

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FIRST LEGISLATURE

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Legislative Document

No. 1588

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Reported by the Committee on Judiciary and printed pursuant to Senate Rule No. 11A.

In Senate, June 12, 1963

CHESTER T. WINSLOW, Secretary

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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### COMMITTEE AMENDMENT "A" to S. P. 33, L. D. 124, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

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Amend said Bill by striking out all of the 4th, 5th, 6th, 7th and 8th lines of section 3 and inserting in place thereof the following: "The Secretary of State shall be the executive head of the Department of the Secretary of State as heretofore established, and shall keep his office at the seat of government; have the custody of the state seal and preserve all records in such office, at the expense of the State."

Further amend said Bill by adding after section 3 the following new sections:

"Sec. 3-A. R. S., c. 22, § 25, amended. Section 25 of chapter 22 of the Revised Statutes, as last amended by section 2 of chapter 240 of the public laws of 1963, is further amended to read as follows:

'Sec. 25. Duties and powers. It shall be the duty of the board to examine all applications for motor vehicle dealer or ~~transit transporter~~ registration plates presented to the Secretary of State and, in accordance with the provisions of this chapter, order the Secretary of State to issue or to refuse to issue such motor vehicle dealer or ~~transit transporter~~ registration plates. ~~The Hearing Officer as designated in chapter 20-A may order the Secretary of State to suspend or revoke, in accordance with this chapter, any motor vehicle dealer or transit registration plates already issued.'~~

Sec. 3-B. R. S., c. 22, § 27, amended. The first paragraph of section 27 of chapter 22 of the Revised Statutes, as last amended by section 6 of chapter 296 of the public laws of 1963, is repealed and the following enacted in place thereof:

'The board, after examining on application for dealer or transporter registration plates, may order the Secretary of State not to issue same stating the rea-

son therefor. The Secretary of State shall notify the applicant stating the reasons given by the board. An applicant denied dealer or transporter plates may appeal to the Hearing Officer, designated by chapter 20-A, by filing a complaint within 15 days after receiving notice of denial from the Secretary of State. The board may review any dealer or transporter registration granted and file a complaint with the aforementioned Hearing Officer requesting the suspension or revocation of such registration for any of the following reasons:'

**Sec. 3-C. R. S., c. 22, § 27, sub-§ V, amended.** Subsection V of section 27 of chapter 22 of the Revised Statutes, as last amended by section 6 of chapter 296 of the public laws of 1963, is further amended to read as follows:

**'V. Use of registration plate.** On proof that dealer or manufacturer or holder of a transporter registration plate has used or permitted the use of his registration plate on a motor vehicle not owned by or ~~controlled by temporarily in the custody of~~ the dealer or the holder of a transporter registration plate or has issued or permitted the issuance of his temporary plate for use on motor vehicles not sold by the dealer, manufacturer or holder of a transporter registration plate. The use of any such plate on any vehicle shall be prima facie evidence that such use was permitted by the plate holder.'

**Sec. 3-D. R. S., c. 22, § 28, repealed and replaced.** Section 28 of chapter 22 of the Revised Statutes, as last amended by section 7 of chapter 296 of the public laws of 1963, is repealed and the following enacted in place thereof:

**'Sec. 28. Appeal.** Any applicant for dealer or transporter registration plates whose appeal has been denied by the Hearing Officer or any dealer or holder of transporter registration plates whose registration plates have been suspended or revoked by the Hearing Officer may within 30 days after notice of the decision appeal to the Superior Court. Pending the decision of the court the dealer or transporter registration plates shall remain in effect.'

**Sec. 3-E. Effective date.** Sections 3-A to 3-D of this act shall become effective beginning with the motor vehicle registration year 1964.

**Sec. 3-F. R. S., c. 22, § 92-A, reallocated.** Section 92-A of chapter 22 of the Revised Statutes, as enacted by chapter 324 of the public laws of 1963, is reallocated to be section 9-A of chapter 97 of the Revised Statutes.

