficiary but who fails to provide such support, in a civil action for the amount expended by the department for said support.'~~

Sec. 71. R. S., c. 25, § 308, amended. The first sentence of section 308 of chapter 25 of the Revised Statutes, as amended by section 40 of chapter 317 and repealed by section 9 of chapter 393, both of the public laws of 1961, is repealed as follows:

~~'The department may recover from any adult child or children, spouse or parents of any beneficiary under sections 298 to 318, who is able to support the said beneficiary, but who fails to provide such support, in a civil action for the amount expended by the department for the said support.'~~

Sec. 72. R. S., c. 25, § 319-M, amended. The first sentence of section 319-M of chapter 25 of the Revised Statutes, as enacted by section 30 of chapter 405 of the public laws of 1955, and as amended by section 41 of chapter 317 and repealed by section 13 of chapter 393, both of the public laws of 1961, is repealed as follows:

~~'The department may recover from any adult child or children, spouse or parents of any beneficiary under the provisions of sections 319-A to 319-F, who is able to support the said beneficiary, but who fails to provide such support, in a civil action for the amount expended by the department for the said support.'~~

Sec. 73. R. S., c. 27, § 1, amended. The first paragraph of section 1 of chapter 27 of the Revised Statutes, as last amended by section 1 of chapter 304 of the public laws of 1961, is further amended to read as follows:

"The Department of Mental Health and Corrections, as heretofore established, hereinafter in this chapter called the "department," shall have general supervision, management and control of the research and planning, grounds, buildings and property, officers and employees, and patients and inmates of all of the following property, officers and employees, and patients and inmates of all of the following state institutions: The hospitals for the mentally ill, Pineland Hospital and Training Center, the State Prison, the Reformatories for Men and Women, the juvenile institutions, the Governor Baxter State School for the Deaf, the Military and Naval Children's Home and such other charitable and correctional state institutions as may be created from time to time. All orders of com-

mitment, medical and administrative records in the department are held to be confidential. Such records may be subpoenaed by a court of record.'

Sec. 74. R. S., c. 27, § 96, amended. The 2nd paragraph of section 96 of chapter 27 of the Revised Statutes, as repealed by section 13 of chapter 304 and amended by section 44 of chapter 317, both of the public laws of 1961, is repealed.

Sec. 75. R. S., c. 27, § 115, repealed. Section 115 of chapter 27 of the Revised Statutes, as repealed by section 6 of chapter 303 and amended by sections 15 and 16 of chapter 304, both of the public laws of 1961, is repealed.

Sec. 76. R. S., c. 27, § 122, amended. The first sentence of section 122 of chapter 27 of the Revised Statutes, as amended by chapter 297 and by section 18 of chapter 304, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'The Governor shall appoint in each county in the State one or more competent physicians, who shall be residents of the county, to act as examiners of insane convicts in the county jail of the county.'

Sec. 77. R. S., c. 27, § 124, amended. The last sentence of section 124 of chapter 27 of the Revised Statutes, as amended by section 8 of chapter 303 and section 20 of chapter 304, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'A certified copy of the certificate shall accompany said order of commitment made hereunder, and said judge shall keep a record of his doings.'

Sec. 78. R. S., c. 27, § 126, repealed and replaced. Section 126 of chapter 27 of the Revised Statutes, as amended by chapter 266 and by section 22 of chapter 304, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 126. Fees for examination and certificate. The fee of each physician for such examination and certificate and testifying before said judge shall be \$15. All the fees, costs and expenses incident to any such hearing shall be taxed by the judge, and in any cases arising in any of the county jails, by the county commissioners for such county, who shall include therein a reasonable compensation for such judge, and said fees and costs shall be paid by the State and county respectively.'

Sec. 79. R. S., c. 27, § 140, repealed. Section 140 of chapter 27 of the Revised Statutes, as repealed by section 10 of chapter 303 and section 26 of chapter 304 and amended by section 45 of chapter 317, all of the public laws of 1961, is repealed.

Sec. 80. R. S., c. 27, § 141, repealed. Section 141 of chapter 27 of the Revised Statutes, as repealed by section 10 of chapter 303 and amended by section 27 of chapter 304, both of the public laws of 1961, is repealed.

Sec. 81. R. S., c. 27, § 143-C, amended. The last sentence of section 143-C of chapter 27 of the Revised Statutes, as enacted by section 5 of chapter 189 of the public laws of 1959, is amended to read as follows:

'No child received under section 143-B shall be detained beyond his 18th birthday unless the condition of such patient at that time is deemed by the superintendent of said institution to be such that further hospital care is necessary because such child is mentally ill and could not be discharged with safety to himself and others; in which event said superintendent shall forthwith cause application to be made for the commitment of such child as mentally ill under ~~sections 104, 105, 106 and 110~~ **section 175** and during the pendency of such application, said superintendent may detain him at said institution but in no event for a period longer than 60 days.'

Sec. 82. R. S., c. 29, § 5, sub-§ II, amended. The 3rd sentence of subsection II of section 5 of chapter 29 of the Revised Statutes, as amended by section 10 of chapter 317 of the public laws of 1959, is further amended to read as follows:

'Any person aggrieved by any such regulation, or any act or order of the commission in enforcement thereof, may appeal to ~~a justice of~~ the Superior Court by ~~presenting to him~~ **filing** a complaint within 30 days, and ~~he~~ it shall fix a time and place of hearing and cause notice thereof to be given the commission; and after the hearing, the ~~justice court~~ may affirm or reverse the regulation, act or order of the commission.'

Sec. 83. R. S., c. 30, § 25, repealed and replaced. Section 25 of chapter 30 of the Revised Statutes, as last amended by section 2 of chapter 135 and section 2 of chapter 162, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'**Sec. 25. Employment of minors under 14 years of age prohibited.** No child under 14 years of age shall be employed, permitted or suffered to work in, about or in connection with any eating place, automatic laundries, retail establishment where frozen dairy products are manufactured on the premises, sporting or overnight camp or mercantile establishment, and no child between the ages of 14 and 16 years shall be so employed when the distance between the work place and the home of the child, or any other factor, necessitates the child's remaining away from home overnight. Except as otherwise provided, no child under 15 years of age shall be employed, permitted or suffered to work at any business or service for hire, whatever, during the hours that the public schools of the town or city in which he resides are in session. This section shall not apply to any such child who is employed directly by, with or under the supervision of either or both of its parents.'

Sec. 84. R. S., c. 30, § 30, repealed and replaced. Section 30 of chapter 30 of the Revised Statutes, as last amended by section 3 of chapter 135 and by section 3 of chapter 162, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'**Sec. 30. Females not to be employed more than 9 hours a day.** No female shall knowingly be employed or accept employment in any of one or more workshops, factories, manufacturing, mechanical or mercantile establishments, beauty parlors, hotels, commercial places of amusement, restaurants, retail establishments where frozen dairy products are manufactured on the premises, dairies, bakeries, laundries, including automatic laundries, dry cleaning establishments,

telegraph offices, in any telephone exchange which has more than 750 stations or by any of one or more express or transportation companies in the State more than a total of 9 hours in any one day; except when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week. In no case shall the hours of labor exceed a total of 10 hours in any one day or a total of 54 hours in any one week.'

Sec. 85. R. S., c. 30, § 32, amended. The first paragraph of section 32 of chapter 30 of the Revised Statutes, as repealed and replaced by section 3 of chapter 348 of the public laws of 1955 and as amended by section 4 of chapter 135 and by section 4 of chapter 162, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'No female shall knowingly be employed or accept employment in any of one or more mercantile establishments, beauty parlors, hotels, commercial places of amusement, restaurants, retail establishments where frozen dairy products are manufactured on the premises, dairies, bakeries, laundries, including automatic laundries, dry cleaning establishments, telegraph offices, in any telephone exchange which has more than 750 stations or by any of one or more express or transportation companies in the State more than a total of 54 hours in any one week.'

Sec. 86. R. S., c. 30, § 50, amended. The first 2 sentences of section 50 of chapter 30 of the Revised Statutes, as amended by section 1 of chapter 94 of the public laws of 1957 and by section 20 of chapter 395 of the public laws of 1961, are further amended to read as follows:

'Every corporation, person or partnership engaged in a manufacturing, mechanical, mining, quarrying, mercantile, restaurant, hotel, summer camp, beauty parlor, amusement, telegraph or telephone business; in any of the building trades; in logging or lumbering operations; upon public works, or in the construction or repair of roads, bridges, sewers, gas, water or electric light works, pipes or lines; every incorporated express company or water company; and every steam railroad company or corporation shall pay weekly each employee engaged in his or its business the wages earned by him to within 8 days of the date of such payment. Any employee, leaving his or her employment, shall be paid in full within a reasonable time after demand at the office of the employer where payrolls are kept and wages are paid, and; every county and city shall so pay every employee who is engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner.'

