

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1028

H. P. 543

House of Representatives, January 27, 1965

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Dudley of Enfield and Mr. Libhart of Brewer, jointly.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Conferring Upon Others the Powers now Vested in the Executive Council.

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

Sec. 1. R. S., T. 1, § 12, amended. The first sentence of section 12 of Title 1 of the Revised Statutes is amended to read as follows:

'The Governor, with the advice and consent of the ~~Council~~ **Senate**, reserving such jurisdiction, may cede to the United States for purposes named in its Constitution any territory not exceeding 10 acres, but not including any high-way; nor any public or private burying ground, dwelling house or meetinghouse, without consent of the owner.'

Sec. 2. R. S., T. 1, § 13, amended. The first sentence of section 13 of Title 1 of the Revised Statutes is amended to read as follows:

'Whenever the public exigencies require it, the Governor, with the advice and consent of the ~~Council~~ **Senate**, may take in the name of the State, by purchase and deed, or in the manner denoted, any lands or rights-of-way, for the purpose of erecting, using or maintaining any fort, fortification, arsenal, military connection, way, railroad, lighthouse, beacon or other aid to navigation, with all necessary rights, powers and privileges incident to their use, and may deliver possession and cede the jurisdiction thereof to the United States, on such terms as are deemed expedient.'

Sec. 3. R. S., T. 1, § 14, amended. The first sentence of section 14 of Title 1 of the Revised Statutes is amended to read as follows:

'When the Governor ~~and Council determine~~ **determines** that a public exigency requires the taking of any land or rights as provided for in section 13, ~~they~~

he shall cause the same to be surveyed, located and so described that the same can be identified, and a plan thereof, ~~with a copy of the order in Council~~ shall be filed in the office of the Secretary of State and there recorded.'

Sec. 4. R. S., T. 1, § 26, amended. Section 26 of Title 1 of the Revised Statutes is amended to read as follows:

§ 26. Leases of right to take kelp on submerged lands

The power to lease the right to gather and harvest kelp on the submerged lands and reefs within the jurisdiction of the State, seaward of mean low-water mark, and east of 69 degrees° 45 minutes' west longitude, is vested in the Governor and ~~Council~~ **Commissioner of Sea and Shore Fisheries** who shall have authority to make leases to such persons and upon such terms and for such length of time, except as otherwise limited, as they may prescribe. No lease shall be executed for a period of over 30 years, but any lease executed may be renewed by the lessee for a further period to be fixed by the parties. The rental to be paid to the State for these rights shall be not less than \$3 per year per square mile of territory covered by said lease and shall be determined by the Governor and ~~Council~~ **Commissioner of Sea and Shore Fisheries**. The lessee shall file with the Secretary of State a plot showing the location of the territory desired to be leased with the boundaries located thereon.'

Sec. 5. R. S., T. 1, § 452, amended. Section 452 of Title 1 of the Revised Statutes is amended to read as follows:

§ 452. Removal, secretion, mutilation or refusal to return state documents

Whoever knowingly and willfully removes from the State House at Augusta or from the custody of the Secretary of State, or of the Governor ~~and Council~~, or other officer or person in whose lawful custody the same are deposited and kept in said State House, any book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other document or instrument, belonging to, or kept in any of the offices in said State House, except the books and documents kept and deposited in the State Library, or knowingly and willfully secretes, alters, mutilates, defaces or destroys any such book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other document or instrument, or knowingly and willfully aids or assists in so doing, or, having any such book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other such document or instrument in his possession, or under his control, willfully neglects or refuses to return the same to said State House, or to deliver the same to the person in lawful charge of the office or room in said State House where the same were kept or deposited, shall be punished by a fine of not more than \$5,000, and by imprisonment for not less than one year nor more than 3 years.'

Sec. 6. R. S., T. 1, § 501, amended. The first three sentences of section 501 of Title 1 of the Revised Statutes are amended to read as follows:

'The reports of all state departments, commissions and institutions may be printed and bound, but the number and styles in which the same shall be so

printed and bound at the expense of the State shall be determined from time to time by the Governor ~~and Council~~. The reports shall be printed biennially covering the 2 fiscal years next preceding each legislative year and shall be ready for distribution upon the convening of the Legislature at its regular biennial sessions. Such reports may be printed and distributed annually as are deemed advisable by the Governor ~~and Council~~, or directed by the Legislature.'

Sec. 7. R. S., T. 1, § 812, amended. Section 812 of Title 1 of the Revised Statutes is amended to read as follows:

‘§ 812. Manner of taking

Whenever the public exigencies require it, the Governor ~~and Council~~ may adopt an order of taking which shall contain a description of the land taken, sufficiently accurate for its identification, and shall state the interest therein taken and the purpose for which such property is taken.'

Sec. 8. R. S., T. 1, § 814, amended. Section 814 of Title 1 of the Revised Statutes is amended to read as follows:

‘§ 814. Purchase of real estate

Whenever ~~he~~ determines that the public exigencies require it, the Governor ~~and Council~~ may purchase or may take by eminent domain real estate in Augusta within an area bounded on the west by a straight line; beginning at the southern terminus of Western Avenue Place; thence extending southerly to Capitol Street; thence easterly on the northerly side of Capitol Street to a point approximately 132 feet westerly of the intersection of Federal Street and Capitol Street; thence southerly approximately 800 feet; thence easterly approximately 475 feet to the centerline of Sewall Street; thence southerly to the intersection of Glenwood Street and Sewall Street; thence easterly to the intersection of Glenwood Street and State Street; thence northerly approximately 150 feet to the intersection of State Street and Britt Road; thence southerly along Britt Road to its intersection with the railroad right-of-way; thence northerly along the railroad right-of-way to the south side of Capitol Street; thence continuing northerly 270 feet along the railroad right-of-way; thence westerly approximately 118 feet to Gage Street; thence northerly along Gage Street approximately 340 feet; thence westerly on a straight line parallel to Child Street and crossing State Street to Higgins Street; thence along Higgins Street to its intersection with Grove Street; thence southerly along Grove Street approximately 70 feet to the intersection of Grove Street and Wade Street; thence westerly approximately 400 feet in a straight line along Wade Street extended to Sewall Street; thence southerly along Sewall Street approximately 90 feet to the northerly line of Wade Street; thence westerly and parallel with Capitol Street to the point of beginning at the southerly terminus of Western Avenue Place.'

Sec. 9. R. S., T. 2, § 4, amended. Section 4 of Title 2 of the Revised Statutes is amended to read as follows:

‘§ 4. Acceptance of federal grants

The Governor ~~with the advice and consent of the Council~~, is authorized and empowered to accept for the State and federal funds or any equipment, supplies or

materials apportioned under federal law and to do such acts as are necessary for the purpose of carrying out such federal law. The Governor ~~with the advice and consent of the Council~~, is authorized and empowered to authorize and direct departments or agencies of the State, to which are allocated the duties involved in the carrying out of such state laws as are necessary to comply with the terms of the federal act authorizing such granting of federal funds or such equipment, supplies or materials, to expend such sums of money and do such acts as are necessary to meet such federal requirements.'

Sec. 10. R. S., T. 2, § 5, amended. Section 5 of Title 2 of the Revised Statutes is amended to read as follows:

'§ 5. Acceptance of gifts

The Governor, with the advice and consent of the ~~Council~~ **Attorney General**, is authorized to accept in the name of the State any and all gifts, bequest, grants or conveyances to the State of Maine.'

Sec. 11. R. S., T. 2, §§ 51, 52, repealed. Sections 51 and 52 of Title 2 of the Revised Statutes are repealed.

Sec. 12. R. S., T. 3, § 1, amended. Section 1 of Title 3 of the Revised Statutes is amended to read as follows:

'§ 1. Certified rolls of members elect

The Secretary of State shall, on or before the day preceding the meeting of the Legislature, furnish to the Secretary of the preceding Senate a certified roll, under the seal of the State, of the names and residences of Senators-elect, according to the report of the Governor ~~and Council~~, and to the Clerk of the preceding House of Representatives a certified roll, under the seal of the State, of the names and residences of the Representatives-elect, according to the report of the Governor ~~and Council~~, and shall report the vacancies if any exist.'

Sec. 13. R. S., T. 3, § 241, amended. The first sentence of section 241 of Title 3 of the Revised Statutes is amended to read as follows:

'The Commission on Uniform State Laws, as heretofore established, shall consist of 3 members to be appointed for a term of 4 years by the Governor ~~with the advice and consent of the Council~~.'

Sec. 14. R. S., T. 4, § 451, amended. The 2nd sentence of section 451 of Title 4 of the Revised Statutes is amended to read as follows:

'Said council shall be composed of the Attorney General; 2 Justices of the Superior Court; 2 Judges of the District Court; one judge of a probate court of this State; one clerk of the judicial courts of this State; 2 members of the bar; and 3 laymen, all to be appointed by the Governor ~~with the advice and consent of the Executive Council~~.'

Sec. 15. R. S., T. 4, § 562, amended. The 10th sentence of section 562 of Title 4 of the Revised Statutes is amended to read as follows:

'Whenever the office of clerk shall be vacant by reason of death, resignation,

removal from the county, failure of choice by election or any other reason, the Chief Justice of the Supreme Judicial Court shall appoint a suitable person to act as clerk who shall be sworn and give such bond as said Chief Justice directs and who shall serve until an appointment is made by the Governor ~~and Council~~ and said appointee has qualified.'

Sec. 16. R. S., T. 4, § 701, amended. The first sentence of section 701 of Title 4 of the Revised Statutes is amended to read as follows:

'The Governor with the advice and consent of the ~~Council~~ **Chief Justice of the Supreme Judicial Court** shall, in case of a vacancy, appoint a person learned in the law to be Reporter of the Decisions of the law court, who shall hold his office during the pleasure of the ~~executive~~ **Governor**.

Sec. 17. R. S., T. 4, § 702, amended. The 2nd sentence of section 702 of Title 4 of the Revised Statutes is amended to read as follows:

'He shall publish periodic advance sheets and at least one volume of Maine Reports yearly, provided he has material enough to make a volume of the size required by this section, and furnish current copies to the State and to the public at a price to be fixed by the Governor ~~and Council~~.'

Sec. 18. R. S., T. 5, § 2, repealed. Section 2 of Title 5 of the Revised Statutes is repealed.

Sec. 19. R. S., T. 5, § 3, amended. Section 3 of Title 5 of the Revised Statutes is amended to read as follows:

§ 3. Civil officers serve until successors qualify

All civil officers, other than judicial officers, appointed by the Governor with the advice and consent of the ~~Council~~ **Senate** and whose terms of office are fixed by law, shall hold office during the term for which they were appointed and until their successors in office have been appointed and qualified, unless sooner removed in accordance with law.'

Sec. 20. R. S., T. 5, § 4, amended. The first sentence of section 4 of Title 5 of the Revised Statutes is amended to read as follows:

'The Governor ~~with the advice and consent of the Council~~ may appoint in every county persons who shall be designated as dedimus justices, before whom the oath required by the Constitution to qualify civil officers may be taken and subscribed.'