**Sec. 3-G. R. S., c. 22-A, reallocated.** Chapter 22-A of the Revised Statutes relating to Bus Taxation Proration Agreement, as enacted by chapter 275 of the public laws of 1963, is reallocated to be Chapter 22-C.

**Sec. 3-H. R. S., c. 24, § 11, amended.** Section 11 of chapter 24 of the Revised Statutes is amended to read as follows:

**'Sec. 11. Federal aid.** Cities, ~~and~~ towns and counties separately and cities or towns jointly with one another or with counties are authorized to accept, establish, construct, own, lease, control, equip, improve, maintain and operate airports and landing fields for the use of aircraft within their boundaries or without the limits of such cities, ~~and~~ towns or counties with the consent of the city, ~~or~~ town or county where said airport or landing field is to be located, and may use for such purpose or purposes any land suitable therefor that is now or

may at any time hereafter be owned or controlled by any city, town or county.

Cities, ~~and~~ towns **and counties** separately and cities and towns jointly with one another or with counties, by and through their municipal officers or their duly constituted representatives, are authorized to accept federal funds and to do all things necessary or incidental to the acceptance of said federal funds.

Airports owned and operated by any city, ~~or~~ town **or county** are declared to be governmental agencies and entitled to the same immunities as an agency of the State.'

**Sec. 3-I. R. S., c. 24, § 20, sub-§§ II-III, amended.** Subsection II of section 20 of chapter 24 of the Revised Statutes, as amended by chapter 372 of the public laws of 1955 and subsection III of section 20 of chapter 24 of the Revised Statutes, are amended to read as follows :

**'II. State aid.** The commission with the consent of the Governor and Council may from the amount appropriated to aid in the construction, extension and improvement of state, ~~or~~ municipal **or county** airports, known as the "Airport Construction Fund", grant to cities, ~~and~~ towns **or counties** separately and cities and towns jointly with one another or with counties an amount not to exceed 50% of the total cost of the construction, extension or improvement of such airport or airports.

**III. State approval.** No municipality **or county** in this State, whether acting alone or jointly with another municipality **or county** or with the State, shall submit to the Administrator of Civil Aeronautics of the United States any project application under ~~the provisions of~~ section 9 of the Federal Airport Act, so called, or any amendment thereof, unless the project and the project application have been first approved by the Aeronautics Commission.' "

Further amend said Bill by adding after section 12, 6 new sections to read as follows :

**"Sec. 12-A. R. S., c. 37, § 9, amended.** The 3rd and 4th paragraph of section 9 of chapter 37 of the Revised Statutes as revised, are amended to read as follows :

'All petitions shall be filed in the office of the commissioner not later than the first day of August of each year, together with the list of such changes in regulations as may be recommended by the commissioner. Hearing shall be held on all prospective changes in regulations before September 30th of each year, before the commissioner, or such other officer of the department as the commissioner may designate in his stead, at a date and place to be designated by the commissioner **but in the county affected.**

Notice of the hearing to be held, the time and place thereof, together with the listing of all proposed changes, shall be by publication once a week, for 2 successive weeks prior to the hearing, in a newspaper having state-wide circulation, **and notice of such hearing shall be sent to the clerks of the towns in which the waters are situated and to the county commissioners if such waters are located in whole or in part in the unorganized territory.'**

**Sec. 12-B. R. S., c. 37, § 98-A, sub-§ I, amended.** Subsection I of section 98-A of chapter 37 of the Revised Statutes, as revised, is amended by adding at the end, a new sentence to read as follows:

**‘Said agent shall receive from the person registering a deer the sum of 25c for each such tag to be retained by him.’**

**Sec. 12-C. R. S., c. 37, § 99, amended.** The last paragraph of section 99 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

**‘Any tag or other marker issued under the provisions of this section shall be in lieu of that provided for by section ~~103~~ 98-A.’**

**Sec. 12-D. P. L., 1963, c. 198, repealed; limitation.** Chapter 198 of the public laws of 1963, heretofore passed by this Legislature, amending section 100 of chapter 37 of the Revised Statutes, is repealed and shall not be printed as part of the session laws of 1963.