Sec. 87. R. S., c. 30, § 58, amended. The 2nd sentence of section 58 of chapter 30 of the Revised Statutes is amended to read as follows:

'Such certificate of record, in all ~~suits~~ civil actions and prosecutions under the provisions of this chapter, shall be sufficient proof of the adoption of such label, trade-mark, device or form of advertisement.'

Sec. 88. R. S., c. 30, § 59, amended. Section 59 of chapter 30 of the Revised Statutes is amended to read as follows:

'Sec. 59. Union using lawful trade-mark may enjoin manufacture and use of counterfeit; counterfeits to be destroyed. Every such association or union that has adopted and uses a label, trade-mark, device or form of advertisement, ~~as aforesaid~~ which has been recorded in the office of the Secretary of State ~~as hereinafore provided~~, may proceed by ~~suit~~ **civil action** to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof, or of any goods to which such counterfeits or imitations shall be affixed or attached, or on which the same shall be printed, painted or impressed, and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use, display or sale, and shall award the complainant in such ~~suit~~ **action**, such damages resulting from such wrongful manufacture, use, display or sale as may by said court be deemed reasonable, and shall require the defendants to pay such association or union the profits derived from such wrongful manufacture, use, display or sale; ~~and said.~~ **Said court shall also** order that all such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court, or to the complainant, to be destroyed.'

Sec. 89. R. S., c. 30, § 63, amended. Section 63 of chapter 30 of the Revised Statutes is amended to read as follows:

'Sec. 63. Prosecution of civil actions. In all cases where such association or union is not incorporated, ~~suits civil actions~~ and proceedings ~~hereunder~~ may be commenced and prosecuted by an officer or member of such association or union, for and in behalf of and for the benefit of such association or union.'

Sec. 90. R. S., c. 31, § 25, amended. The 3rd and 4th sentences of section 25 of chapter 31 of the Revised Statutes are amended to read as follows:

'Settlement of such subrogation claims and the distribution of the proceeds therefrom must have the approval of the court wherein the subrogation ~~suit~~ **action** is pending or to which it is returnable; or, if not in suit, of a single commissioner. When the court in which such subrogation ~~suit~~ **action** is pending or to which it is returnable is in vacation, the judge of the court, or, if the ~~suit~~ **action** is pending in or returnable to the Superior Court, any Justice of the Superior Court, shall have the power to approve the settlement of such ~~suit~~ **action** and the distribution of the proceeds therefrom.'

Sec. 91. R. S., c. 31, § 38, repealed and replaced. Section 38 of chapter 31 of the Revised Statutes, as amended by chapter 290 and repealed and replaced by section 8 of chapter 384, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 38. Petition for review of incapacity. While compensation is being paid or vocational rehabilitation is being provided under any agreement award or decree, the incapacity of the injured employee due to the injury, the need or progress of the vocational rehabilitation may from time to time be reviewed by a single commissioner upon the petition of either party upon the grounds that such incapacity has subsequently increased, diminished or ended or that the need of the continuation of vocational rehabilitation has ended. Pending a hearing and final decision upon such petition for review, and except in such cases as the employer and employee may reach a new agreement under section 32, the

payment of compensation shall not be decreased or suspended unless and until a certificate of the employer or his insurance carrier is filed with the commission stating that the employee has left the State or that his present whereabouts are unknown, or that he has resumed work, or that he has refused to submit to a medical examination, or unless a certificate of a physician or surgeon is filed with the commission stating that in his opinion from a current examination the employee is able to resume work. Upon such review the commissioner may increase, diminish or discontinue such compensation or vocational rehabilitation in accordance with the facts, as the justice of the case may require. If after compensation or vocational rehabilitation has been discontinued, by decree or approved settlement receipt as provided by section 44, additional compensation or further vocational rehabilitation is claimed by an employee for further period of incapacity, he may file with the commission a petition for further compensation or vocational rehabilitation setting forth his claim therefor, hearing upon which shall be held by a single commissioner. The provisions of sections 34 to 37 as to procedure shall apply to the petitions authorized by this section and by section 22; and said provisions shall apply to the petitions authorized by sections 9, 13, 28 and 40, except that such petitions shall be heard by the commission.'

Sec. 92. R. S., c. 32, § 3, amended. The first sentence of section 3 of chapter 32 of the Revised Statutes, as amended by section 18 of chapter 363 of the public laws of 1959, is further amended to read as follows:

'The commissioner shall make uniform rules and regulations for carrying out the provisions of sections 3 to 9, 32 to 38, 142 to 145, 180 to 215, section 228-A, sections 258 to 272 and, 274 to 276, 276-A to 276-D and 277 to 285.'

Sec. 93. R. S., c. 32, § 4, amended. Section 4 of chapter 32 of the Revised Statutes, as last repealed and replaced by section 29 of chapter 378 of the public laws of 1959, is amended to read as follows:

'Sec. 4. Hearing in case of violation. When the commissioner becomes cognizant of the violation of any provision of sections 3 to 9, 32 to 38, 142 to 145, 180 to 215, 215-A to 215-J, 216 to 228, 228-A, 229 to 236, 236-A to 236-K, 237 to 247, 258 to 272 and, 274 to 276, 276-A to 276-D and 277 to 285, he shall cause notice of such fact, stating the date, hour and place of hearing, with a copy of the finding or, in case of a packer of food, a copy of the charge to be preferred, to be given to the person concerned and the person from whom the sample was obtained, and the person whose name appears upon the label, if a resident of the State, who shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the said commissioner. When the hearing relates to the packing of apples, it shall be held in the county where the inspection was made.'

Sec. 94. R. S., c. 32, § 48-C, amended. Section 48-C of chapter 32 of the Revised Statutes, as enacted by section 1 of chapter 239 of the public laws of 1959, is amended to read as follows:

'Sec. 48-C. Responsibility of chief. The Chief of the Division of Animal Industry shall be responsible to the commissioner for the prevention, control and eradication of contagious and infectious diseases among domestic animals

of the State. He shall administer ~~the provisions of this chapter 32,~~ sections 48-A to 48-I, ~~section 48-I-1,~~ sections 48-J to 49-F, sections 49-F-1 and 49-G, sections 127 to 140, chapter 100, sections 9 to 28 and chapter 140, section 18. He shall perform such other duties as may be designated by the commissioner.'

Sec. 95. R. S., c. 32, § 48-F, amended. The first sentence of section 48-F of chapter 32 of the Revised Statutes, as enacted by section 1 of chapter 239 of the public laws of 1959, is amended to read as follows:

'The commissioner shall make all needful rules and regulations which may in his judgment be deemed requisite to the full and due execution of ~~the provisions of~~ sections 48-A to 48-I, ~~section 48-I-1,~~ sections 48-J to 49-F, sections 49-F-1 and 49-G and sections 127 to 140.'

Sec. 96. R. S., c. 32, § 48-X, amended. Section 48-X of chapter 32 of the Revised Statutes, as enacted by section 1 of chapter 239 of the public laws of 1959, is amended to read as follows:

'**Sec. 48-X. County attorneys to prosecute violations.** The several county attorneys shall prosecute all violations ~~of the provisions of~~ sections 48-A to 48-I, ~~section 48-I-1,~~ sections 48-J to 49-F, sections 49-F-1 and 49-G and sections 127 to 140, which shall be brought to their notice or knowledge by any person making the complaint under oath; ~~trial.~~ Trial justices within their counties shall have, upon complaint, original and concurrent jurisdiction with municipal courts and the Superior Court in all prosecutions under ~~the provisions of~~ said sections.'

Sec. 97. R. S., c. 32, § 48-Y, amended. Section 48-Y of chapter 32 of the Revised Statutes, as enacted by section 1 of chapter 239 of the public laws of 1959, is amended to read as follows:

'**Sec. 48-Y. Agents employed.** The commissioner may employ skilled veterinarians and such other agents and employees as he may deem necessary to carry into effect ~~the provisions of~~ sections 48-A to 48-I, ~~section 48-I-1,~~ sections 48-J to 49-F, sections 49-F-1 and 49-G and sections 127 to 140, subject to ~~the provisions of~~ the Personnel Law.'

Sec. 98. R. S., c. 32, § 48-Z, amended. Section 48-Z of chapter 32 of the Revised Statutes, as enacted by section 1 of chapter 239 of the public laws of 1959, is amended to read as follows:

'**Sec. 48-Z. Expenses.** The actual and necessary traveling expenses of the commissioner and his employees, any and all expense of prevention, control and eradication of disease, destroying diseased animals and those exposed to disease, and paying for the same, and all other expenses necessary to properly carry out ~~the provisions of~~ sections 48-A to 48-I, ~~section 48-I-1,~~ sections 48-J to 49-F, sections 49-F-1 and 49-G and sections 127 to 140 shall be paid out of such amounts as the Legislature may appropriate.'