Sec. 21. R. S., T. 5, § 5, amended. Section 5 of Title 5 of the Revised Statutes is amended to read as follows:

§ 5. Oath of office; before whom taken

The Justices of the Supreme Judicial Court and of the Superior Court and all State officials elected by the Legislature shall take and subscribe the oath or affirmation required by the Constitution, before the Governor ~~and Council, when in session, and in their recess, before any 2 members of the Council~~. Every other person elected or appointed to any civil office shall take and sub-

scribe the oath before ~~any one member of the Council, or before~~ any magistrate commissioned by the Governor for that purpose, except when the Constitution otherwise provides.'

Sec. 22. R. S., T. 5, § 6, amended. Section 6 of Title 5 of the Revised Statutes is amended to read as follows:

'§ 6. Officials have 30 days to qualify

All public officers appointed by the Governor and ~~Council~~ **Senate** shall, within 30 days after being commissioned, qualify to perform the duties of their office and the certificate of such qualification shall be filed in the office of the Secretary of State. Any such officer who fails to qualify and file a certificate of qualification in the office of the Secretary of State within 30 days shall be deemed to have forfeited his appointment and the office may be declared vacant by the Governor ~~and Council~~ and a new appointment made.

Sec. 23. R. S., T. 5, § 7, amended. Section 7 of Title 5 of the Revised Statutes is amended to read as follows:

'§ 7. State owned cars; marking

The State shall provide no automobiles for travel of state employees. This shall not apply to the Governor, the State Police, the Department of Inland Fisheries and Game, the Department of Sea and Shore Fisheries, supervising state fire inspectors, the Department of the Secretary of State, supervisors in the Maine Forestry District, the State Highway Commission nor to such other agencies, boards, commissions and departments of the State Government as the Governor ~~and Council~~ may from time to time designate.

All state owned cars shall display a marker or insignia, approved by the Secretary of State, plainly designating them as state owned vehicles. The Governor ~~and Council~~ may designate the use of certain state owned cars without the said insignia thereon.'

Sec. 24. R. S., T. 5, § 8, amended. The 2nd sentence of section 8 of Title 5 of the Revised Statutes is amended to read as follows:

'The Governor ~~with the advice and consent of the Council,~~ may suspend the operation of this section and require state officials and employees to travel in automobiles owned or controlled by the State, if such automobiles be available.'

Sec. 25. R. S., T. 5, § 9, amended. The first paragraph of section 9 of Title 5 of the Revised Statutes is amended to read as follows:

'All state officials and employees shall be bonded. The Insurance Commissioner shall select and prescribe the forms and types of bond, subject to the approval of the Governor ~~and Council.~~ Such bonds shall be in blanket or comprehensive form, so called, and for such an amount or amounts as may be determined by the State Auditor and the Commissioner of Finance and Administration with the approval of the Governor ~~and Council.~~ In event of inability to obtain a blanket or comprehensive form, so called, a list shall be submitted annually to the Governor ~~and Council~~ **for their for his** approval, as recommended by the State Auditor and the Commissioner of Finance and Ad-

ministration, and designating such state officials and employees who in their discretion shall be bonded. The condition of any bond covering state officials and employees shall be to faithfully discharge the duties of the office or employment of such official or employee. All such bonds shall be deposited with the Treasurer of State for safekeeping.'

Sec. 26. R. S., T. 5, § 81, amended. The 2nd sentence of section 81 of Title 5 of the Revised Statutes is amended to read as follows:

'When a vacancy happens in the office of Secretary of State during the recess of the Legislature, the Governor, with the advice and consent of the ~~Council~~ **President of the Senate**, shall appoint a suitable person to act as Secretary of State until one is elected by the Legislature.'

Sec. 27. R. S., T. 5, § 84, amended. Section 84 of Title 5 of the Revised Statutes is amended to read as follows:

§ 84. Preparation of commissions; recording qualifications and engrossing bills

The Secretary of State shall prepare and present to the Governor ~~and Council~~ under the seal of the State, in order that the same may receive the signature of the Governor, a commission for every person appointed or a certificate of election to every person elected to any office for which a commission or certificate of election is required; enter in a suitable book the time when and the person by whom any commission or certificate of election is taken from his office, and the time when any certificate of the qualification of any officer is filed therein. When a duty must be paid as a prerequisite of holding the office, the Secretary of State shall notify every person appointed to such office of the fact and on receipt of evidence of its payment shall then, and no sooner, present said commission or certificate to the Governor ~~and Council~~. When the commission or certificate shall have been signed by the Governor, the Secretary of State shall deliver or forward the same to the person so appointed or elected. He shall cause all bills passed by the Legislature to be engrossed, under his special direction, for the use thereof.'

Sec. 28. R. S., T. 5, § 121, amended. The 3rd paragraph of section 121 of Title 5 of the Revised Statutes is amended to read as follows:

'The chief clerk in the office of the Treasurer of State shall be designated as "deputy treasurer of state." In the event of a vacancy in the office of Treasurer of State or during the absence or disability of that officer, the deputy treasurer of state shall perform the duties of the office. When a vacancy occurs, he shall give bond to the State, with sureties, to the satisfaction of the Governor and ~~Council~~ **the State Auditor**, for the faithful discharge of his trust.'

Sec. 29. R. S., T. 5, § 122, amended. Section 122 of Title 5 of the Revised Statutes is amended to read as follows:

§ 122. Conditions of bond; filing

The condition of the Treasurer of State's bond shall be for the faithful discharge of all the duties of his office, and that during his continuance in office he will not engage in trade or commerce, or act as broker, agent or factor for any

merchant or trader; and that he, or his executors, administrators or sureties, or their executors or administrators, shall render a just and true account of all his agents' and servants' doings and transactions in the office, to the Legislature, or to such committee at it appoints, on the first day of each regular session of the Legislature, previous to the choice of a new treasurer, and at any other time when required by the Legislature or the Governor ~~and Council~~; and that he will settle and adjust said account and faithfully deliver to his successor in office or to such person as the Legislature appoints, all moneys, books, property and appurtenances of said office, in his, or any of his agents' possession, and pay over all balances found due on such adjustment. Such bond, when approved as the Constitution prescribes, shall be lodged in the office of the State Auditor.'

Sec. 30. R. S., T. 5, § 124, amended. Section 124 of Title 5 of the Revised Statutes is amended to read as follows:

§ 124. Governor and State Auditor may require new bond

When it appears to the Governor and ~~Council~~ **the State Auditor** that the Treasurer of State's bond is not sufficient for the full security of the State, they shall make written demand upon him for a new bond. If he neglects for 10 days thereafter to file such bond to their satisfaction, they shall remove him and declare the office vacant.'

Sec. 31. R. S., T. 5, § 127, amended. Section 127 of Title 5 of the Revised Statutes is amended to read as follows:

§ 127. Governor, Secretary of State and State Auditor may hear complaints; removal from office

Upon written complaint of any person that the Treasurer of State is 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 125, or has failed faithfully to perform the duties of his office, the Governor ~~and Council~~, **the Secretary of State and the State Auditor** shall forthwith examine into the charges and if any of them is found true, they shall remove him and declare the office vacant.'

Sec. 32. R. S., T. 5, § 128, amended. Section 128 of Title 5 of the Revised Statutes is amended to read as follows:

§ 128. Appointment of commissioner to fill vacancy

In case of a vacancy in the office of Treasurer of State, the Governor, with the advice and consent of the ~~Council~~ **Secretary of State and the State Auditor**, shall appoint a commissioner to perform the duties of the office during the residue of the term for which he was chosen, unless another is sooner elected by the Legislature. The person so appointed shall, before entering on the duties of his office, take and subscribe the oaths, and give bond with the same conditions as are required of the Treasurer of State, to the acceptance of the Governor and ~~Council~~ **the State Auditor**.'

Sec. 33. R. S., T. 5, § 135, amended. The first paragraph of section 135 of Title 5 of the Revised Statutes is amended to read as follows:

'The Treasurer of State may deposit the moneys, including trust funds of the State, in any of the banking institutions or trust companies or mutual savings banks organized under the laws of this State or in any national bank or banks located therein. When there are excess moneys in the State Treasury which are not needed to meet current obligations he may, with the concurrence of the State Controller or the Commissioner of Finance and Administration and with the consent of the Governor ~~and Council~~, invest such amounts in bonds, notes, certificates of indebtedness or other obligations of the United States of America which mature not more than 24 months from the date of investment. Interest earned on such investments of moneys shall be credited to the respective funds, except that interest earned on investments of special revenue funds shall be credited to the General Fund of the State. This section shall not prevent the deposit for safekeeping or custodial care of the securities of the several funds of the State in banks or safe deposit companies in this State or any other state, nor the deposit of such state funds as may be required by the terms of custodial contracts or agreements as may be hereafter negotiated in accordance with the laws of this State. All custodial contracts and agreements shall be subject to the approval of the Governor and the ~~Executive Council~~ **Attorney General.**'

Sec. 34. R. S., T. 5, § 137, amended. Section 137 of Title 5 of the Revised Statutes is amended to read as follows:

§ 137. Purchase of unmatured bonds of State

Whenever, from time to time in the judgment of the Treasurer of State it may be done to the financial advantage of the State, he may, with the advice and consent of the Governor ~~and Council~~, purchase with any funds in the State Treasury not otherwise appropriated and, when so purchased, may cancel any outstanding, unmatured bonds of the State.'

Sec. 35. R. S., T. 5, § 138, amended. The last paragraph of section 138 of Title 5 of the Revised Statutes is amended to read as follows:

'All contracts and agreements entered into between the Treasurer of State and the custodian banks and safe deposit companies for the safekeeping or custodial care of the negotiable securities of the permanent trust funds of the State shall have the approval of the Governor and the ~~Executive Council~~ **Attorney General.**'

Sec. 36. R. S., T. 5, § 139, amended. The last paragraph of section 139 of Title 5 of the Revised Statutes is amended to read as follows:

'All contracts and agreements entered into between the Treasurer of State and custodian banks and safe deposit companies selected for the safekeeping or custodial care of the negotiable securities referred to in this section shall have the approval of the Governor and the ~~Executive Council~~ **Attorney General.**'

Sec. 37. R. S., T. 5, § 142, amended. The last paragraph of section 142 of Title 5 of the Revised Statutes is amended to read as follows:

'All contracts and agreements entered into between the Treasurer of State and custodian banks and safe deposit companies selected for the safekeeping or

custodial care of the negotiable securities referred to in this section shall have the approval of the Governor and the ~~Executive Council~~ **Attorney General.**'

Sec. 38. R. S., T. 5, § 143, amended. Section 143 of Title 5 of the Revised Statutes is amended to read as follows:

§ 143. Register of investments and Treasurer of State's report

The Treasurer of State shall keep a register of all investments made under section 142, showing the date, amount and number of each bond, by whom issued and the time when it will mature, and in his annual report to the Governor ~~and Council~~, he shall include an exhibit of the condition of said sinking funds.'