**Sec. 12-E. R. S., c. 37, § 112, amended.** The first sentence of section 112 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

**‘All deer killed under the provisions of sections 108 to 112 shall be inspected by a warden before being registered under the provisions of section ~~100~~ 98-A.’**

**Sec. 12-F. R. S., c. 37-A, § 71, sub-§ V, amended.** Subsection V of section 71 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959 and as amended by section 2 of chapter 75 of the public laws of 1963, is further amended to read as follows:

**‘V. Exception for wholesale dealer.** The holder of a wholesale sea food dealer’s and processor’s license in this State may at his regular place of business cut up lobster tail sections immediately prior to and for the purpose of preserving, canning or freezing them as processed stews, pies, **salads**, new-burgs or chowders.’”

Further amend said Bill by striking out all of that part designated “**Sec. 138.**” of section 14 and inserting in place thereof the following:

**“‘Sec. 138. Free tuition.** All children qualifying as war orphans under sections 136 to 139 shall be admitted to state supported post-secondary vocational schools, **teachers’ colleges** ~~normal schools~~ or institutions of collegiate grade free of tuition.’”

Further amend said Bill by adding after section 24 a new section to read as follows:

**“‘Sec. 24-A. R. S., c. 48, § 29, sub-§ I, ¶ F, amended.** Paragraph F of subsection I of section 29 of chapter 48 of the Revised Statutes is amended to read as follows:

**‘F. While engaged exclusively in the transportation of livestock for exhibition purposes, excluding race horses, to and from agricultural fairs and other exhibits;’”**

Further amend said Bill by adding after section 141 a new section to read as follows:

**"Sec. 141-A. R. S., c. 137, § 30, amended.** The 2nd paragraph of section 30 of chapter 137 of the Revised Statutes, as repealed and replaced by section 2 of chapter 286 of the public laws of 1963, is amended to read as follows:

'Every law enforcement officer in the State, including wardens of the Department of Inland Fisheries and Game, wardens of the Department of Sea and Shore Fisheries, foresters and wardens of the Forestry Department and liquor inspectors of the State Liquor Commission shall have authority to enforce this section and section 29.'

Further amend said Bill by adding after section 146 3 new sections to read as follows:

**"Sec. 146-A. R. S., c. 168, § 23, amended.** The first sentence of section 23 of chapter 168 of the Revised Statutes, as amended by chapter 2 of the public laws of 1955, is further amended to read as follows:

'Deeds and all other written instruments before recording in the registries of deeds, except those issued by a court of competent jurisdiction and duly attested by the proper officer thereof, and excepting plans and notices of foreclosure of mortgages and certain chattel mortgages as provided in ~~section 1 of~~ chapter 178, **section 1**, and excepting notices of liens for internal revenue taxes and certificates discharging such liens as provided in ~~section 240 of~~ chapter 80, **section 240**, shall be acknowledged by the grantors, or by the persons executing any such written instruments, or by one of them, or by their attorney executing the same, or by the lessor in a lease or one of the lessors or his attorney executing the same, before a justice of the peace or notary public having a seal, in the State; or before any clerk of a court of record having a seal, notary public, justice of the peace or commissioner appointed by the Governor of this State for the purpose, or a commissioner authorized in the State where the acknowledgment is taken, within the United States; or before a minister, **vice-consul** or consul of the United States or notary public in any foreign country.'