Sec. 99. R. S., c. 32, § 49-G, repealed and replaced. Section 49-G of chapter 32 of the Revised Statutes, as enacted by section 1 of chapter 239 of the public laws of 1959 and amended by chapter 91 and section 2 of chapter 149, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 49-G. Penalty. Whoever violates any provisions of sections 48-A to 48-I, section 48-I-1 and sections 48-J to 49-F-1, or any rule and regulation promulgated thereunder, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 90 days, or by both.'

Sec. 100. R. S., c. 32, § 219, amended. Section 219 of chapter 32 of the Revised Statutes is amended to read as follows:

'Sec. 219. Injunctions. In addition to the remedies hereinafter provided, the commissioner is authorized to apply to ~~any justice of the Superior Court or any justice of the supreme judicial court in term time or vacation~~ and such ~~justice court~~ shall have jurisdiction upon hearing and for cause shown, to grant a ~~temporary preliminary~~ or permanent injunction restraining any person from violating any provision of section 218.'

Sec. 101. R. S., c. 32, § 249, amended. The last 2 sentences of section 249 of chapter 32 of the Revised Statutes are amended to read as follows:

'Pending judgment of such ~~justice court~~, the decision of such commissioner shall remain in full force and effect. The commissioner shall, within 3 days after notice of such appeal, forward to such ~~justice court~~ a certified copy of the proceedings.'

Sec. 102. R. S., c. 33, § 4, amended. The 4th paragraph from the end of section 4 of chapter 33 of the Revised Statutes, as amended, is further amended to read as follows:

'Upon fixing said minimum prices in any market which shall apply to the various classifications of milk and which may vary in the several market areas of the State, the commission shall furnish all dealers registered in said market with a schedule of such prices, and shall publish a schedule thereof in appropriate newspapers in said market. Such ~~publication shall constitute an official order with respect to minimum prices~~ **order shall become effective in accordance with chapter 20-A** and thereafter no dealer, store or other person handling milk in such market shall buy or offer to buy, sell or offer to sell milk for prices less than the scheduled minimum prices established for that market.'

Sec. 103. R. S., c. 35, § 18, amended. Section 18 of chapter 35 of the Revised Statutes is amended to read as follows:

'Sec. 18. Misdemeanor to induce breach of marketing contract; spreading false reports. Any person or any corporation whose officers or employees knowingly induce or attempt to induce any member or stockholder of an association to violate his marketing contract with the association, or who maliciously and knowingly spread false reports about the finances or management thereof, shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$100 nor more than \$1,000 for each such offense; and shall be liable to the association aggrieved in a civil ~~suit~~ **action** in the penal sum of \$500 for each such offense.'

Sec. 104. R. S., c. 35, § 21, sub-§ II, amended. The first paragraph of sub-section II of section 21 of chapter 35 of the Revised Statutes is amended to read as follows:

'In the case of an association dissolving pursuant to the provisions of this section, the Superior ~~or supreme judicial~~ Court, upon the petition of the trustees or a majority of them, or a proper case upon the petition of a creditor or member, or upon the petition of the Attorney General, upon notice to all of the trustees and to such other interested persons as the court may specify, from time to time may order and adjudge in respect to the following matters:'

Sec. 105. R. S., c. 35-A, § 7, amended. The last 2 sentences of section 7 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961, are repealed as follows:

~~'Such rules, regulations and codes shall become effective upon such date subsequent to the publication of the summary thereof and the mailing of copies to registered operators, as required, as may be specified by the board therein. The foregoing procedure shall be followed by the board in amending or repealing any of its rules, regulations or codes.'~~

Sec. 106. R. S., c. 35-A, § 8, repealed. Section 8 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961, is repealed.

Sec. 107. R. S., c. 35-A, § 11, amended. Section 11 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961, is amended to read as follows:

'Sec. 11. Inspection reports. If, as the result of an inspection, it is found that a violation of the board's rules, regulations or code exists, or a condition in passenger tramway construction, operation or maintenance exists endangering the safety of the public, an immediate report shall be made to the board for appropriate investigation and ~~order~~ **action.**'

Sec. 108. R. S., c. 35-A, § 12, repealed and replaced. Section 12 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 12. Complaints. Any person may make written complaint to the board setting forth any thing or act claimed to be done or omitted to be done by any registered operator which is alleged to be in violation of any rule, regulation or code adopted by the board, or setting forth any condition in passenger tramway construction, operation or maintenance which is alleged to endanger the safety of the public. The board may investigate the matter complained of, and if it shall appear to the board that there are reasonable grounds therefor, the board shall file a complaint with the Hearing Officer as designated in chapter 20-A, and shall proceed in accordance with the procedure set forth in chapter 20-A.'

Sec. 109. R. S., c. 35-A, § 19, repealed and replaced. Section 19 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 19. Orders. If, after investigation, the board finds that a violation of any of its rules, regulations or code exists, or that there is a condition in passenger tramway construction, operation or maintenance endangering the safety

of the public the board shall file a complaint with the Hearing Officer as designated in chapter 20-A, and shall proceed in accordance with the procedure set forth in chapter 20-A.'

Sec. 110. R. S., c. 35-A, § 20, amended. Section 20 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961, is amended to read as follows:

'**Sec. 20. Operation forbidden.** If in any such case the board is of the opinion that the public safety would be unduly endangered by the use of the tramway for the transportation of passengers prior to the taking of some or all of such corrective action, it shall so ~~state in said~~ order, and shall require in said order that the tramway shall not be so used until specified corrective action shall have been taken. From and after receipt of said order by the operator, said tramway shall not be used for the transportation of passengers without the approval of the board. Application for a hearing before the ~~board~~ **Hearing Officer under chapter 20-A** shall not have the effect of suspending said order. Operation of the tramway following receipt of such order may be enjoined by the Superior Court.'

Sec. 111. R. S., c. 35-A, § 21, repealed and replaced. Section 21 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961, is repealed and the following enacted in place thereof:

'**Sec. 21. Hearing.** Any operator aggrieved by an order of the board issued under section 20 may, within 10 days of the service of such order upon him, apply to the Hearing Officer for a review of such order. It shall be the duty of the Hearing Officer to hear the same and make such order as the facts and the law may require.'

Sec. 112. R. S., c. 35-A, § 22, repealed. Section 22 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961, is repealed.

Sec. 113. R. S., c. 35-A, § 23, amended. Section 23 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961, is amended to read as follows:

'**Sec. 23. Suspension of registration.** If any such operator fails to comply with the lawful order of the ~~board issued under sections 19 and 20~~ **board or the Hearing Officer under chapter 20-A** and within the time fixed thereby, the board may suspend the registration of such operator for such time as it may consider necessary for the protection of the safety of the public.'

Sec. 114. R. S., c. 35-A, § 24, amended. Section 24 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961, is amended to read as follows:

'**Sec. 24. Penalty.** Any operator convicted of operating a passenger tramway without having been registered by the board, or after his registration has been suspended ~~by the board~~, shall be punished by a fine of \$50 per day for each day of such illegal operations.'

Sec. 115. R. S., c. 35-A, § 26, amended. Section 26 of chapter 35-A of the Revised Statutes, as enacted by chapter 325 of the public laws of 1961, is amended to read as follows:

'Sec. 26. Provisions. The provisions for regulation, registration and licensing of passenger tramways under this chapter shall be in lieu of all other regulations, registration or licensing requirements by the Insurance Commissioner under chapter 100, sections ~~69~~ 69-A and ~~70~~ 69-F.'

Sec. 116. R. S., c. 36-A, § 4, sub-§ IX, amended. Subsection IX of section 4 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 of the public laws of 1959, is amended to read as follows:

'IX. Display of number. No number other than the number awarded to a motorboat or granted reciprocity pursuant to this chapter shall be painted, attached or otherwise displayed on either side of the bow of such motorboat, except that nothing in this section shall be deemed to affect the display of such numbers as may be required under ~~chapter 37, section 66 and~~ chapter 49, section 9;'

Sec. 117. Effective date. Section 116 shall become effective January 1, 1963.

Sec. 118. R. S., c. 37, § 113, sub-§ I, amended. The 4th paragraph of subsection I of section 113 of chapter 37 of the Revised Statutes, as revised, is repealed and the following enacted in place thereof:

'The open season on mink and muskrat shall be during the month of November in each calendar year; except that the open season on muskrat in Washington County shall be from April 1st to April 30th of each year and in York County shall be only from March 20th to April 20th in each year; and except that the open season on muskrat in Aroostook County shall be during the month of April only in each year; and except that the open season on muskrat within the watershed of Saco River in Oxford County, and on all lakes, ponds, marshes and streams tributary thereto, and within said county, shall be only from the first day of November to the 25th day of April in the following year.'