Sec. 39. R. S., T. 5, § 150, amended. Section 150 of Title 5 of the Revised Statutes is amended to read as follows:

§ 150. Temporary loans by State

The Treasurer of State is authorized, in any year in which he and the Governor ~~and Council~~ may deem the same necessary, to negotiate a temporary loan or loans in anticipation of and pending the receipt of taxes levied for such year, and of the proceeds of bonds authorized to be issued, as provided by the Constitution of Maine, Article IX, Section 14. The Treasurer of State and the Governor ~~and Council~~ are authorized and directed to pay such loan or loans during such year and, for the purpose of such loan and the payment thereof, there is appropriated, for any year in which the Treasurer of State and the Governor ~~and Council~~ may deem it necessary to borrow the sum of \$2,000,000. The Treasurer of State is authorized, in any fiscal year in which the Governor and ~~Council~~ **the Commissioner of Finance and Administration** deem it necessary, to negotiate a temporary loan or loans for the use of the State Highway Commission for highway purposes. The said loan or loans shall not exceed $\frac{1}{3}$ of the highway revenue received during the previous fiscal year and shall be repaid within the same fiscal year out of revenue credited to the General Highway Fund during that fiscal year.'

Sec. 40. R. S., T. 5, § 151, amendd. The last paragraph of section 151 of Title 5 of the Revised Statutes is amended to read as follows:

'Whenever there shall accumulate in the State Treasury to the account of any board or commission charged with the duty of issuing licenses for the conduct of any profession, trade or business, sums of money in excess of the amount required properly to cover the expense of performing the duties imposed upon such board or commission in connection with the granting of such licenses and the supervision of persons licensed, said board or commission, with the approval of the Governor ~~and Council~~, may suspend the payment or reduce the amount of any license fees fixed by statute for any renewal until in the opinion of such board or commission it shall be necessary to collect the full amount thus established by law.'

Sec. 41. R. S., T. 5, § 195, amended. Section 195 of Title 5 of the Revised Statutes is amended to read as follows:

§ 195. Opinions on questions of law

The Attorney General shall give his written opinion upon questions of law submitted to him by the Governor ~~and Council~~, Secretary of State, Treasurer of State, Bank Commissioner, Insurance Commissioner, State Auditor or head of any other state department, or any of the state boards or commissions or by either branch of the Legislature.'

Sec. 42. R. S., T. 5, § 196, amended. The 4th sentence of section 196 of Title 5 of the Revised Statutes is amended to read as follows:

'The compensations of the deputy attorney general and such temporary deputy attorneys general and any assistant attorneys general appointed shall be fixed by the Attorney General with the approval of the Governor ~~and Council~~, but such compensations shall not in the aggregate exceed the amount appropriated therefor.'

Sec. 43. R. S., T. 5, § 198, amended. Section 198 of Title 5 of the Revised Statutes is amended to read as follows:

§ 198. Additional assistant attorneys general, clerks or attorneys may be paid from moneys collected by department

Whenever the Attorney General shall appoint any additional assistant attorneys general as authorized under section 196, or shall employ additional clerks as provided by section 197, or shall employ attorneys at law to collect claims due the State, the compensation of such assistants, clerks or attorneys, as approved by the Governor ~~and Council~~, may be paid, if the Governor ~~and Council so direct so directs~~, from moneys thus collected by the Department of the Attorney General.'

Sec. 44. R. S., T. 5, § 204, amended. Section 204 of Title 5 of the Revised Statutes is amended to read as follows:

§ 204. Biennial reports

The Attorney General shall, biennially, on the first day of December, make a report to the Governor ~~and Council~~ of the amount and kind of official business done by him and by the several county attorneys during the 2 years preceding, stating the number of persons prosecuted, their alleged offenses, the results and the punishments awarded, with any useful suggestions.'

Sec. 45. R. S., T. 5, § 281, amended. Section 281 of Title 5 of the Revised Statutes is amended to read as follows:

§ 281. Commissioner; removal; salary

The Department of Finance and Administration, as heretofore established, shall exercise such powers and perform such duties as are set forth in this Title and Title 36.

The department shall be under the supervision and control of a Commissioner of Finance and Administration, as heretofore appointed and hereinafter in this chapter called the "commissioner," who shall be appointed by the Governor, with the advice and consent of the ~~Council~~ Senate, to serve for a term of 7 years, and until his successor is appointed and qualified.

The commissioner may be removed from office by the Governor ~~and Council~~ for cause.

Any vacancy in the said office shall be filled by appointment for a like term in the same manner.

The salary of the commissioner shall be fixed by the Governor ~~and Council~~.

Sec. 46. R. S., T. 5, § 282, sub-§ 2, amended. Subsection 2 of section 282 of Title 5 of the Revised Statutes is amended to read as follows:

'2. Financial planning. To coordinate financial planning and programming activities of departments and agencies of the State Government for review and action by the Governor ~~and Council~~;

Sec. 47. R. S., T. 5, § 591, amended. The 5th sentence of section 591 of Title 5 of the Revised Statutes is amended to read as follows:

'Vacancies in the public membership of the board shall be filled within 60 day after the vacancy occurred by the Governor ~~with the advice and consent of the Council~~ for the unexpired portion of the term.'

Sec. 48. R. S., T. 5, § 592, sub-§ 9, amended. The first sentence of subsection 9 of section 592 of Title 5 of the Revised Statutes is amended to read as follows:

'The board shall have authority to select and appoint a State Advisory Council on Personnel, to serve at the pleasure of the board, and consisting of representatives of the following groups: The Governor, ~~the Executive Council~~ the Senate, the House of Representatives, department heads, the employees' association, the budget and the public.'

Sec. 49. R. S., T. 5, § 711, sub-§ 3, amended. Subsection 3 of section 711 of Title 5 of the Revised Statutes is amended to read as follows:

'3. Appointed by Governor; certain official clerks. Heads of departments and members of boards and commissions required by law to be appointed by the Governor with the advice and consent of the ~~Council~~ **Senate**, bureau directors, and the official clerk of the Public Utilities Commission and of the State Liquor Commission.'

Sec. 50. R. S., T. 5, § 1031, sub-§ 16, amended. The last paragraph of subsection 16 of section 1031 of Title 5 of the Revised Statutes is amended to read as follows:

'All contracts or agreements entered into between the said board of trustees and the custodian bank or safe deposit company selected by them shall have the approval of the Governor and ~~Executive Council~~ **the Attorney General**.'

Sec. 51. R. S., T. 5, § 1121, sub-§ 1, ¶ B, amended. Paragraph B of subsection 1 of section 1121 of Title 5 of the Revised Statutes is amended to read as follows:

'B. Any member specified in paragraph A who attains age 70 shall be retired forthwith on a service retirement allowance on the first day of the next calendar month; except that any member who is an elected official of the State

or an official appointed for a term of years may remain in service until the end of the term of his office for which he was elected or appointed. Notwithstanding the foregoing, on the request of the Governor ~~with the approval of the Council~~, the board of trustees may permit the continuation for periods of one year, as the result of each such request, of the service of any member who has attained the age of 70 and who desires to remain in service. Requests for extension of service for employees in participating local districts shall be filed directly with the board of trustees by the proper municipal officers and such requests shall not be referred to the Governor ~~and Council.~~

Sec. 52. R. S., T. 5, § 1121, sub-§ 4, ¶ B, amended. Paragraph B of subsection 4 of section 1121 of Title 5 of the Revised Statutes is amended to read as follows:

‘B. The retirement of any member in accordance with paragraph A may be requested either by the member or, except in the case of a member of a fire or police department, by the head of his department. Retirement shall be compulsory at the attainment of age 60 except that on the request of the Governor ~~with the approval of the Council~~, the board of trustees may permit the continuation for periods of one year, as the result of each such request, of the service of such member.’

Sec. 53. R. S., T. 5, § 1503, amended. Section 1503 of Title 5 of the Revised Statutes is amended to read as follows:

‘§ 1503. Allocations from the Construction Reserve Fund; balance

Funds appropriated by the Legislature to the Construction Reserve Fund may be allocated by the Governor, ~~with the advice and consent of the council and the Commissioner of Finance and Administration~~, for construction, repairs, equipment, supplies and furnishings, whenever:

1. Legislative recommendations. The Legislature makes specific recommendations for the use of funds appropriated to the the Construction Reserve Fund;

2. Increased costs. An increase in construction or equipment costs results in a project cost in excess of the amount appropriated therefor by the Legislature;

3. Plan changes. A condition arises during the course of a project which necessitates a change in plans, specifications or equipment resulting in a project cost in excess of funds previously made available therefor;

4. Acquiring real estate. It appears to be in the best interests of the State to acquire real estate or to have estimates, plans or specifications prepared for a project in advance of the date on which funds may be made available therefor by the Legislature, except that with respect to allocations from the Construction Reserve Fund, no allocations shall be made for the purpose of acquiring real estate in any municipality until such time as the acquisition has been approved by the governing body of that municipality;

5. Construction in best interests of State. It appears to be necessary and in the best interests of the State to proceed with the construction of, or the purchase

of equipment for, a project for which funds were not otherwise made available by the Legislature.

Any allocation of funds made by the Governor and ~~Council~~ **Commissioner of Finance and Administration** under this section shall constitute a continuous carrying account for the purposes designated by the Governor and ~~Council~~ **Commissioner of Finance and Administration**. The State Controller is authorized to carry forward all such allocations to the succeeding fiscal year, provided work shall have begun by the letting of a contract or contracts or by actually starting the work during the year in which the allocation was made. Any balance remaining after the completion of the object of the allocation shall revert to the Construction Reserve Fund.

Any balance in the Construction Reserve Fund shall not lapse but shall be carried forward from year to year to be expended for the purposes set forth in this section.'

Sec. 54. R. S., T. 5, § 1504, amended. The second sentence of section 1504 of Title 5 of the Revised Statutes is amended to read as follows:

'Such certification shall be by the Attorney General, the Commissioner of Finance and Administration and the Treasurer of State, subject to the approval of the Governor ~~and Council~~.'

Sec. 55. R. S., T. 5, § 1506, amended. The second sentence of section 1506 of Title 5 of the Revised Statutes is amended to read as follows:

'Such return shall be made only on the recommendation of the department or agency head having jurisdiction over the advance and with the approval of the Commissioner of Finance and Administration and the Governor ~~and Council~~.'

Sec. 56. R. S., T. 5, § 1507, amended. The first paragraph of section 1507 of Title 5 of the Revised Statutes is amended to read as follows:

'The Governor, with the advice and consent of the ~~Council~~ **Attorney General and the Commissioner of Finance and Administration**, may allocate from the State Contingent Account amounts not to exceed in total the sum of \$450,000 in any fiscal year. Such allocations may be made to meet any expense necessarily incurred under any requirement of law, or for the maintenance of government within the scope existing at the time of the previous session of the Legislature or contemplated by laws enacted thereat, or to pay bills arising out of some emergency requiring an expenditure of money not provided by the Legislature. The Governor ~~and Council~~, **the Attorney General and the Commissioner of Finance and Administration** shall determine the necessity for such allocations. All such allocations shall be supported by a statement of facts setting forth the necessity for the allocations. At the close of each fiscal year there shall be transferred from the Unappropriated Surplus of the General Fund an amount sufficient to restore the State Contingent Account to \$450,000.'