**Sec. 146-B. R. S., c. 168, § 40, amended.** Section 40 of chapter 168 of the Revised Statutes, as amended by section 2 of chapter 332 of the public laws of 1957, is further amended to read as follows:

**'Sec. 40. Records of deeds with certain kinds of defective acknowledgments validated.** All records of all deeds and other instruments, including powers of attorney, heretofore made ~~between April 15, 1927 and January 1, 1957~~ **prior to January 1, 1957**, for the conveyance of real property in this State, or of any interest therein, and recorded or written out at length in the books of record in the registry of deeds of the county in which said real property lies, the acknowledgment of which was not completed, or was erroneously taken, or was taken by a person not having authority to take such acknowledgement, or where the authority of the person taking such acknowledgment was not completely stated, or was erroneously stated, or where it does not appear whether the authority taking such acknowledgment acted as a notary public, a justice of the peace or

other duly authorized authority for the taking of such acknowledgment of such deed or other instrument was taken, or where the authority taking such acknowledgment had not signed the same but had attached or had affixed or had stamped thereon his seal of authority, or where the acknowledgment was taken by the grantor or grantee, or by the husband or wife of the grantor or grantee, or the acknowledgment was taken by a magistrate who was a minor, or an interested party or whose term of office had expired at the time of such acknowledgment, or an acknowledgment of which was taken by a proper officer but outside of the territory in which he was authorized to act, or was taken before any person who, at the time of such acknowledgment had received an appointment, election or permission authorizing him to take such acknowledgment, but had not qualified, but who has since such time duly qualified, or where the grantor was acting as a duly authorized agent or in a fiduciary or representative capacity, or was acting as an officer of a corporation and acknowledged said instrument individually, or where the acknowledgment was taken without the State before any person authorized to take acknowledgments, and using the form of acknowledgment prescribed by the laws of the state or country in which such instrument was executed, or such person has failed to affix to such instrument a proper certificate, showing his authority to act as such magistrate; or where such acknowledgment was not signed by a magistrate of this State or any other state or territory of the United States, or any foreign country, authorized to take such acknowledgment, but such acknowledgment was signed by an ambassador, minister, charge d'affaires, consul, vice-consul, deputy consul, consul-general, vice-consul-general, consular agent, vice-consular-agent, commercial agent or vice-commercial agent of the United States in any foreign country, who was not qualified to take such acknowledgment, but has since become qualified by law to do so, but which acknowledgment was complete in every other respect; or where the acknowledgment was signed by a proper magistrate but there has been omitted therefrom, his official seal, if he had one, or the names of the grantors, the date and place of acknowledgment, or the words, "personally appeared before me," or a statement that it was acknowledged as the grantor's "free act and deed"; or such certificate of acknowledgment is in the form of an oath, or states merely that the said instrument was subscribed in his presence, or is otherwise informal or incomplete, if signed by a proper magistrate; and all records in any such registry of instruments relating to the title to real property which fail to disclose the date when received for record or the record of which has not been signed by the register of deeds for said county or other duly authorized recording officer, such records are validated.'

**Sec. 146-C. R. S., c. 168, § 41, amended.** The first, 2nd, 4th and 5th sentences of section 41 of chapter 168 of the Revised Statutes, as amended by section 3 of chapter 332 of the public laws of 1957, are further amended to read as follows: 'All deeds and other instruments, including powers of attorney, heretofore made ~~between April 15, 1927 and January 1, 1957~~ **prior to January 1, 1957**, for the conveyance of real property in this State or any interest therein, and otherwise valid except that the same omitted to state any consideration therefor or that the same were not sealed by the grantors of any of them, are validated. Every duly recorded satisfaction piece or instrument ~~heretofore executed between April 15, 1927 and January 1, 1957~~ **made prior to January 1, 1957**, with intent