Sec. 119. R. S., c. 39-B, § 11, repealed and replaced. Section 11 of chapter 39-B of the Revised Statutes, as enacted by section 2 of chapter 293 of the public laws of 1957 and as amended by sections 82 and 83 of chapter 317 and repealed and replaced by section 20 of chapter 394, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 11. Forfeiture. In the event that any prospector, claimant, licensee or lessee violates any of the provisions of this chapter or any rule or regulation of the Mining Bureau, the bureau shall notify such prospector, claimant, licensee or lessee, as the case may be, of such alleged violation and of the nature of such alleged violation, by sending such notice by registered or certified mail to him at his last known address. If such violation is not remedied within 30 days after the date of mailing such notice, the permit, claim, license or lease of such violator in existence at the time of such violation shall be liable to forfeiture. For cause, the bureau may extend such further time for compliance as it may determine. No forfeiture shall be valid until a second notice in writing shall have been

served upon the person, firm or corporation holding the prospector's permit, claim, mining lease or license to mine, setting forth the alleged violations of law or rules and regulations, or both, 30 days prior to the date set for hearing. The hearing shall be held before the Hearing Officer as designated in chapter 20-A. If the forfeiture relates to a claim or mining lease, an appropriate entry shall be made on the records of the State Land Agent, after the time for appeal has expired or the appeal finally determined.

The fees of witnesses required to attend any hearing shall be the same as those allowed to witnesses appearing in the Superior Court.'

Sec. 120. R. S., c. 41, § 11-B, reallocated. Section 11-B of chapter 41 of the Revised Statutes, as enacted by chapter 180 of the public laws of 1961, is reallocated to be section 11-F.

Sec. 121. R. S., c. 41, § 111-C, amended. The 2nd sentence of section 111-C of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 and repealed and replaced by section 2 of chapter 443, both of the public laws of 1957, is amended to read as follows:

'The commission shall adopt such by-laws, rules and regulations for the calling and holding of meetings and the administration of its affairs as it deems appropriate and necessary to effectuate the purposes of sections 111-A to ~~111-U~~ 111-U-1.'

Sec. 122. R. S., c. 41, § 111-D, sub-§§ I, II, amended. Subsections I and II of section 111-D of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 and repealed and replaced by section 2 of chapter 443, both of the public laws of 1957, are amended to read as follows:

I. Appoint employees. To appoint and employ in accordance with the Personnel Law such personnel as may be deemed necessary to carry out the duties imposed upon it by sections 111-A to ~~111-U~~ 111-U-1, to fix the duties of such employees and to utilize staff of the State Department of Education and make funds available therefor;

II. Study, plans and report. To be responsible for a thorough study of school conditions and needs in the State, to determine plans for the establishment of appropriate School Administrative Districts in all organized territory of the State and to report its actions and recommendations to each regular session of the Legislature on or before January 10th. Sections 111-A to ~~111-U~~ 111-U-1 shall be in full force and effect whether or not such study, plans or report have been made. Said study and planning shall be directed by the commission but shall include all possible participation and assistance by citizens and organizations at the local level;'

Sec. 123. R. S., c. 41, § 111-F, sub-§ IV, amended. The 4th paragraph, as enacted by section 4 of chapter 353 of the public laws of 1959, of subsection IV of section 111-F of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 and as repealed and replaced by section 2 of chapter 443, both of the public laws of 1957, and as amended, is further amended to read as follows:

'Article : To choose _____ school director(s) to represent the town on the Board of School Directors of the School Administrative District No .'
(number)

Sec. 124. R. S., c. 41, § III-K, amended. The 5th sentence of section III-K of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 and as repealed and replaced by section 2 of chapter 443, both of the public laws of 1957, is amended to read as follows:

'Each bond or note shall have inscribed upon its face the official name of the School Administrative District and shall be dated at such time or times, shall be in such denomination, shall bear such rate of interest, not exceeding 6% per annum, payable semiannually, be in such form subject to sections III-A to ~~III-U~~ III-U-I, and be sold in such manner, at public or private sale as the school directors shall determine, provided that in no event shall bonds be sold for less than par.'

Sec. 125. R. S., c. 41, § III-Q, amended. Section III-Q of chapter 41 of the Revised Statutes, as enacted by section 2 of chapter 443 of the public laws of 1957, is amended to read as follows:

'**Sec. III-Q. Regulations.** Subject to ~~the provisions of~~ sections 237-A to 237-H and sections III-A to ~~III-U~~ III-U-I, the School District Commission during its life and thereafter the State Board of Education may make such reasonable regulations as it may find necessary for carrying out the purposes, provisions and intent of these sections.'

Sec. 126. R. S., c. 41, § III-T, sub-§ II, ¶ C, amended. Paragraph C of sub-section II of section III-T of chapter 41 of the Revised Statutes, as enacted by section 2 of chapter 443 of the public laws of 1957, is amended to read as follows:

'**C.** It shall be directed to any resident of the School Administrative District by name ordering him to notify the municipal officers of each of the municipalities within the School Administrative District to call a town meeting or city election within ~~30~~ 45 days of the date of the warrant.'

Sec. 127. R. S., c. 41, § III-T, sub-§ III, ¶ B, amended. Paragraph B of sub-section III of section III-T of chapter 41 of the Revised Statutes, as enacted by section 2 of chapter 443 of the public laws of 1957, is amended to read as follows:

'**B.** When a meeting is called for the purpose of approving the addition to the School Administrative District of a municipality or municipalities, the article shall be in the form set forth in ~~the act of the Legislature approving the agreement~~ section III-P.'

Sec. 128. R. S., c. 41, § 237-D, amended. Table I of section 237-D of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 of the public laws of 1957 and as last repealed and replaced by section 1 of chapter 389 of the public laws of 1961, is amended to read as follows:

TABLE I

Size of School Administrative Unit Based on Average Daily Membership	Elementary Schools Grades 1 to 8	Secondary Schools Grades 9 to 12
1 - 25	\$3,000 + \$120 per pupil (1)	\$6,500 + 145 per pupil (2)
26 - 50	\$240 per pupil (1)	\$400 per pupil (2)
51 - 100	\$235 per pupil (1)	\$390 per pupil (2)
101 - 200	\$230 per pupil (1)	\$385 per pupil (2)
201 - 300	\$220 per pupil (1)	\$375 per pupil (2)
301 - 500	\$215 per pupil	\$370 per pupil (2)
501 - 800	\$215 per pupil	\$355 per pupil
801 and over	\$210 per pupil	\$340 per pupil
		\$310 per pupil

(1) Elementary footnotes shall apply to those units which operate schools. Compute all administrative units, except school administrative districts, at \$170 per pupil if within 10 miles of a school operated in a neighboring administrative unit by the nearest suitable highway.

(2) Secondary school footnotes shall apply to those units which operate schools. If within 15 miles of a school operated in a neighboring administrative unit by the nearest suitable highway, compute all administrative units except school administrative districts as follows:

At \$255 per pupil if 100 or fewer average daily membership.

At \$275 per pupil if 101 to 200 average daily membership.

At \$290 per pupil if 201 to 300 average daily membership.

Sec. 129. Effective date. Section 128 shall become effective on July 1, 1962.

Sec. 130. R. S., c. 41, § 237-G, amended. The first paragraph of section 237-G of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 and as repealed and replaced by section 1 of chapter 443, both of the public laws of 1957, and as amended, is further amended to read as follows:

'When administrative units are reorganized by the formation of "School Administrative Districts" as provided in sections III-A to ~~III-U~~ III-U-I, the state subsidy paid annually to each such district, as determined in section 237-E, shall be supplemented by an additional 10% of that amount.'

Sec. 131. R. S., c. 41, § 237-H, amended. The 2nd and 3rd sentences, as enacted by section 1 of chapter 215 of the public laws of 1961, of section 237-H of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 of the public laws of 1957, and as amended, are amended to read as follows:

'The State obligation on assumed debts and Maine School Building Authority leases shall not extend beyond 25 years from the original date of the unit's obligation. ~~The date of the original obligation~~ and shall not apply to obligations made prior to August 28, 1957.'

Sec. 132. R. S., c. 44, § 16, sub-§ XVI, repealed. Subsection XVI of section 16 of chapter 44 of the Revised Statutes, which relates to the definition of "street railroad," is repealed.