Sec. 57. R. S., T. 5, § 1508, amended. Section 1508 of Title 5 of the Revised Statutes is amended to read as follows:

‘§ 1508. State funds eliminated

Unless the Legislature shall otherwise direct, the Commissioner of Finance and Administration, with the approval of the Governor and ~~Council~~ **the State Auditor**, shall have authority to discontinue any or all special expendable state funds with the exception of the sinking funds and trust funds, and to merge the balance or balances of such fund or funds so discontinued with the General Fund.’

Sec. 58. R. S., T. 5, § 1544, amended. Section 1544 of Title 5 of the Revised Statutes is amended to read as follows:

‘§ 1544. Unappropriated surplus; report; purchase of real estate adjacent to State House

The State Controller shall maintain on the books of the State an account to be known as “Unappropriated Surplus.” The balances of all revenue and appropriation accounts not otherwise provided for by law, together with any other necessary adjustments of balances previously closed to the Unappropriated Surplus Account, shall be closed to this account at the end of each fiscal year. Any amounts authorized for allocation by the Governor ~~and Council~~ or representing permanent working capital advances shall be removed from unappropriated surplus and set up in separate accounts so that the balance of the Unappropriated Surplus Account shall be the amount of free and unencumbered surplus according to generally accepted accounting principles.

The State Controller shall include in his official annual financial report a statement of the Unappropriated Surplus Account reflecting all changes in this account during the fiscal year and the balance of this account at the close of the fiscal period.

The Governor and ~~Council~~ **Commissioner of Finance and Administration** may allocate from the unappropriated surplus amounts not to exceed \$700,000 for the purchase of real estate in accordance with Title 1, section 814.’

Sec. 59. R. S., T. 5, § 1547, amended. The 2nd sentence of the 2nd paragraph of section 1547 of Title 5 of the Revised Statutes is amended to read as follows:

‘Monthly newspapers may be used for this purpose on authorization of the Governor ~~and Council~~.’

Sec. 60. R. S., T. 5, § 1582, amended. Section 1582 of Title 5 of the Revised Statutes is amended to read as follows:

‘§ 1582. Handling appropriations

No appropriations to any state department or agency shall become available for expenditure until allotted upon the basis of the work program duly approved by the Governor ~~and Council~~ as provided.’

Sec. 61. R. S., T. 5, § 1585, amended. Section 1585 of Title 5 of the Revised Statutes is amended to read as follows:

‘§ 1585. Transfer of unexpended appropriations

Any balance of any appropriation or subdivision of an appropriation made by the Legislature for any state department or agency, which at any time may not be required for the purposes named in such appropriation or subdivision, may, upon the recommendation of the department or agency head concerned and the State Budget Officer, be transferred by the Governor ~~and Council~~, at any time prior to the closing of the books, to any other appropriation or subdivision of an appropriation made by the Legislature for the use of the same department or agency for the same fiscal year.’

Sec. 62. R. S., T. 5, § 1586, amended. Section 1586 of Title 5 of the Revised Statutes is amended to read as follows:

‘§ 1586. Transfer of funds generally

Whenever the Governor and ~~Council~~ **the State Auditor** shall find that the State or any of its departments, divisions or bureaus is incurring expense and using funds of the State in connection with the carrying on of the work of any board or commission which collects fees from the persons so supervised and licensed, including salaries, travel and the expense of office equipment and supplies, they are authorized and empowered to transfer from any funds now or hereafter held by any such board or commission, such sums of money as shall reimburse the State or any department or bureau thereof for such expense so incurred, including a reasonable charge for office space, light and heat. Such sums so transferred shall be added to and become a part of the funds of the department, bureau or division incurring such expense.’

Sec. 63. R. S., T. 5, § 1621, amended. Section 1621 of Title 5 of the Revised Statutes is amended to read as follows:

‘§ 1621. Authorization of audit

Whenever it seems advisable to the Governor and ~~Council~~ **Commissioner of Finance and Administration**, they may cause the books and accounts of the State or any department or agency thereof to be audited, and for that purpose may employ auditors other than those employed by the State Department of Audit. In any event, the Governor and ~~Council~~ **Commissioner of Finance and Administration** shall cause an audit of the books of the State to be made at least once in every 4 years by auditors other than those employed by the State Department of Audit.’

Sec. 64. R. S., T. 5, § 1667, amended. Section 1667 of Title 5 of the Revised Statutes is amended to read as follows:

‘§ 1667. Work program and allotments

Not later than June 1st of each year, the Governor shall require the head of each department and agency of the State Government to submit to the Bureau of the Budget a work program for the ensuing fiscal year. Such work program shall include all appropriations, revenues, transfers and other funds, made available to said department or agency for its operation and maintenance and for the acquisition of property, and it shall show the requested allotments of said

sums by quarters for the entire fiscal year, classified to show allotments requested for specific amounts for personal services, capital expenditures and amounts for all other departmental expenses. The Governor ~~and Council~~, with the assistance of the State Budget Officer, shall review the requested allotments with respect to the work program of each department or agency and shall, if they deem it necessary, revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total sums made available to said department or agency for the fiscal year in question. The State Budget Officer shall transmit a copy of the allotments as approved by the Governor ~~and Council~~ to the head of the department or agency concerned and also a copy to the State Controller. The State Controller shall thereupon authorize all expenditures to be made from the sums available on the basis of such allotments and not otherwise.

The head of any department or agency of the State Government, whenever he shall deem it necessary by reason of changed conditions, may revise the work program of his department or agency at the beginning of any quarter during the fiscal year, and submit such revised program to the Bureau of the Budget with his request for a revision of the allotments of the remaining quarters of that fiscal year. If, upon such reexamination of the work program, the State Budget Officer, with the approval of the Governor ~~and Council~~, shall decide to grant the request for the revision of the allotments, the same procedure, so far as it relates to review, approval and control shall be followed as in the making of the original allotments.

In order to provide some degree of flexibility to meet emergencies arising during each fiscal year in the expenditures for operation and maintenance of the various departments and agencies of the State Government, the State Budget Officer, with the approval of the Governor ~~and Council~~, may require the head of each department and agency in requesting original allotments, to set aside a reserve, the exact amount of which shall be determined by the State Budget Officer, of the total amount appropriated to the department or agency. At any time during the fiscal year this reserve or any portion of it may be returned to the appropriation to which it belongs and may be added to any one or more of the allotments, provided the State Budget Officer shall deem such action necessary and shall notify the State Controller of such action. Any unused portion of such reserve shall remain at the end of the fiscal year as an unexpended balance of appropriation. Any unexpended and unencumbered balance of allotment at the end of each quarter shall be credited to a reserve set up for the fiscal year.'

Sec. 65. R. S., T. 5, § 1701, amended. Section 1701 of Title 5 of the Revised Statutes is amended to read as follows:

‘§ 1701. Authorization; deposit of policies

All fire and liability insurance upon public buildings and other property belonging to the State shall be placed thereon by the several heads of departments having said property in charge subject to the approval of the Governor and ~~Council~~ **Commissioner of Finance and Administration**, or by the Governor and ~~Council~~ **Commissioner of Finance and Administration**, and all expense therefor

shall be paid from the several appropriations for insurance on said property. The policies for all insurance so placed shall be deposited with the Insurance Commissioner, and a record thereof kept by the Governor ~~and Council~~ and ~~said commissioner~~ **the Insurance Commissioner.**'

Sec. 66. R. S., T. 5, § 1702, amended. Section 1702 of Title 5 of the Revised Statutes is amended to read as follows:

'1702. Insurance money available for replacement. Whenever any officer or department of the State has taken out fire insurance on property owned by the State, or for which the State is responsible, and the property has been destroyed, the money paid by the insurance companies on the loss shall, with the approval of the Governor and ~~Council~~ **Commissioner of Finance and Administration**, be made immediately available for the use of such office or department in replacing the destroyed property, or otherwise, as may be needed in the work of the office or department.'

Sec. 67. R. S., T. 5, § 1742, sub-§ 2, amended. Subsection 2 of section 1742 of Title 5 of the Revised Statutes is amended to read as follows:

'2. Inspection. To regularly inspect state owned and leased buildings in the State and report to the controlling department head whatever construction, repairs, alterations and improvements are deemed necessary. If the Commissioner of Finance and Administration considers it advisable, he shall make a similar report to the Governor ~~and Council~~.'

Sec. 68. R. S., T. 5, § 1742, sub-§ 5, amended. Subsection 5 of section 1742 of Title 5 of the Revised Statutes is amended to read as follows:

'5. Data. To prepare, at the request of the Governor ~~and Council~~ or the Legislature, data pertaining to existing or proposed public improvements.'

Sec. 69. R. S., T. 5, § 1742, sub-§ 7, amended. Subsection 7 of section 1742 of Title 5 of the Revised Statutes is amended to read as follows:

'7. Approve plans for public improvements. To approve all proposals, plans, specifications and contracts for public improvements which require their submission to the Governor ~~and Council~~ for their final approval and acceptance.'

Sec. 70. R. S., T. 5, § 1742, sub-§ 12, amended. Subsection 12 of section 1742 of Title 5 of the Revised Statutes is amended to read as follows:

'12. Demolish obsolete buildings. To demolish or otherwise dispose of buildings and appurtenances, excluding land, belonging to the State that have become hazards, obsolete or are unjustifiably expensive to maintain. Such demolition or other disposal shall be on the recommendation of the department or agency head having jurisdiction over the buildings and appurtenances concerned and under such terms and conditions as deemed by the Governor ~~and Council~~ to be in the best interests of the State.'

Sec. 71. R. S., T. 5, § 1742, sub-§ 17, amended. Subsection 17 of section 1742 of Title 5 of the Revised Statutes is amended to read as follows:

'17. Food service. To provide, with the consent of the Governor ~~and Council~~

and food service in the state office buildings located at the seat of government and elsewhere in the State as may be determined by the Governor ~~and Council~~;

Sec. 72. R. S., T. 5, § 1743, amended. The first paragraph of section 1743 of Title 5 of the Revised Statutes is amended to read as follows:

'Any contract for any public improvement involving a total cost of more than \$3,000, except contracts for professional, architectural and engineering services, shall be awarded by a system of competitive bidding in accordance with chapters 141 to 155 and such other conditions and restrictions as the Governor and ~~Council~~ **Attorney General** may from time to time prescribe.'

Sec. 73. R. S., T. 5, § 1745, amended. Section 1745 of Title 5 of the Revised Statutes is amended to read as follows:

§ 1745. Advertisements for sealed proposals; bond

The trustees, commissioners or other persons in charge of any public improvement which is subject to chapters 141 to 155 shall, after consultation with the State Purchasing Agent and the State Director of Public Improvements, advertise for sealed proposals not less than 2 weeks in such papers as the Governor ~~and Council~~ may direct. The last advertisement shall be at least one week before the time named therein for the closing of such bids. Sealed proposals submitted in accordance with such advertisements shall be addressed to the trustees, commissioners or such other persons having the construction in charge and shall remain sealed until opened in the presence of ~~a committee of the Executive Council~~ **the Commissioner of Finance and Administration** at such time as the Governor ~~and Council~~ may direct.

No contract shall be awarded unless the faithful performance thereof shall be secured by a bond in the penal sum of not less than 20% of the amount of the contract, payable to the State, and deposited with the Treasurer of State.'