to cancel and discharge or assign a mortgage of real estate, fully identifying the mortgage so intended to be canceled and discharged or assigned, but not drawn in formal accordance with statutory requirements, shall be held a valid discharge or assignment of such mortgage and a release or assignment of the mortgaged interest in such real estate.' 'Any deed or other instrument made for the purpose of conveying real property in this State or any interest therein, and heretofore recorded or spread at length in the books of record in the registry of deeds for the county in which said real property lies, ~~between April 15, 1927 and January 1, 1957~~ prior to January 1, 1957, which said deed or other instrument or said records fail to disclose authority by such corporation for the conveyance of such real estate, or which deed or other instrument fails to bear the corporate seal, or is executed or acknowledged by the person executing such deed in his individual capacity, or which fails to disclose the official capacity of the person executing such deed, or which was not signed by the officer duly authorized to sign such deed, with its record made as aforesaid, is validated. All deeds and other instruments ~~heretofore~~ made ~~between April 15, 1927 and January 1, 1957~~ prior to January 1, 1957 for the conveyance of real property in this State, or any interest therein and executed by a person or persons purporting to act as the agent or attorney of the grantors, their spouses, or any of them, which such deeds have been recorded or written at length in the books of record in the registry of deeds for the county in which said real property lies more than 40 years prior to January 1, 1957, but no power of attorney authorizing and empowering such agent or attorney to make such conveyance or execute and deliver such deed, appears of record, but such real estate has in the meantime been occupied, claimed or treated by the grantees and those claiming by, through or under them as other property of like kind and similarly situated would be held or claimed by the owners thereof, shall be held to all intents and purposes as if executed and delivered under and by virtue of proper power of attorney duly recorded and given for the purpose, and the records thereof are validated.'

Further amend said Bill by adding after section 153 3 new sections to read as follows :

**"Sec. 153-A. P. & S. L., 1899, c. 23, § 8, amended.** The 2nd sentence of section 8 of chapter 23 of the private and special laws of 1899 is amended to read as follows :

'The judge may appoint in writing a recorder, who shall be a ~~trial~~ justice of the peace for the County of Penobscot, duly qualified, who shall be sworn by said judge, who shall keep the records of said court when requested so to do by the judge; and in case of absence from the court room, or sickness of the judge, or when the office of judge shall be vacant, the recorder shall have and exercise all the powers of the judge, and perform all the duties required of said judge by this act, and shall be empowered to sign and issue all processes and papers, and to do all acts as fully and with the same effect as the judge could do were he acting in the premises; and the signature of the recorder, as such, shall be sufficient evidence of his right to act instead of the judge.'

**Sec. 153-B. P. & S. L., 1933, c. 71, § 1, amended.** The last sentence of section 1 of chapter 71 of the private and special laws of 1933, as enacted by sec-



tion 2 of chapter 156 of the private and special laws of 1963, is amended to read as follows:

'Any person who files a caucus petition with the city clerk requesting that his name be placed on the caucus ballot may not avail himself of the rights and privileges granted to him by the Revised Statutes of 1954, chapter 90-A, section 60-A, in the same election year **for the same public office.**'

**Sec. 153-C. P. & S. L., 1933, c. 71, § 2, amended.** The first sentence of the 2nd paragraph of section 2 of chapter 71 of the private and special laws of 1933, as last amended by section 3 of chapter 156 of the private and special laws of 1963, is further amended to read as follows:

'Only those voters enrolled as qualified to vote in such caucuses as hereinafter provided, shall participate therein; all nominations by caucus shall be voted upon at the next municipal election, and the caucus for such candidates by caucus petition shall be held in the several wards of the city on the last Monday of November, in each year **in which the city charter of the City of Biddeford calls for the regular election of city officials**, on which day the polls will be opened at 1 o'clock in the afternoon and continue open to 8 o'clock in the evening, when they shall close.'

Further amend said Bill by adding at the end the following new sections:

**"Sec. 155. P. & S. L., 1959, c. 155, § 9, sub-§ IV, amended.** Subsection IV of section 9 of chapter 155 of the private and special laws of 1959 is amended to read as follows:

**'IV.** In Damariscotta River above a line drawn from Farnham's Head in the Town of Boothbay to a point opposite on the shore in the Town of Bristol, excepting the use of drag seines between the above line and The Ledges, for all fish excepting alewives.'