Sec. 133. R. S., c. 46, § 62, amended. Section 62 of chapter 46 of the Revised Statutes, as amended by section 119 of chapter 317 of the public laws of 1961, is further amended to read as follows:

Sec. 62. Violation of section 61. A railroad corporation violating any provision of section 61 forfeits for each offense, \$100 to the State, to be recovered in a civil action or by complaint and indictment; and the Attorney General shall prosecute therefor. ~~Said section does not apply to street railroads.~~

Sec. 134. R. S., c. 48, § 6, amended. Section 6 of chapter 48 of the Revised Statutes, as amended by section 120 of chapter 317 of the public laws of 1961, is further amended to read as follows:

Sec. 6. Operation without certificate. Any person, firm or corporation operating a motor vehicle or motor vehicles as described in section 1 on any street or highway in this State, without having obtained from the commission a certificate permitting such operation, may be restrained and enjoined from such operation upon a complaint addressed to ~~either the Superior or the Supreme Judicial Court~~ and brought by any certificate holder under sections 1 to 18, or by any carrier of passengers for hire under any other law of this State.'

Sec. 135. R. S., c. 53, § 33, amended. The first sentence of section 33 of chapter 53 of the Revised Statutes, as amended by section 135 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'If any corporation organized under the general laws of the State shall fail to elect directors within 6 months after the time provided in its by-laws for the annual meeting, ~~the Supreme Judicial Court and~~ the Superior Court shall have jurisdiction, upon application by any one or more of its stockholders holding at least 50% of the capital stock issued, to appoint a board of directors for such corporation not exceeding in membership the number authorized by the by-laws.'

Sec. 136. R. S., c. 53, § 87, amended. The first sentence of section 87 of chapter 53 of the Revised Statutes, as amended by section 144 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'The court ~~or any justice thereof~~ shall hear the parties and determine as soon as practicable the value of the stock of such dissenting stockholders; and shall make and enforce all such orders and decrees as may be necessary to secure to such stockholders all their rights.'

Sec. 137. R. S., c. 53, § 104, repealed and replaced. Section 104 of chapter 53 of the Revised Statutes, as amended by section 146 of chapter 317 and chapter 329, both of the public laws of 1961, is repealed and the following enacted in place thereof:

Sec. 104. Judgment of dissolution and injunction against continuing business.

I. Judgment of dissolution. The Superior Court may, if equity so requires, enter judgment dissolving a corporation:

A. Whenever it is made to appear in a civil action brought by any creditor or stockholder, that

1. The corporation is insolvent or is in imminent danger of insolvency, or
2. Through fraud, neglect, gross mismanagement of its affairs, attachment, litigation or otherwise, its estate and effects are in danger of being wasted or lost, or
3. It has ceased to do business, or
4. Its charter has expired or been forfeited, or

B. Whenever it is made to appear in a civil action brought by any stockholder of a corporation organized under the general laws and having no more than 10 stockholders that, notwithstanding the fact that the corporation is solvent or earning profits in the conduct of its business,

1. The voting stock is evenly divided into 2 independent ownerships, interests or factions, and the number of directors is even and equally divided respecting the management of the corporation with $\frac{1}{2}$ of the stock favoring the course advocated by $\frac{1}{2}$ of the directors and the other $\frac{1}{2}$ of the stock favoring the course of the other $\frac{1}{2}$ of the directors, or
2. The number of directors is uneven, but the 2 factions of the ownership are unable to agree on or elect successor directors and the old directors are holding over, or
3. The corporation is otherwise deadlocked in its management.

II. Where action brought; injunctions and restraining orders. The action shall be brought in the county in which the corporation has an established place of business or in which it held its last stockholders' meeting. At any time during the pendency of the action and in aid of judgment the court may, if it finds that sufficient cause exists, issue preliminary and permanent injunctions and temporary restraining orders, restraining said corporation, its officers and agents from receiving any moneys, paying any debts, selling or transferring any assets of the corporation or exercising any of its privileges or franchises until further order.'

Sec. 138. R. S., c. 53, § 105, amended. Section 105 of chapter 53 of the Revised Statutes, as amended by section 147 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'Sec. 105. Receivers; attachments dissolved; distribution of assets; priorities. At the time of ordering any such injunction or at any time afterwards during its continuance, such any time during the pendency of the action authorized by section 104 or in aid of any judgment entered in the action, the court may also appoint one or more receivers to wind up the affairs of the company corporation, who shall be duly sworn, and give bond in such sum and upon such conditions as such the court shall determine and shall at all times be subject to the

direction and control of the court, which may at any time remove ~~said any such~~ receiver and appoint another in his place. All attachments, made within 4 months before the ~~filing of any such complaint seeking equitable relief where-~~ ~~in a receiver is so appointed~~ commencement of any action under section 104, subsection I, paragraph A, shall thereupon be dissolved. The distribution of the assets of any insolvent corporation shall be subject to the same priorities of indebtedness as specified in the National Bankruptcy Act of 1898 and amendments thereof.'

Sec. 139. R. S., c. 53, § 106, amended. The first sentence of section 106 of chapter 53 of the Revised Statutes, as amended by section 148 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'~~Such A~~ receiver appointed under section 105 shall have power to institute or defend ~~actions any action~~ in his own name as receiver, to demand, collect and receive all property and assets of said corporation, to sell, transfer or otherwise convert the same into cash and to conduct and carry on the business of said corporation, as ordered by the court, if it appears for the best interests of all concerned.'

Sec. 140. R. S., c. 53, § 107, amended. Section 107 of chapter 53 of the Revised Statutes is amended to read as follows:

'**Sec. 107. Presentation of claims.** ~~Whenever a receiver is appointed as above~~ In any action under section 104, subsection I, paragraph A, the court shall limit a time, not less than 4 months, of which ~~decree order~~ notice shall be given, within which all claims against said corporation shall be presented, and make such ~~order further orders~~ for the manner of hearing and proving ~~the same such~~ claims as may be just and proper.'

Sec. 141. R. S., c. 53, § 108, amended. Section 108 of chapter 53 of the Revised Statutes is amended to read as follows:

'**Sec. 108. Sale of property and franchises; receiver may accept claims in payment.** ~~Said~~ In any action under section 104, the court may in its discretion, in lieu of ~~decreeing the dissolution of such~~ entering judgment dissolving the corporation, order the ~~receiver to sell~~ sale of its property and franchises; ~~and the~~. The purchaser thereof shall succeed to all the rights and privileges of such corporation and may reorganize the same under the direction of ~~said the~~ court. At any sale of such property at public auction, the court may, in its discretion, authorize ~~the receiver to accept in~~ payment in the form of credit for duly allowed claims against such corporation, at a proper valuation.'

Sec. 142. R. S., c. 53, § 109, amended. Section 109 of chapter 53 of the Revised Statutes, as amended by section 149 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'**Sec. 109. Jurisdiction.** ~~The court shall have jurisdiction of all proceed-~~ ~~ings hereunder and~~ In any action under section 104, the court may make such orders and decrees as equity may require.'

Sec. 143. R. S., c. 53, § 110, amended. Section 110 of chapter 53 of the Revised Statutes is amended to read as follows:

Sec. 110. Distribution of assets. The debts of ~~the~~ any corporation dissolved under section 104 shall be paid in full when the funds are sufficient; when not, ratably to those creditors who prove their debts as the law provides or as the court directs. Any balance remaining shall be distributed among the stockholders or their legal representatives in proportion to their interests.

Sec. 144. R. S., c. 53, § 111, repealed and replaced. Section 111 of chapter 53 of the Revised Statutes, as amended by section 150 of chapter 317 of the public laws of 1961, is repealed and the following enacted in place thereof:

Sec. 111. Voluntary dissolution. Except where otherwise provided by statute, whenever at any meeting of its stockholders, legally called therefor, the stockholders vote to dissolve such corporation, any officer, stockholder or creditor of the corporation may commence a civil action against the corporation seeking the dissolution thereof. The action shall be brought in the county in which the corporation has an established place of business or in which it held its last stockholders' meeting. Notice of the action shall be given by the clerk of courts to the Attorney General and such notice shall be given to such others as may be ordered by the court. Upon proof that there are no existing liabilities against said corporation and no existing assets thereof requiring distribution among the stockholders, the court may enter judgment dissolving the corporation without the appointment of trustees or receivers.'

Sec. 145. R. S., c. 53, § 112, amended. Section 112 of chapter 53 of the Revised Statutes, as last amended by section 151 of chapter 317 of the public laws of 1961, is further amended to read as follows:

Sec. 112. Jurisdiction of court; court may superintend collection and distribution of assets; fees; disposal of assets. ~~Said courts have jurisdiction in said cause to~~ In any action under section 111, the court may appoint receivers, issue injunctions and pass interlocutory decrees and orders according to the usual course of civil actions in which equitable relief is sought; and shall, upon dissolving said corporation or upon terminating its charter if there are existing liabilities against the corporation or there are existing assets thereof requiring distribution among the stockholders, appoint one or more trustees, who shall have all the powers conferred upon corporations and similar trustees by sections 103, 110 and 124 or by any other law of the State statute, with such special powers as may be given them by said court. Notwithstanding the appointment of such trustees, said court may superintend the collection and distribution of the assets of said corporation and may retain said action for that purpose.