Sec. 74. R. S., T. 5, § 2401, sub-§ 1, amended. Subsection 1 of section 2401 of Title 5 of the Revised Statutes is amended to read as follows:

1. Appointment of Hearing Commissioner. The Hearing Commissioner, as heretofore appointed, shall be appointed by the Governor, ~~with the advice and consent of the Council~~ for a term of 4 years and until his successor is appointed and sworn.'

Sec. 75. R. S., T. 6, § 41, amended. The first sentence of section 41 of Title 6 of the Revised Statutes is amended to read as follows:

'The Aeronautics Commission as heretofore established, shall consist of 5 persons who shall be residents of the State and who shall be appointed by the Governor, ~~with the advice and consent of the Council~~ one to serve for one year, 2 to serve for 2 years and 2 to serve for 3 years.'

Sec. 76. R. S., T. 6, § 42, amended. The 2nd paragraph of section 42 of Title 6 of the Revised Statutes is amended to read as follows:

'The commission shall supervise and control all state airports and shall make such rules and regulations concerning the use of the said airports and their

facilities as they deem necessary for the efficient management thereof and the development of aviation. The commission, with the consent of the Governor and ~~Council~~ **the Attorney General**, may lease facilities at state-owned airports on such terms as they direct.'

Sec. 77. R. S., T. 6, § 42, amended. The first sentence of the 3rd paragraph of section 42 of Title 6 of the Revised Statutes is amended to read as follows:

'The commission shall have the care and supervision of such planes as may be owned by the State for the use of its departments and agencies and shall provide adequate hangar facilities and be responsible for the maintenance, repair, upkeep and operation of such planes, and for that purpose the Governor and ~~Council~~ **the Commissioner of Finance and Administration** may authorize the advance of working capital from the Unappropriated Surplus of the General Fund.'

Sec. 78. R. S., T. 6, § 81, amended. The last sentence of section 81 of Title 6 of the Revised Statutes is amended to read as follows:

'The salary of the director shall be fixed by the commission, subject to the approval of the Governor and ~~Council~~ **the Commissioner of Finance and Administration**.'

Sec. 79. R. S., T. 6, § 82, amended. Section 82 of Title 6 of the Revised Statutes is amended to read as follows:

§ 82. Powers and duties; inspectors

The director shall be the executive officer of the commission and, under the supervision of the commission, shall administer chapters 1 to 13 and all the laws of the State relative to aeronautics. The director, with the approval of the commission and within the limits of the appropriation, may hire inspectors and field and office assistants necessary for the proper execution of his duties. The director shall exercise general supervision, control and direction on behalf of the State over all matters pertaining to the location, construction and maintenance of all air navigation facilities now or hereafter built or maintained, either in whole or in part, with money appropriated from the State Treasury. He may recommend to the Governor and ~~Council~~ that the State acquire land, easements and rights-of-way for the establishment of air navigation facilities. Such land, easements and rights-of-way may be acquired by purchase, grant or condemnation in the manner provided by law by which the Governor and ~~Council~~ **is** authorized to acquire real property for public purposes, and property so acquired may be conveyed to a town for use in connection with the establishment of air navigation facilities for such a consideration as the Governor and ~~Council~~ **the Commissioner of Finance and Administration** may determine.'

Sec. 80. R. S., T. 6, § 162, sub-§ 1, amended. The 3rd sentence of subsection 1 of section 162 of Title 6 of the Revised Statutes is amended to read as follows:

'All payments made out of said funds shall be made on order of the commission with the approval of the Governor and ~~Council~~ **the Attorney General**.'

Sec. 81. R. S., T. 6, § 162, sub-§ 1, amended. The 2nd paragraph of subsec-

tion 1 of section 162 of Title 6 of the Revised Statutes is amended to read as follows:

'The commission with the consent of the Governor ~~and Council~~ may, from the amounts appropriated and known as the "Airport Construction Fund", match funds with the Federal Government for the purpose of constructing, extending or improving state-owned airports.'

Sec. 82. R. S., T. 6, § 162, sub-§ 2, amended. Subsection 2 of section 162 of Title 6 of the Revised Statutes is amended to read as follows:

'2. **State aid.** The commission with the consent of the Governor and ~~Council~~ **the Attorney General** may from the amount appropriated to aid in the construction, extension and improvement of state, municipal or county airports, known as the "Airport Construction Fund", grant to cities, 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.'

Sec. 83. R. S., T. 7, § 1, amended. The 6th sentence of section 1 of Title 7 of the Revised Statutes is amended to read as follows:

'The commissioner may, with the approval of the Governor ~~and Council~~, appoint a deputy commissioner of agriculture, who shall be the chief of one of the department bureaus in the Department of Agriculture, and shall perform the duties of the commissioner during his absence, in addition to his duties as chief of a department bureau.'

Sec. 84. R. S., T. 7, § 5, amended. The first sentence of section 5 of Title 7 of the Revised Statutes is amended to read as follows:

'The commissioner may, with the approval of the Governor ~~and Council~~, appoint and fix the compensation of a chief deputy and such other deputies as in his judgment are required to assist him, and to enable him to carry out all laws, the execution of which is entrusted to him.'

Sec. 85. R. S., T. 7, § 10, amended. The first sentence of section 10 of Title 7 of the Revised Statutes is amended to read as follows:

'The commissioner shall biennially make a report to the Governor ~~and Council~~, on or before the first day of July of each even-numbered year, of the work of the department in detail, combining in the same a report of the Maine State Pomological Society and Maine Dairymen's Association, and all other matters relating to the promotion of agriculture.'

Sec. 86. R. S., T. 7, § 62, sub-§ 3, amended. The 4th sentence of subsection 3 of section 62 of Title 7 of the Revised Statutes is amended to read as follows:

'He shall issue blanks to the proper officers of said societies for such returns as may be deemed necessary for a full and complete knowledge of the work of said societies for each year, and shall certify to the Governor ~~and Council~~ the amount of stipend due such society, and shall designate to the Treasurer of State to whom such moneys shall be paid, but said societies shall not be entitled to such stipend unless they shall make such returns.'

Sec. 87. R. S., T. 7, § 2151, amended. The 2nd paragraph of section 2151 of Title 7 of the Revised Statutes is amended to read as follows:

'The commissioner shall be a member of the board and its chairman. The remaining 6 members shall be appointed by the Governor ~~with the advice and consent of the Council~~. Of the 6 members appointed, other than the commissioner, 5 shall be chosen from representatives of the potato industry in Aroostook County and one from elsewhere in the State of Maine.'

Sec. 88. R. S., T. 7, § 2152, amended. Section 2152 of Title 7 of the Revised Statutes is amended to read as follows:

'§ 2152. Terms; vacancies; salaries

Each appointed member shall serve for a term of 3 years and until his successor has been appointed and qualified.

Upon the expiration of the term of office of any member of the board, said member's successor shall be appointed by the Governor ~~by and with the consent of the Council~~ in like manner as said member.

In case of a vacancy for any reason in the office of any member, the Governor ~~by and with the advice and consent of the Council~~ shall appoint a member to fill the unexpired term of such vacant office in the same manner as the regular appointment to the office was made.

Any of the appointive members may be removed from office by the Governor ~~with the advice and consent of the Council~~ for cause shown, after reasonable notice and a hearing.

The members of the Seed Potato Board shall receive no salary, but all their expenses incurred in attending meetings shall be paid out of the State Treasury, on certificate of the commissioner, upon the audit and warrant of the State Controller.'

Sec. 89. R. S., T. 7, § 2952, amended. Section 2952 of Title 7 of the Revised Statutes is amended to read as follows:

'§ 2952. Organization

The Maine Milk Commission, as heretofore established, shall consist of 2 producers, a dealer, a producer-dealer and 2 consumers, all of whom shall be residents of the State. They shall be appointed by the Governor ~~with the advice and consent of the Council~~ and shall serve for a term of 4 years and until their successors have been duly appointed and qualified. The Commissioner of Agriculture shall be ex officio a member of said commission. The members of said commission shall elect a chairman and may employ a secretary and such clerks and assistants as may be deemed necessary and may prescribe their duties and fix their compensation, subject to the Personnel Law. Legal services and the services of experts in other lines shall be performed as far as possible by the existing state departments, including the Department of Agriculture, the Department of Health and Welfare and the Department of the Attorney General. Any vacancy in the membership of said commission shall be filled by appointment by the Governor ~~with the advice and consent of the Council~~. Members of the

commission shall be allowed actual traveling and other necessary expenses incurred in the performance of their duties and each member shall receive a per diem compensation for the time actually spent in the performance of his duties, such compensation to be determined by the Governor and ~~Council~~ **the Commissioner of Finance and Administration**. The cost of administration of said commission, including expenses and compensation of members, shall not exceed the amount of fees collected under this chapter. The commission shall be furnished a suitable office in the State Capitol together with all necessary equipment and supplies therefor.

Sec. 90. R. S., T. 7, § 3403, amended. Section 3403 of Title 7 of the Revised Statutes is amended to read as follows:

‘§ 3403. Expenditure of surplus money

After the end of the fiscal year, any money in excess of receipts received by the State under section 3452 over the actual expenditures under this chapter and chapters 703, 705, 711 and 713 and sections 3603 to 3605 shall, if the Governor and ~~Council~~ **State Auditor** deem it expedient, be paid to the several municipalities in proportion to the amount each has paid into the State Treasury under said chapters and sections.’

Sec. 91. R. S., T. 8, § 101, amended. The first sentence of section 101 of Title 8 of the Revised Statutes is amended to read as follows:

‘The Maine State Boxing Commission, as heretofore established and hereinafter in this chapter called the “commission,” shall consist of 3 members who shall be appointed for terms of 3 years and may be for cause removed by the Governor ~~with the advice and consent of the Council~~.’

Sec. 92. R. S., T. 8, § 261, amended. The first sentence of section 261 of Title 8 of the Revised Statutes is amended to read as follows:

‘The State Harness Racing Commission, as heretofore established and hereinafter in this chapter called the “commission,” shall consist of 3 members who shall be appointed and may be for cause removed by the Governor ~~with the advice and consent of the Council~~.’

Sec. 93. R. S., T. 8, § 264, amended. Section 264 of Title 8 of the Revised Statutes is amended to read as follows:

‘§ 264. Assistants

The commission, with the approval of the Governor ~~and Council~~, is authorized to employ such assistants and employees as it may deem necessary to provide adequate policing and to carry out the purposes of this chapter and fix their compensation on a per diem basis, subject to the Personnel Law.’

Sec. 94. R. S., T. 8, § 321, amended. Section 321 of Title 8 of the Revised Statutes is amended to read as follows:

‘§ 321. Commission

The State Running Horse Racing Commission, as heretofore established and hereinafter in this chapter called the “commission,” shall consist of 3 members

appointed by the Governor ~~with the advice and consent of the Council~~. No more than 2 members shall be of the same political party. Each member shall be appointed for a term of 3 years or until his successor has been appointed and qualified. Any vacancy shall be filled for the unexpired term by the Governor ~~with the advice and consent of the Council~~. One member shall be appointed by the Governor as chairman and one as secretary. No member shall have any pecuniary interest in any racing or the sale of pari-mutuel pools licensed hereunder.'