**Sec. 156. P. & S. L., 1953, c. 163, § 9, amended.** The first sentence of section 9 of chapter 163 of the private and special laws of 1953, is amended to read as follows:

'At such time as the school building or buildings and related athletic and recreational facilities **as contemplated by this act and as authorized under the private and special laws of 1961, chapter 65**, shall have been completed, equipped and occupied by the pupils of said district and the board of trustees of the district shall have discharged all of its principal obligations and the property of said district shall be free and clear of all indebtedness, the board of trustees shall automatically cease to function and all the duties, management, care and maintenance of the properties of said district shall revert to the superintending school committee of the Town of Newport or such other board as may, at that time have jurisdiction over similar school property, and then the president and treasurer of said district shall cause to be executed, signed and delivered, a good and sufficient deed of all property of said district to the Town of Newport.'

**Sec. 157. P. & S. L., 1963, c. 134, §§ 3-A-3-C, additional.** Chapter 134 of the private and special laws of 1963 is amended by adding 3 new sections, to be numbered 3-A to 3-C, to read as follows:

**'Sec. 3-A. Repealer.** Subject to the provisions of section 4, the private and special laws of 1909, chapter 140, as amended, which act authorized the South Paris Village Corporation to install a municipal water system, is repealed.

**Sec. 3-B. Commissioners of the water system.** The commissioners of the water system shall continue in office during the remainder of their present terms. As each term expires a successor shall be chosen for a 3-year term by the legal voters of the Town of Paris at its annual meeting. The selectmen shall fill vacancies by appointment until the next annual meeting.

**Sec. 3-C. Effect of referendum.** In the event that the referendum vote, as provided for in this act is in the affirmative the activities of the South Paris Village Corporation shall finally and completely terminate on the 31st day of December of the year in which the aforesaid referendum vote was held.'

**Sec. 158. Effective date.** Sections 153-B and 153-C shall become effective 91 days after adjournment of the Legislature only for the purpose of permitting its submission to the legal voters of the City of Biddeford only in conformity with the referendum as specified in said private and special law, 1963, chapter 156.

**Sec. 159. Effective date.** Section 157 shall become effective 91 days after adjournment of the Legislature only for the purpose of permitting its submission to the legal voters of the South Paris Village Corporation only in conformity with the referendum as specified in said private and special law, 1963, chapter 134.

**Sec. 160. R. S., c. 93, § 17, amended.** The next to the last sentence of the first paragraph of section 17 of chapter 93 of the Revised Statutes, as amended, is further amended to read as follows:

'No authority shall enter into any contract for loans, grants, contributions or other financial assistance with the Federal Government for any project unless or until the governing body of its city, after referendum duly held thereon, and a majority of the voters voting, having voted in favor thereof, or the annual meeting of its town, as the case may be, shall, by resolution duly adopted, have approved its entering into such contract, **provided that nothing contained in this or the succeeding paragraphs of this section shall require the holding of a referendum to authorize the housing authority of any city or town to enter into any contract for loans, grants, contributions or other financial assistance with the Federal Government for the rehabilitation, alteration or repairs of any housing project already existing and in operation on the date of such contract.'**

**"Sec. 161. P. & S. L., 1929, c. 77, § 9, amended.** Section 9 of chapter 77 of the private and special laws of 1929, as amended by section 5 of chapter 106 of the private and special laws of 1963, is further amended to read as follows:

**'Sec. 9. Inconsistent acts repealed.** Chapter 85, private and special laws of 1923 ~~chapter 77, private and special laws of 1929~~ and chapter 27, private and special laws of 1931 and all other acts and parts of acts inconsistent herewith are hereby repealed.'

**Sec. 162. Effective date.** Section 161 shall become effective 91 days after adjournment of the Legislature."