The court may from time to time allow the trustee or trustees such fees and expenses as it may deem sufficient, said fees and expenses to be paid from the assets in the hands of the trustee or trustees then held for distribution to the stockholders. Subsequent distribution to stockholders shall be reduced proportionately. Whenever the stockholders are unknown, or fail or refuse to accept their distribution or their whereabouts cannot be ascertained by reasonable diligence, said trustee or trustees may file a petition with the court setting forth the names of the stockholders, their last known addresses and the number of shares held by said stockholders. The court may thereupon order the trustee or trustees, after payment of all their expenses and fees, to pay over the funds

in their hands distributable to said stockholders to the Treasurer of State, together with a statement giving the names of such stockholders, the number of shares held thereby, the amount due each, the same to be held in trust for a period of 20 years for payment to the person or persons establishing a legal right thereto. Any claimant to said funds shall make application within said 20-year period to ~~any justice of the supreme judicial court or the Superior Court who~~ which, if satisfied as to the claimant's legal right to the fund, shall issue an order ~~under the seal of the court~~ directing the Treasurer of State to pay said fund to the claimant and said fund shall be paid as directed. At the end of said 20-year period, any funds remaining in the State Treasury shall escheat to the State. Any income earned on such funds shall be paid into the General Fund as compensation for administration.'

Sec. 146. R. S., c. 55, § 2, sub-§ I, amended. Subsection I of section 2 of chapter 55 of the Revised Statutes, as repealed and replaced by section 2 of chapter 147 of the public laws of 1961, is amended to read as follows:

I. Organization; fee. Other than as provided herein, credit unions shall be organized under chapter 53, ~~section sections 8 and subsequent sections to 15.~~ The fee for filing and recording the articles of organization, including the issuing by the Secretary of State of the certificate of incorporation, shall be \$25.'

Sec. 147. R. S., c. 55, § 3, amended. The first sentence of section 3 of chapter 55 of the Revised Statutes, as repealed by section 3 of chapter 147 and amended by section 15 of chapter 385, both of the public laws of 1961, is repealed as follows:

~~'Credit unions shall be organized under the provisions, so far as applicable, of section 8 and subsequent sections of chapter 53, except that the fee for filing and recording the articles of organization, including the issuing by the Secretary of State of the certificate of incorporation, shall be \$25.'~~

Sec. 148. R. S., c. 57, § 19, amended. Section 19 of chapter 57 of the Revised Statutes is amended to read as follows:

Sec. 19. Officers of churches are corporations for certain purposes; organization and powers. The church wardens of Episcopal churches, the stewards or trustees of the Methodist Episcopal church and the deacons of all other Protestant churches are so far corporations as to take, in succession, all grants and gifts of real and personal estate made to their churches or to them and their successors; ~~and if.~~ If the ministers, elders or vestrymen are joined with them in such grants or gifts, the 2 classes of officers shall be corporations for that purpose. For the purpose of organizing any such corporation, one or more members of said corporation may call a meeting thereof by a notice posted upon the outer door of the meetinghouse or place of public worship of their parish or society at least 7 days before the time of holding such meeting; or, if there is no such meetinghouse or place of public worship, by a notice posted in 2 public and conspicuous places in the town wherein said parish or society is located. At such meeting the corporation may organize, adopt a corporate name and elect such officers as its by-laws shall prescribe. Said corporations shall have the powers granted to parishes by section 3 and may make such contracts in relation to such estate, its improvement or disposal, as they may be authorized under the rules

of their church, or instructed by the church or society for which they hold such estate in trust, to make, which contracts may be enforced by or against them, as in other cases; ~~provided, however, that no.~~ **No** disposal of such estate shall be made, inconsistent with the terms of the grant by which it is held. Trustees of the local Methodist ~~Episcopal~~ churches are created a corporation with all the rights and privileges of corporations, subject to the restrictions contained in the book of discipline of the Methodist ~~Episcopal~~ church.'

Sec. 149. R. S., c. 59, § 1-B, sub-§ VIII, amended. Subsection VIII of section 1-B of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 385 of the public laws of 1961, is amended to read as follows:

'VIII. Savings and loan association. "Savings and loan association" or "loan and building association" means a company organized under section ~~158~~ **157-B** or having the general powers possessed by companies so organized.'

Sec. 150. R. S., c. 59, § 19-C, sub-§ I, amended. The next to the last sentence of subsection I of section 19-C of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 380 of the public laws of 1955, and as repealed and replaced by section 1 of chapter 379 of the public laws of 1961, is amended to read as follows:

'An application for permission to open a branch or agency shall not be acted upon until the petitioning bank shall have paid to the Treasurer of State the sum of \$200, to be credited and used as provided in section ~~1~~ **1-D.**'

Sec. 151. R. S., c. 59, § 120, amended. The 5th sentence of section 120 of chapter 59 of the Revised Statutes, as amended by section 2 of chapter 29 of the public laws of 1959, is further amended to read as follows:

'Any treasurer neglecting to comply with ~~the provisions of this or~~ section ~~119~~ shall be punished by a fine of \$50.'

Sec. 152. R. S., c. 59, § 124, amended. The next to the last sentence of section 124 of chapter 59 of the Revised Statutes, as repealed and replaced by section 2 of chapter 379 of the public laws of 1961, is amended to read as follows:

'An application for permission to open a branch or agency shall not be acted upon until the petitioning trust company shall have paid to the Treasurer of State the sum of \$200 to be credited and used as provided in section ~~1~~ **1-D.**'

Sec. 153. R. S., c. 59, § 157-C, amended. The 3rd paragraph of section 157-C of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 198 of the public laws of 1961, is amended to read as follows:

'When any such certificate of incorporation, in proper form, shall have been filed with the commissioner and the sum of \$500 shall have been paid to the Treasurer of State for deposit for use of the ~~Bank~~ **Banking** Department as provided in section ~~2~~ **1-D**, the commissioner shall thereupon ascertain, by such special investigation as he may deem necessary, with or without public hearing:

Whether the character, responsibility and general fitness of the persons named in such certificate are such as to command the confidence of the community and

to warrant belief that the business of the proposed association will be honestly and efficiently conducted; that public convenience and advantage will be promoted by the organization of such association and that such association has reasonable promise of sufficient volume of business for successful operation.'

Sec. 154. R. S., c. 59, § 157-D, amended. The next to the last sentence of section 157-D of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 198 of the public laws of 1961, is amended to read as follows:

'An application for permission to open a branch or agency shall not be acted upon until the petitioning association shall have paid to the Treasurer of State the sum of \$200, to be credited and used as provided in section ~~2~~ **1-D.**'

Sec. 155. R. S., c. 59, § 157-Z-30, amended. The 3rd paragraph of section 157-Z-30 of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 198 of the public laws of 1961, is amended to read as follows:

'Such audit may include a verification of accounts of members which, if deemed adequate by the commissioner, shall relieve him from all responsibility for such verification imposed upon him by section 157-Z-31, so far as applicable to said association; and shall relieve said association of the expense of such verification by the Banking Department which might otherwise have been assessed against it under section ~~2~~ **1-D.**'

Sec. 156. R. S., c. 59, § 157-Z-35, amended. The first sentence of section 157-Z-35 of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 198 of the public laws of 1961, is amended to read as follows:

'Unless otherwise provided for, any order or decision of the commissioner affecting savings and loan associations shall be subject to review by ~~a justice of the Superior Court~~ by a proceeding taken within 30 days after the date of such order or decision in the Superior Court in and for the County of Kennebec at the insistence of any party in interest who is aggrieved by said order or decision.'

Sec. 157. R. S., c. 60, § 153, amended. The 2nd sentence of section 153 of chapter 60 of the Revised Statutes is amended to read as follows:

'A copy of such ~~petition~~ **complaint** shall be forthwith served upon the commissioner, and thereupon the commissioner forthwith shall certify and file in such court a transcript of the entire record in the proceeding, including all the evidence taken and the report and order of the commissioner.'

Sec. 158. R. S., c. 60, § 314, sub-§ IX, amended. Subsection IX of section 314 of chapter 60 of the Revised Statutes, as repealed and replaced by section 18 of chapter 346 of the public laws of 1959 and as last amended by section 8 of chapter 184 of the public laws of 1961, is further amended to read as follows:

IX. Receiving service of process. The fee for receiving service of process in a ~~suit~~ **civil action** against any foreign insurance company, surety company or fraternal benefit society or against a person making a reciprocal contract of indemnity is \$2.