Sec. 95. R. S., T. 8, § 551, amended. The 2nd paragraph of section 551 of Title 8 of the Revised Statutes is amended to read as follows:

'Such rules and regulations shall become effective when approved in writing by the Governor and ~~Council~~ **the Attorney General** and when a certified copy thereof has been filed with the Secretary of State. Any person aggrieved by any such rule or regulation or the reasonableness of same, or any act or order of the Insurance Commissioner in enforcing any such rule or regulation, may appeal to the Superior Court by filing a complaint therefor, and the court shall fix a time and place of hearing, and cause notice thereof to be given to the commissioner. After the hearing, the court may affirm or reverse the rule, regulation, act or order of the commissioner, and the decision of the court shall be final.'

Sec. 96. R. S., T. 9, § 1, amended. The first paragraph of section 1 of Title 9 of the Revised Statutes is amended to read as follows:

'The activities of the Department of Banks and Banking shall be directed by a Bank Commissioner, as heretofore appointed, who shall be appointed by the Governor, ~~with the advice and consent of the Council~~ and who shall hold his office for 6 years or until his successor is appointed and qualified, and who may be removed from office by the Governor ~~and Council~~ for cause. No person shall be eligible for said office unless he shall have had at the time of his appointment at least 7 years practical experience in one or more of the following capacities, as an executive officer, director or trustee of a bank or loan and building association doing business in Maine, or as an employee in the banking department of this or some other state, or as an employee of a federal examining authority charged with examining financial institutions. He shall engage in no other business or profession. He shall receive an annual salary to be determined by the Governor ~~and confirmed by the Council~~ and his actual traveling expenses incurred in the performance of his duties.'

Sec. 97. R. S., T. 9, § 226, amended. The first paragraph of section 226 of Title 9 of the Revised Statutes is amended to read as follows:

'All moneys in savings and demand accounts in national banks, to which no deposit has been made and from which no part of the deposit or dividends has been withdrawn for a period of more than 22 years shall be deemed presumptively abandoned and shall be paid into the State Treasury, and credited to the General Fund for the use of the State. Thereafter no action shall be maintained in any court in this State by any depositor or his heirs, successors or assigns for any deposit so paid against any bank making such payments. Thereafter any lawful claimant may petition the Governor ~~and Council~~ for payment of such

moneys to the claimant. In his petition the claimant shall state fully the facts showing the basis of his right, title and interest in such deposit. The Governor and ~~Council~~ **the Attorney General**, after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.'

Sec. 98. R. S., T. 9, § 519, amended. The last 3 sentences of section 519 of Title 9 of the Revised Statutes are amended to read as follows:

'Thereafter any lawful claimants may petition the Governor ~~and Council~~ for payment of such moneys to the claimants. In his petition the claimant shall state fully the facts showing the basis of his right, title and interest in such deposit. The Governor and ~~Council~~ **the Attorney General**, after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.'

Sec. 99. R. S., T. 9, § 1048, amended. The last 3 sentences of section 1048 of Title 9 of the Revised Statutes are amended to read as follows:

'Thereafter any lawful claimants may petition the Governor ~~and Council~~ for payment of such moneys to the claimants. In his petition the claimant shall state fully the facts showing the basis of his right, title and interest in such deposit. The Governor and ~~Council~~ **the Attorney General**, after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.'

Sec. 100. R. S., T. 9, § 1053, amended. Section 1053 of Title 9 of the Revised Statutes is amended to read as follows:

§ 1053. Governmental units may participate in banking re-organization

The Treasurer of State, by written direction of the Governor ~~and Council~~ and with the approval of a Justice of the Supreme Judicial Court; the treasurer of any county, by written direction of the county commissioners of such county and with the approval of a Justice of the Supreme Judicial Court; the treasurer of any city, town or village corporation or other municipal corporation, including any district organized by law for any public purpose, by written direction, in case of cities of the city government thereof, in case of towns of the selectmen thereof, in case of village corporations of the assessors, overseers or other similar governing board thereof, in case of other municipal corporations and districts of their respective trustees, commissioners, directors or other similar governing board, and in each case with the approval of a Justice of the Supreme Judicial Court, may for and in behalf and in the name of his respective governmental unit participate in any plan of reorganization, management or continuation of any trust company organized under the laws of this State or of the United States in which his governmental unit has moneys on deposit including trust funds, sinking funds and all other forms of deposit, or may enter into any agreement concerning such deposits for the public benefit and for the benefit of the trust company and its depositors.'

Sec. 101. R. S., T. 9, § 1754, amended. The last paragraph of section 1754 of Title 9 of the Revised Statutes is amended to read as follows:

'After payment into the State Treasury of such accounts, no action shall be maintained in any court in this State by any member or his heirs, successors or assigns against any association making such payments, provided that thereafter any lawful claimants may petition the Governor ~~and Council~~ for payment of such moneys to the claimants. In his petition the claimant shall state fully the facts showing the basis of his right, title and interest in such account. The Governor and ~~Council~~ **the Attorney General**, after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.'

Sec. 102. R. S., T. 10, § 1, amended. Section 1 of Title 10 of the Revised Statutes is amended to read as follows:

§ 1. State level

The "Promotion of Maine Account", as heretofore established, shall be set up by the State Controller for the purpose of promoting Maine and to which shall be credited such amounts as are appropriated by the Legislature.

This account shall be under the complete supervision and control of the Governor and ~~Council~~ **Commissioner of Economic Development**, and the Governor and ~~Council~~ **is Commissioner of Economic Development** are authorized in ~~its~~ **their** discretion to designate any part of this account for meeting necessary expenses in providing for such needs in the promotion of Maine after ample evidence is presented of the need for an allotment from this account.

No allotment or release shall be authorized for any normal operation of the State Government for which funds have been provided by the Legislature, it being the intent of the Legislature that the use of this account be limited to such unusual and unforeseen needs as may arise in the promotion of specific projects which bear a direct positive effect on the economy of Maine. This shall not be construed to authorize the Governor and ~~Council~~ **Commissioner of Economic Development** to create any new department or function, and no part of this account shall be used for attorneys' fees, increases of salaries, the creation of any new positions in any department of the State Government, or for the construction or equipping of any building.'

Sec. 103. R. S., T. 10, § 102, amended. The first paragraph of section 102 of Title 10 of the Revised Statutes is amended to read as follows:

'The Governor ~~and Council~~ shall appoint a citizen of this State to serve as adviser to the Governor with respect to atomic industrial development within the State; as coordinator of the development and regulatory activities of the State relating to the industrial and commercial uses of atomic energy and other forms of radiation; and as deputy of the Governor in matters relating to atomic energy and other forms of radiation, including participation in the activities of any committee formed by the New England states to represent their interest in such matters and cooperation with other states and with the Government of the United States. The person so appointed shall have the title of coordinator of Atomic Development Activities.'

Sec. 104. R. S., T. 10, § 102, amended. The last paragraph of section 102 of Title 10 of the Revised Statutes is amended to read as follows:

'The Coordinator of Atomic Development Activities shall keep the Governor ~~and Council~~ and the several interested departments and agencies informed as to private and public activities affecting atomic industrial development and shall enlist their cooperation in taking action to further such development as is consistent with the health, safety and general welfare of this State.'

Sec. 105. R. S., T. 10, § 401, amended. Section 401 of Title 10 of the Revised Statutes is amended to read as follows:

'§ 401. Commissioner

The Department of Economic Development, as heretofore established and hereinafter in this chapter called the "department" shall be under the supervision and control of a Commissioner of Economic Development, hereinafter in this chapter called the "commissioner." He shall be appointed by the Governor with the advice and consent of the ~~Council~~ **Senate** for a term of 4 years and shall hold office until his successor is appointed and qualified.

~~The commissioner may be removed by the Governor and Council.~~ Any vacancy in said office shall be filled by appointment for a like term in the same manner as hereinbefore provided.

He shall receive such salary as the Governor ~~and Council~~ may determine.'

Sec. 106. R. S., T. 10, § 402, amended. The first paragraph of section 402 of Title 10 of the Revised Statutes is amended to read as follows:

'The commissioner may employ division directors, deputies, assistants, industrial development specialists and such other employees as may be necessary, subject to the Personnel Law; employ or engage with the approval of the Governor ~~and Council~~ such outside technical or professional consultants as may be necessary or appropriate to assist the department in carrying out its functions; and may enter into contracts with other boards, commissions, departments and divisions of the State or with the University of Maine to assist him or any division of the department in carrying out this chapter.'

Sec. 107. R. S., T. 10, § 751, amended. The first paragraph of section 751 of Title 10 of the Revised Statutes is amended to read as follows:

'The Maine Industrial Building Authority, as heretofore created and established a body corporate and politic, and hereinafter in this chapter called the "authority", is constituted a public instrumentality of the State, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of essential governmental functions. The authority shall consist of 9 members, including the Commissioner of Economic Development, and 8 members at large appointed by the Governor ~~with the advice and consent of the Council~~ for a period of 4 years, provided that, of the members first appointed, 2 shall be appointed for a term of one year, 2 for a term of 2 years, 2 for a term of 3 years and 2 for a term of 4 years. A vacancy in the office of an appointive member, other than by expiration, shall be filled in like manner as an original appointment, but only for the remainder of the term of the retiring member. Appointive members may be removed by the Governor ~~with the advice and consent of the Council~~ for cause. The authority shall elect one of its

members as chairman, one as vice-chairman, one as treasurer, and shall employ a manager, who shall be secretary. The secretary and treasurer shall be bonded as the authority shall direct. Five members of the authority shall constitute a quorum. The affirmative vote of 5 members, present and voting, shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of the quorum to exercise all rights and perform all the duties of the authority.'

Sec. 108. R. S., T. 10, § 751, amended. The 3rd paragraph of section 751 of Title 10 of the Revised Statutes is amended to read as follows:

'The manager shall be appointed by the authority and his tenure of office shall be at the pleasure of the authority. He shall receive such compensation as shall be fixed by the authority with the approval of the Governor ~~and Council.~~'

Sec. 109. R. S., T. 10, § 802, amended. Section 802 of Title 10 of the Revised Statutes is amended to read as follows:

'§ 802. Additions to

If from time to time in the opinion of the authority the addition of moneys to the Mortgage Insurance Fund may be required to meet obligations, the authority shall in writing request the Governor ~~and Council~~ **the Attorney General** to provide moneys in such amounts as may be necessary for the purpose. The Governor ~~and Council~~, **the Attorney General and the Commissioner of Finance and Administration** shall transfer to said fund sufficient moneys for said purpose from the State Contingent Account or from the proceeds of bonds to be issued as provided in this section. If bonds are to be issued, the Governor ~~and Council~~, **the Attorney General and the Commissioner of Finance and Administration** shall order the Treasurer of State to issue bonds in the amount requested, but not exceeding in the aggregate at any one time outstanding the amount set forth in the Constitution of Maine, Article IX, Section 14-A, as it may be from time to time amended, to mature serially or made to run for such periods as the Governor ~~and Council~~, **the Attorney General and the Commissioner of Finance and Administration** may determine, but none of them shall run for a longer period than 20 years, and at such rates of interest and on such terms and conditions as the Governor ~~and Council~~, **the Attorney General and the Commissioner of Finance and Administration** shall determine. The bonds so issued shall be deemed a pledge of the faith and credit of the State.'

Sec. 110. R. S., T. 10, § 2105, amended. The last sentence of section 2105 of Title 10 of the Revised Statutes is amended to read as follows:

'The bureau may, with the approval of the Governor ~~and Council~~, assign such sums as it deems proper to other state agencies for preservation, development or replacement of natural resources.'

Sec. 111. R. S., T. 12, § 501, amended. The first sentence of section 501 of Title 12 of the Revised Statutes is amended to read as follows:

'A Forest Commissioner, as heretofore appointed by the Governor with the advice and consent of the ~~Council~~ **Senate**, hereinafter in chapters 201 and 215 called the "commissioner," shall be a trained forester or a person of skill and

experience in the care and preservation of forest lands and shall hold his office for a term of 4 years.'

Sec. 112. R. S., T. 12, § 504, amended. The 4th paragraph of section 504 of Title 12 of the Revised Statutes is amended to read as follows:

'The commissioner is authorized, with the approval of the Governor and ~~Council~~ **the Attorney General**, to grant leases and rights to cut timber and grass on such lands, on such terms as they may approve.'

Sec. 113. R. S., T. 12, § 507, amended. The 2nd paragraph of section 507 of Title 12 of the Revised Statutes is amended to read as follows:

'The commissioner may, with the advice of the Governor and ~~Council~~ **the Attorney General**, sell and convey all such lands acquired by virtue of the foreclosure of mortgages under Title 14, section 6151.'

Sec. 114. R. S., T. 12, § 512, amended. Section 512 of Title 12 of the Revised Statutes is amended to read as follows:

§ 512. Acceptance of gifts

The commissioner may, with the advice and consent of the Governor and ~~Council~~ **the Senate**, accept on the part of the State gifts of land for forest and park purposes. The title to lands acquired under this section shall be investigated and approved by the Attorney General.

The purpose of acquisition of land is declared to be the preservation of scenic beauty, facility for recreation as nearly unrestricted and general as is practicable by the people of this State and those whom they admit to the privilege, and the production of timber for watershed protection and as a crop. The lands acquired within the limits described in this section shall never be sold. They shall be protected from fire and damage from other sources in an efficient and economical way. They may be improved by roads and trails and reforested under direction of the commissioner according to his best knowledge and judgment when funds are available for that purpose. Timber may be sold and camp sites leased by the commissioner with the approval of the Governor and ~~Council~~ **the Attorney General** when in accordance with the purposes of this section as previously stated. No contract of either character shall be for a term of more than 5 years. Revenues derived from these uses shall be paid to the Treasurer of State by the said commissioner and constitute a fund to be applied to the care and improvement of these lands or to the acquisition of other lands for similar purposes.'

Sec. 115. R. S., T. 12, § 513, amended. Section 513 of Title 12 of the Revised Statutes is amended to read as follows:

§ 513. Authority to accept federal funds

The Maine Forestry Department, commonly known as the Maine Forest Service, is designated the public agency of the State of Maine for the purpose of accepting federal funds in relation to forest fire protection, insect control, management, growth and related forest products. The Treasurer of State shall be the appropriate fiscal officer of the State to receive federal grants for these

purposes, subject to the approval of the Governor ~~and Council~~, and the State Controller shall authorize expenditures therefrom as approved by the department and the Governor ~~and Council~~.'

Sec. 116. R. S., T. 12, § 514, amended. Section 514 of Title 12 of the Revised Statutes is amended to read as follows:

‘§ 514. Granting of rights and permits; Maine preference

The commissioner, under the direction of the Governor and ~~Council~~ **the Attorney General**, shall sell at public or private sale and grant rights to cut timber and grass belonging to the State, may sell any gravel existing in the soil of such lands only for the construction of public highways or other public works in the vicinity of the location of the land from which the gravel is taken, grant permits for dredging in great ponds of over 1,000 acres and for disposal of the materials thereby removed which are not classified as minerals under the mining law, provided that prior to the granting of any permit notice and opportunity for hearing shall be given to any abutting owner and any water company, as defined in Title 35, section 15, interested or having rights in the affected pond and provided that the commissioner has first consulted with and had the approval of the Maine Mining Bureau, the Water Improvement Commission and the Commissioner of Inland Fisheries and Game, and may lease camp sites, mill privileges, dam sites, flowage rights, the right to set poles and maintain utility service lines and the right to construct and maintain roads, and grant mining rights, after the approval of the Mining Bureau, on lands belonging to the State, on such terms as they direct; and the right to cut timber and grass and lease camp sites, mill privileges, dam sites, flowage rights, the right to set poles and maintain utility service lines and the right to construct and maintain roads, and grant mining rights, after the approval of the Mining Bureau, on public reserved lots in any township or tract of land until the same is incorporated, on such terms as they direct. Preference in such sales or leases shall be given to persons, firms or corporations of this State.

No material removed from a great pond shall be placed on the land of an abutting owner without his consent.'

Sec. 117. R. S., T. 12, § 602, amended. The first paragraph of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

'The Maine State Park and Recreation Commission, as heretofore established, and in this chapter called the "commission," shall consist of 5 members, namely, the Commissioner of Inland Fisheries and Game and the Forest Commissioner, ex officio, and 3 citizen members. Not more than 2 of the citizen members shall be of the same political party. They shall be appointed by the Governor ~~and approved by the Council~~ for terms of 3 years. Vacancies or removals shall be filled for the unexpired term of the retiring member. For cause the Governor ~~and Council~~ may, upon notice and hearing, remove any member of the commission for misconduct, incompetency, neglect of duty or for any other sufficient cause. The headquarters of the commission shall be at Augusta, but the commission may meet and transact its business at any other place within the State. Each member shall be paid the sum of \$10 per diem for the time actually spent

by each in transacting official business of the commission, payment to be made as provided.'

Sec. 118. R. S., T. 12, § 602, sub-§ 1, amended. The first sentence of subsection 1 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

'With the consent of the Governor and ~~Council~~ **the Attorney General**, to acquire in behalf of the State, land or any interests therein within this State, with or without improvements, by purchase or gift, and by eminent domain and with like consent to sell and convey such lands or interests therein, or lease the same, or by revocable license or agreement, or grant to any person, firm or corporation exclusive rights and privileges to the use and enjoyment of portions of such lands.'

Sec. 119. R. S., T. 12, § 602, sub-§ 2, amended. Subsection 2 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

'**2. Study and report.** To study and ascertain as nearly as possible and report to the Governor ~~and Council~~ from time to time:

- A. The State's actual and potential outdoor recreational park resources and facilities,
- B. The needs of the people of this State and out-of-state visitors for such park resources and facilities,
- C. The kinds of resources and facilities best suited to and required for such park needs,
- D. The extent to which such park needs are being currently met whether by publicly owned or privately owned facilities,
- E. The location and probable cost of acquisition, development and operation of parks, which if acquired, developed and operated under this chapter, could satisfy such needs, and
- F. The several public purposes to which such parks or portions thereof might be put.

Such studies and reports shall be accompanied by other information, statistics and charts as will adequately inform the Governor ~~and Council~~ of the character, condition and needs of this State of park recreational resources and facilities, and may be accompanied by specific recommendations for new legislation or other action to be taken with respect to the same.'

Sec. 120. R. S., T. 12, § 602, sub-§ 3, amended. Subsection 3 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

'**3. Parks and memorials; rules and regulations.** With the consent of the Governor ~~and Council~~, to set apart and publicly proclaim areas of land in this State including improvements, or other structures thereon, title to which has been acquired under this chapter as parks or memorials within the meaning of said chapter, and the commission may from time to time establish such rules and regulations as it deems necessary:

- A. For the protection and preservation of state parks and parks under state control,
- B. For the protection and safety of the public, and
- C. For observances of the conditions and restrictions expressed in deeds of trust, or otherwise, of the parks of the State and of monuments thereon.

Before promulgating such rules and regulations, they shall submit them to the Attorney General, and if he shall certify that in his opinion they are in conformity with the law, they shall thereupon, together with section 606, be published once a week for 2 successive weeks in a newspaper published in the towns or counties of this State wherein parks are located and posted in at least 3 conspicuous places in or about said park or parks whereupon they shall take effect, and a certificate of such publication and posting shall be executed by one of the members of said commission and filed with the Secretary of State, who shall record the same.'

Sec. 121. R. S., T. 12, § 602, sub-§ 4, amended. Subsection 4 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

'4. **Fees for services and accommodations.** With the consent of the Governor ~~and Council~~, the commission may:

- A. Furnish accommodations and render services to the public on state parks and parks under state control; and
- B. Charge reasonable fees for such services and accommodations.

All fees received under this subsection shall accrue to the General Fund.'

Sec. 122. R. S., T. 12, § 602, sub-§ 6, amended. Subsection 6 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

'6. **Control of fires.** With approval of the Governor ~~and Council~~, to establish and maintain adequate provisions for the prevention, suppression and control of fires within said park areas.'

Sec. 123. R. S., T. 12, § 602, sub-§ 7, amended. The first sentence of subsection 7 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

'With the consent of the Governor and ~~Council~~ **Attorney General**, to negotiate and execute any lease or other agreement for the administration, maintenance, supervision, use and development of state parks, within the meaning of this chapter, acquired and owned by the Government of the United States, upon such terms and conditions as may be deemed advantageous to the people of this State and consistent with said chapter; and with like consent, to accept on behalf of the State, deeds of gift or other conveyances to lands or interests therein suitable for administration, maintenance, supervision, use and development as state parks or memorials under this chapter.'

Sec. 124. R. S., T. 12, § 602, sub-§ 9, amended. Subsection 9 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

9. Federal funds. To accept and receive funds from the Federal Government for all purposes relating to parks and recreational areas. The Treasurer of State shall be the appropriate fiscal officer to receive such federal funds, subject to the approval of the Governor ~~and Council~~, and the State Controller shall authorize expenditures therefrom as approved by the commission and the Governor ~~and Council~~.'

Sec. 125. R. S., T. 12, § 655, amended. Section 655 of Title 12 of the Revised Statutes is amended to read as follows:

§ 655. Advisory committee

An advisory committee consisting of 7 members shall be appointed by the Governor, ~~with the advice and consent of the Council~~ who shall serve until the termination of the authority. A vacancy shall be filled for the unexpired term in the same manner in which a regular appointment is made. The members of the advisory committee shall receive no compensation for their services. The advisory committee shall meet upon the call of the chairman of the authority. The committee shall render to the authority information and advice concerning the administration of the authority.'

Sec. 126. R. S., T. 12, § 1252, amended. The first sentence of the 2nd paragraph of section 1252 of Title 12 of the Revised Statutes is amended to read as follows:

'The commissioner, with the approval of the Governor ~~and Council~~, may sell to the highest bidder after advertising, any warden headquarter site not being used or deemed no longer necessary for such purposes.'