A. This shall be paid by the plaintiff at the time of the service.

B. The plaintiff may recover this fee as part of the taxable costs of the ~~suit~~ **action** if he prevails.'

Sec. 159. R. S., c. 61, § 10, amended. The last sentence of section 10 of chapter 61 of the Revised Statutes, as amended by chapter 159 and by section 2 of chapter 344, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'No such store shall be established within 300 feet of any public or private school, church, chapel or parish house, measured from the main entrance of the state store to the main entrance of the school, church, chapel or parish house by the ordinary course of travel.'

Sec. 160. R. S., c. 61, § 51-C, amended. Section 51-C of chapter 61 of the Revised Statutes, as enacted by chapter 324 of the public laws of 1961, is amended to read as follows:

'Sec. 51-C. License and right to operate a motor vehicle not suspended on appeal. If any person convicted of violation of ~~the provisions of this section 51-A~~ shall appeal from the judgment and sentence of the trial court, his license and right to operate a motor vehicle in this State shall not be suspended until conviction on appeal or withdrawal of the appeal.'

Sec. 161. R. S., c. 69-A, § 8, sub-§ II, repealed. Subsection II of section 8 of chapter 69-A of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1959 and as amended by section 211 of chapter 317 and repealed by section 29 of chapter 394, both of the public laws of 1961, is repealed.

Sec. 162. R. S., c. 73, § 23, amended. Section 23 of chapter 73 of the Revised Statutes is amended to read as follows:

'Sec. 23. Dental hygienists; use of former employers' lists. The ~~board~~ **Hearing Officer under chapter 20-A** shall revoke or suspend the license of any registered and licensed dental hygienist who is found guilty of using or attempting to use in any manner whatsoever any prophylactic lists, call lists, records, reprints or copies of same, or information gathered therefrom, of the names of patients whom he might have served in the office of a prior employer, unless such names appear upon the bona fide call or prophylactic list of his present employer and were caused to so appear through the legitimate practice of dentistry as provided for in this chapter. The ~~board~~ **Hearing Officer** shall also suspend or revoke the license of any licensed dentist who is found guilty of aiding or abetting or encouraging a dental hygienist employed by him to make use of a so-called prophylactic call list, or the calling by telephone or by use of written letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist formerly employing such hygienist. No order of suspension or revocation provided in this section shall be made or entered except after hearing by the ~~board~~ **Hearing Officer** as provided in ~~this~~ **chapter 20-A and such order shall be subject to appeal as provided by section 42.'**

Sec. 163. R. S., c. 73, § 25, amended. The last sentence of section 25 of chapter 73 of the Revised Statutes is amended to read as follows:

'The ~~board~~ **Hearing Officer** may revoke the license of any registered or licensed dentist who shall permit any dental hygienists operating under his supervision to perform any operation other than that permitted under ~~the provisions of this section.~~'

Sec. 164. R. S., c. 74, § 8, amended. The first sentence of section 8 of chapter 74 of the Revised Statutes, as last amended by section 37 of chapter 394 of the public laws of 1961, is further amended to read as follows:

'Any license to practice podiatry may be suspended or revoked by the ~~examiners~~ **Hearing Officer under chapter 20-A** when the licensee has been convicted of an act involving moral turpitude; and may be suspended or revoked when, after a hearing, it shall be found that the licensee used fraud in procuring his license or has used untruthful or improbable statements to patients or in advertisements; or that the licensee is incompetent to practice podiatry; or that the licensee is flagrantly advertising himself or his work, whether through newspapers or other periodicals, or by circular, postcard or over the radio, television or otherwise.'

Sec. 165. R. S., c. 77, § 7, repealed. Section 7 of chapter 77 of the Revised Statutes, as amended by section 41 of chapter 394 and repealed by section 2 of chapter 254, both of the public laws of 1961, is repealed.

Sec. 166. R. S., c. 77-A, § 8, amended. The last 6 paragraphs of section 8 of chapter 77-A of the Revised Statutes, as enacted by section 1 of chapter 254 of the public laws of 1961, are amended to read as follows:

'Proceedings for the revocation or suspension of a license or the annulment of registration may be brought by filing written verified charges against the accused **with the Hearing Officer under chapter 20-A**. Such charges may be preferred by the board or one of its members. ~~Original charges shall be filed with the clerk of the Superior Court of the county in which the accused last resided.~~

~~The time and place for the hearings of said charges shall be fixed by the Superior Court before which said hearings will be held. It shall be the duty of the county attorney of said county to present the evidence before the court on said case.~~

~~A copy of the charges, together with a notice of the time and place when they will be heard, shall be served upon the accused or his counsel at least 10 days before the date actually set for said hearing.~~

If the ~~court~~ **Hearing Officer** shall find that all or any of the charges are sustained, ~~the court~~ he shall cause the license of the accused to be revoked or suspended.

Any person who shall practice veterinary medicine, or dentistry, or any branch thereof after his registration has been revoked or suspended shall be deemed to have practiced veterinary medicine without registration.

After the sentence of the ~~court~~ **Hearing Officer** has been fulfilled, the board may entertain an application for a new license and may exempt the applicant from the necessity of taking an examination.'

Sec. 167. R. S., c. 79, § 10, amended. The 2nd paragraph of section 10 of chapter 79 of the Revised Statutes, as amended by section 213 of chapter 317 of the public laws of 1961 and repealed by section 42 of chapter 394 of the public laws of 1961, is repealed as follows:

~~'Such decree shall have the same effect and all proceedings in relationship thereto shall thereafter be the same as though rendered in a civil action in which equitable relief is sought duly heard and determined by said court, and appeal may be had therefrom to the law court, and the law court may after consideration reverse or modify any decree so made. When an appeal is taken from any such order, no fine shall be imposed for that period of time during which said appeal is pending.'~~

Sec. 168. R. S., c. 80, § 7, amended. Section 7 of chapter 80 of the Revised Statutes, as repealed and replaced by section 43 of chapter 394 of the public laws of 1961, is amended to read as follows:

'Sec. 7. Certificates revoked. Any certificate may be revoked upon proof before the Hearing Officer under chapter 20-A of bad moral character, dishonesty, conviction of crime, incompetency or unprofessional conduct. Upon the revocation of any certificate, it shall be surrendered to the board by the holder.'

Sec. 169. R. S., c. 84, § 2-A, sub-§ II, ¶ K, amended. Paragraph K of subsection II of section 2-A of chapter 84 of the Revised Statutes, as enacted by section 2 of chapter 138 of the public laws of 1961, is amended to read as follows:

'K. Denial. A license may be denied to any applicant who has been convicted of any crime involving moral turpitude. Before refusing to issue any license, the commission shall set the application down for a hearing and determination as provided in section 9.'

Sec. 170. R. S., c. 84, § 6, repealed. Section 6 of chapter 84 of the Revised Statutes, as repealed by section 5 of chapter 138 and amended by section 48 of chapter 394, both of the public laws of 1961, is repealed.

Sec. 171. R. S., c. 84, § 10, amended. The first sentence of the 2nd paragraph of section 10 of chapter 84 of the Revised Statutes is amended to read as follows:

~~'In its discretion the commission may accept, in lieu of the recommendations and statements required under the provisions of section 5 2-A to accompany an application for license, the license issued to a nonresident broker or salesman in another state, upon payment of the license fee and the filing by the applicant with the commission of a certified copy of the applicant's license issued by such other state.'~~

Sec. 172. R. S., c. 89, § 99, amended. The 4th paragraph of section 99 of chapter 89 of the Revised Statutes, as amended by chapter 307 and by section 227 of chapter 317, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Entry of an action, or entering up and recording the judgment, \$2.'

Sec. 173. R. S., c. 89, § 150, sub-§ I, repealed and replaced. Subsection I of section 150 of chapter 89 of the Revised Statutes, as last amended by section 233 of chapter 317 and by chapter 357, both of the public laws of 1961, is repealed and the following enacted in place thereof:

I. Civil process. For service of all writs or complaints with summons, precepts, notices, executions, court orders, orders of service, copies and all other civil process or papers requiring service which are not specifically hereinafter enumerated, they shall receive therefor \$3 for each such service.'

Sec. 174. R. S., c. 89, § 206, amended. Section 206 of chapter 89 of the Revised Statutes, as amended by section 237 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'Sec. 206. Service in actions against officers for breach of duty, where principal defendant out of State. In actions against sheriffs, deputy sheriffs and constables for breach of official duty where the principal defendant is out of the State, the service may be made on such defendant by delivering a copy of the summons and of the complaint to each of the sureties on his official bond 14 days before the return day thereof, and the Superior Court may order further notice to the defendant by publication of an abstract of the complaint and order thereon in some newspaper published in the county where the ~~writ~~ complaint is returnable, or in the state paper or in such other manner as the court directs. If the order is complied with and proved, the defendant shall answer to the action and judgment in such case has the same effect as if personal service was made upon the principal defendant.'

Sec. 175. R. S., c. 89, § 243, repealed and replaced. Section 243 of chapter 89 of the Revised Statutes, as last amended by chapters 228, 230 and 237, all of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 243. Appointment of medical examiners; duties. Medical examiners for each county in the State shall be appointed by the Governor with the advice and consent of the Council for a term of 4 years or during the pleasure of the Governor and Council. They shall be able and discreet men, learned in the science of medicine and anatomy, and bona fide residents of the county for which they are appointed. The number of medical examiners so to be appointed shall as follows: For the Counties of Knox, Piscataquis, Sagadahoc and Waldo, 2 each; for the Counties of Franklin, Hancock, Lincoln, Oxford and Somerset, 3 each; for the Counties of Kennebec, Washington and York, 4 each; for the County of Androscoggin, 5; for the County of Aroostook, 6; for the Counties of Cumberland and Penobscot, 7 each; and they shall be appointed with reference to territorial distribution. Each medical examiner before entering upon the duties of his office shall be duly sworn to the faithful performance of his duty. They shall make examinations whenever any person shall die from criminal violence, or by suicide or in any suspicious or unusual manner.'

Sec. 176. R. S., c. 89, § 254, amended. The 3rd paragraph of section 254 of chapter 89 of the Revised Statutes, as repealed and replaced by section 7 of chapter 372 of the public laws of 1959, and as amended, is repealed and the following enacted in place thereof:

'Aroostook County: County commissioners, \$1,250, except that one member of the board, designated by the board as chief administrative officer, shall receive \$5,000; clerk of courts, \$5,500; county attorney, \$4,000; assistant county attorney, \$3,000; county treasurer, \$3,000; sheriff, \$5,000; register of deeds, northern district, \$4,000; southern district, \$4,500; judge of probate, \$4,000; register of probate, \$4,000; Caribou municipal court judge, \$4,000; recorder, \$2,000; Fort Fairfield municipal court judge, \$3,300; recorder, \$1,250; Heculton municipal court judge, \$4,000; recorder, \$2,000; Madawaska municipal court judge, \$3,300; recorder, \$1,250; Presque Isle municipal court judge, \$4,000; recorder, \$2,000; Van Buren municipal court judge, \$3,300; recorder, \$1,250; Northern Aroostook municipal court judge, \$3,300; recorder, \$1,250.'

Sec. 177. R. S., c. 89, § 254, amended. The last paragraph of section 254 of chapter 89 of the Revised Statutes, as repealed and replaced by section 7 of chapter 372 of the public laws of 1959, and as amended, is repealed and the following enacted in place thereof:

'After January 1, 1962 all fees and charges of whatever nature, except charges for the publication of notices required by law, which may be payable to any county officer, shall be payable by them to the county treasurer for the use and benefit of the county, but preserving the right of sheriffs and their deputies to receive fees for service of civil process and of sheriffs and their deputies not on a salary or per diem basis to receive fees for service of criminal process, and no county officer shall receive a private benefit from the labor of any person in the employ of the county.'

Sec. 178. R. S., c. 91-A, § 52, amended. Section 52 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955 and amended by section 54 of chapter 317 of the public laws of 1959, is further amended to read as follows:

'Sec. 52. Appeal; hearing. The appeal provided for in sections 50 and 51 shall be taken within 30 days after notice of the decision from which the appeal is being taken, or ~~not less than~~ within 30 days after the application shall be deemed to have been denied. Notice thereon shall be ordered by said court, and said appeal shall be tried, heard and determined by the court without a jury in the manner and with the rights provided by law in other civil cases so heard.'

Sec. 179. R. S., c. 100, § 85, amended. The first paragraph of section 85 of chapter 100 of the Revised Statutes, as amended by section 308 of chapter 317 and repealed and replaced by section 2 of chapter 339, both of the public laws of 1961, is repealed and the following enacted in place thereof:

'Every nonresident person desiring to do business as an auctioneer in this State must obtain an auctioneer's license. The Secretary of State may issue a license to any nonresident auctioneer duly licensed as an auctioneer in the State in which he resides without an examination; provided such other state permits an auctioneer's license to be issued to a licensed resident auctioneer of this State without examination, upon compliance with the following requirements:

I. Proof. The applicant shall furnish proof to the Secretary of State that he is licensed to conduct auctions in the state in which he resides.

II. Bond. The applicant shall file with the Secretary of State an approved surety company bond conditioned upon satisfying any judgment for damages sustained by any person arising out of any auction to be conducted by him. The penal sum of such bond shall be at least \$2,000. The aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the penal sum of such bond. The surety on any such bond may cancel such bond upon giving 30 days' notice to the Secretary of State and thereafter shall be relieved of liability for any breach of conditions occurring after the effective date of said cancellation. This bond provision may be waived if the applicant deposits with the Secretary of State cash security in a like amount.

III. Fee. The applicant shall pay an initial license fee of \$50.'

Sec. 180. R. S., c. 100, § 86-A, amended. Section 86-A of chapter 100 of the Revised Statutes, as enacted by section 3 of chapter 339 of the public laws of 1961, is amended to read as follows:

'**Sec. 86-A. Revocation or suspension; appeal.** The ~~Secretary of State~~ **Hearing Officer under chapter 20-A** upon complaint, notice and hearing may revoke or suspend any license after proof that the licensee has been convicted of a crime involving moral turpitude; has failed, within a reasonable time, to account for or remit any moneys coming into his possession which belong to others, or committed any other act of a dishonest or fraudulent nature.

Any person who is aggrieved by any act of the Secretary of State ~~or the Hearing Officer under this chapter~~ shall have the right to appeal ~~to the Superior Court in Kemeebee County~~ as set forth in chapter 20-A.'

Sec. 181. R. S., c. 112, § 42, amended. The last sentence of section 42 of chapter 112 of the Revised Statutes, as amended by section 340 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'Such bond shall be returned with the writ of attachment with the doings of the officer thereon ~~and, if forfeited, like proceedings may be had as are provided in section 36.~~

Sec. 182. R. S., c. 124, § 18, amended. Section 18 of chapter 124 of the Revised Statutes, as amended by section 444 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'**Sec. 18. One or more tenants in common may join in actions; notice to others.** All or any of the tenants in common or joint tenants of lands may join or sever in personal actions for injuries done thereto, setting forth in the ~~declaration~~ **complaint** the names of all other cotenants, if known, and the court may order notice to be given in such actions to all other cotenants known, and all or any of them at any time before final judgment may become plaintiffs in the action, and prosecute the action for the benefit of all concerned.'

Sec. 183. R. S., c. 168, § 37, amended. Section 37 of chapter 168 of the Revised Statutes, as amended by section 559 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'Sec. 37. Person holding unrecorded deed compelled to record. A person having an interest in real estate of which any prior grantee has an unrecorded deed or other evidence of title may give the latter personal notice in writing to have the same recorded. If he neglects to have it so recorded for 30 days, the Superior Court, on complaint, may cause said grantee or his heirs to be brought before it for examination and, unless sufficient cause is shown for such neglect, may order such deed or other evidence of title to be recorded, and the cost paid by the ~~respondent~~ defendant, together with the legal fees of the register for recording such deed or other evidence of title.'

Sec. 184. R. S., c. 174, § 11, amended. Section 11 of chapter 174 of the Revised Statutes, as amended by section 575 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'Sec. 11. Limitation not to take effect in certain cases, when first action fails. If the summons and complaint in a real or mixed action fails of sufficient service or return by unavoidable cause, or if by the default or negligence of any officer to whom it was delivered or directed for service, the action is dismissed; or if the action is defeated for any matter of form or by the death or other disability of either party, or if the plaintiff's judgment is reversed on appeal, the plaintiff may commence a new action at any time within 6 months after the ~~abatement~~ ~~or~~ determination of the first action or the reversal of the judgment.'

Sec. 185. R. S., c. 179, § 8, amended. Section 8 of chapter 179 of the Revised Statutes, as amended by section 614 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'Sec. 8. If value less than \$20, complaint filed before trial justice. When the value of the property seized does not exceed \$20, the complaint shall be filed before a trial justice or municipal court of the county where the offense was committed. After notice as aforesaid has been posted at 2 or more public places in the county, 7 days at least before the day of trial, such justice or the judge of such court shall try and decide the cause and make such ~~decree~~ judgment therein as law requires.'