Sec. 127. R. S., T. 12, § 1302, amended. Section 1302 of Title 12 of the Revised Statutes is amended to read as follows:

§ 1302. Duties; assistants

The chief forest fire wardens, under the direction of the commissioner, shall have general supervision of their respective districts and of the deputy forest fire wardens therein. Each chief forest fire warden, when directed by the commissioner, shall patrol the forests of his district for the purpose of searching out, extinguishing and guarding against forest fires. He shall investigate and gather evidence regarding the causes of forest fires, enforce all laws relating to forests and forest preservation, arrest all violators thereof, prosecute all offenses against the same, and in this connection shall have the same power to serve criminal processes against such offenders and shall be allowed the same fee as a sheriff or his deputy for like services, and shall have and enjoy the same right as a sheriff to require aid in executing the duties of his office. The chief forest fire wardens shall perform such other duties, at such times, and under such rules and regulations as the said commissioner may prescribe, and each shall receive as compensation an amount set by said commissioner, with the approval of the Governor ~~and Council~~, for each and every day of actual service, with an allowance for actual necessary expenses of travel. Deputy forest fire wardens shall perform such duties, at such times and under such rules and regulations, as the commissioner, or the chief fire warden of the district with the approval of the commis-

sioner, may prescribe. They shall receive as compensation an amount set by said commissioner, with the approval of the Governor ~~and Council~~, for each and every day of actual service, with an allowance for actual necessary expenses of travel.'

Sec. 128. R. S., T. 12, § 1303, amended. The 4th sentence of section 1303 of Title 12 of the Revised Statutes is amended to read as follows:

'For the purpose of controlling and extinguishing fires, chief forest fire wardens and deputy forest fire wardens, when in charge of the control and extinguishment of forest fires or when so directed by the chief warden, may summon to their assistance any person found within the State and each person so summoned and assisting shall be paid at a rate set by the commissioner with the approval of the Governor ~~and Council~~ and be provided with subsistence during such service.'

Sec. 129. R. S., T. 12, § 1603, amended. Section 1603 of Title 12 of the Revised Statutes is amended to read as follows:

'§ 1603. Appropriation for payment of claims, accounts and demands

So much of the funds raised by the tax imposed and paid into the treasury, as may be necessary to pay the claims, accounts and demands arising under this subchapter and subchapters II and IV, is appropriated to pay the same, and the Governor ~~and Council~~ may authorize the State Controller to draw his warrant therefor at any time. Any balance remaining shall continue from year to year as a fund available for the purpose defined in section 1607.'

Sec. 130. R. S., T. 12, § 1607, amended. The first 2 sentences of section 1607 of Title 12 of the Revised Statutes are amended to read as follows:

'The tax assessed by authority of section 1601 shall be recorded on the books of the State in a separate account as a fund to be used to protect from fire the forests situated upon and within the district, and to pay expenses incidental thereto and for no other purpose, except that upon receipt of information from the commissioner that there is in said fund a certain sum in excess of the amount necessary for the protection of the forests in said district from fire, the Governor ~~and Council~~ may authorize the State Controller to refund proportionately to the landowners, paying the tax assessed, such sum or sums as shall be recommended by the commissioner. If the tax assessed by authority of section 1601 for any reason is not available for the purpose aforesaid or if said tax proves insufficient in any year to properly carry out said purpose, the Governor ~~and Council~~ may make available for said purposes, from any moneys then in the treasury not otherwise appropriated, such sum or sums of money as ~~they~~ he may deem necessary for such purpose.'

Sec. 131. R. S., T. 12, § 1903, amended. Section 1903 of Title 12 of the Revised Statutes is amended to read as follows:

'§ 1903. Lost persons

Whenever it shall come to the attention of the commissioner or his deputy commissioner, that any person or persons known to have gone upon a hunting

or fishing trip, or a trip for any other purpose, in the woodlands of the State and have not returned within a reasonable time after his or their departure, the commissioner is authorized to summon any person found within the State to assist in finding the lost person or persons, and each person so summoned shall be paid at a rate set by the said commissioner, with the approval of the Governor ~~and Council~~, and be provided with subsistence during such service. The expenses of the commissioner in attempting to find lost persons shall be charged to the General Fund. The commissioner shall have authority to terminate the search by members of his department.'

Sec. 132. R. S., T. 12, § 1951, amended. The first sentence of section 1951 of Title 12 of the Revised Statutes is amended to read as follows:

'A Commissioner of Inland Fisheries and Game, as heretofore appointed by the Governor with the advice and consent of the ~~Council~~ **Senate** and in chapters 301 to 335 called the "commissioner," shall hold office for 3 years and shall serve until his successor is appointed and qualified.'

Sec. 133. R. S., T. 12, § 1952, amended. The last paragraph of section 1952 of Title 12 of the Revised Statutes is amended to read as follows:

'Whenever the entire State is closed to hunting by proclamation of the Governor during the open season on deer, the commissioner with the consent of the Governor ~~and Council~~ is authorized to extend the open season for deer hunting for a period not to exceed the number of days lost.'

Sec. 134. R. S., T. 12, § 1955, amended. The first 3 sentences of section 1955 of Title 12 of the Revised Statutes are amended to read as follows:

'An advisory council, as heretofore appointed by the Governor ~~with the advice and consent of the Council~~, shall consist of 7 members ~~chosen one from each of the councilor districts~~. Appointment shall be for the terms of 6 years and until successors are appointed and qualified. Upon the death, resignation or removal from office of any person so appointed, the Governor ~~with the advice and consent of his Council~~ shall appoint a member to serve for the unexpired term.'

Sec. 135. R. S., T. 12, § 1956, amended. Section 1956 of Title 12 of the Revised Statutes is amended to read as follows:

§ 1956. Declaration of emergency

When the Legislature is not in session, the commissioner with the consent of the advisory council, if in their opinion immediate emergency action is necessary to remedy conditions adversely affecting fish and wildlife of the State, may declare any or all of the streams, rivers, lakes and areas of the State closed to hunting or fishing, for a period of time not more than 30 days. If the time of the emergency suspension of any part of chapters 301 to 335 extends for a longer period than 30 days, the consent of the Governor ~~and Council~~ must be obtained before such declaration of emergency becomes effective.'

Sec. 136. R. S., T. 12, § 1959, amended. Section 1959 of Title 12 of the Revised Statutes is amended to read as follows:

‘§ 1959. Sale of unneeded property

The Governor and ~~Council~~ **the Attorney General** on recommendation of the commissioner may sell and convey on behalf of the State the interests of the State in property taken or acquired by purchase under chapters 301 to 335 and deemed no longer necessary for the purposes hereof. The proceeds from such sales shall be credited to the funds of the department.’

Sec. 137. R. S., T. 12, § 3501, amended. Section 3501 of Title 12 of the Revised Statutes is amended to read as follows:

‘§ 3501. Appointment; salary; facilities

The following provisions apply to the office of Commissioner of Sea and Shore Fisheries:

1. **Appointment.** The Governor, with the advice and consent of the ~~Council~~ **Senate**, shall appoint a Commissioner of Sea and Shore Fisheries.

2. **Term.** The commissioner, as heretofore appointed, shall serve for 4 years ~~or during the pleasure of the Governor and Council~~. He shall serve until his successor is appointed and qualified.

3. **Vacancy.** The Governor ~~with the advice and consent of the Council~~ shall fill any vacancy in office by an appointment for a full 4-year term.

4. **Salary.** The Governor ~~with the advice and consent of the Council~~ shall fix the compensation received by the commissioner.

5. **Office space, facilities.** The commissioner is entitled to an office in the State Capitol and adequate facilities for the transaction of business of his department.’

Sec. 138. R. S., T. 12, § 3502, sub-§ 2, amended. Subsection 2 of section 3502 of Title 12 of the Revised Statutes is amended to read as follows:

‘2. Biennial report. The commissioner shall make a report to the Governor ~~and Council~~ every 2 years.

A. The commissioner shall in the report cover the period ending on June 30th of each even-numbered year.

B. He shall file the report with the Governor ~~and Council~~ within 6 months of the end of the period which it covers.’

Sec. 139. R. S., T. 12, § 3551, amended. Section 3551 of Title 12 of the Revised Statutes is amended to read as follows:

‘§ 3551. Appointment; compensation

The following provisions apply to the advisory council, as heretofore appointed:

1. **Appointment; composition.** The Governor ~~with the advice and consent of the Council~~ shall appoint an advisory council consisting of 5 members.

2. **Term.** Each appointment is for a 3-year term and until a successor is appointed and qualified.

3. **Vacancy.** If a vacancy in office occurs, the Governor ~~with the advice and consent of the Council~~ shall appoint a member to serve the unexpired term.

4. **Compensation.** Members of the council may receive no compensation for their services, but they are entitled to receive actual expenses which do not exceed a total of \$500 for all the members in any one fiscal year.'

Sec. 140. R. S., T. 12, § 3601, sub-§ 1, amended. Subsection 1 of section 3601 of Title 12 of the Revised Statutes is amended to read as follows:

'1. **Composition; appointment; qualifications; term; vacancy; compensation.** It has 3 members:

A. The Commissioner of Sea and Shore Fisheries and the Commissioner of Inland Fisheries and Game are members ex officio.

B. The Governor ~~with the advice and consent of the Council~~ shall appoint a 3rd member for a 4-year term.

(1) The 3rd member must be a citizen of Maine.

(2) The 3rd member shall serve until his successor is appointed and qualified.

(3) The Governor ~~with the advice and consent of the Council~~ shall fill any vacancy by an appointment for a full 4-year term.

(4) The 3rd member is entitled to receive \$10 per day and expenses when engaged in the discharge of his official duties.'

Sec. 141. R. S., T. 12, § 4652, amended. Section 4652 of Title 12 of the Revised Statutes is amended to read as follows:

'§ 4652. **Commissioners; vacancies; term; removal**

In pursuance of Article III of said compact there shall be 3 members, hereinafter called "commissioners," of the Atlantic States Marine Fisheries Commission, hereinafter called "commission," from the State of Maine. The first commissioner from the State of Maine shall be the Commissioner of Sea and Shore Fisheries of the State of Maine ex officio, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said office of Commissioner of Sea and Shore Fisheries and his successor as commissioner shall be his successor as Commissioner of Sea and Shore Fisheries. The 2nd commissioner from the State of Maine shall be a Legislator and member of the Maine Commission on Interstate Cooperation ex officio, designated by said Maine Commission on Interstate Cooperation, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said legislative office or said office as commissioner on interstate cooperation, and his successor as commissioner shall be named in like manner. The Governor ~~by and with the advice and consent of the Council~~ shall appoint a citizen as a 3rd commissioner who shall have knowledge of and interest in the marine fish-

eries problem. The term of said commissioner shall be 3 years and he shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor ~~by and with the advice and consent of the Council~~ for the unexpired term. The Commissioner of Sea and Shore Fisheries as ex officio commissioner may delegate, from time to time, to any deputy or other subordinate in his department or office the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial 3 members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with Article II of the compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said Article II.

Any commissioner may be removed from office by the Governor upon charges and after a hearing.'

Sec. 142. R. S., T. 13, § 982, amended. Section 982 of Title 13 of the Revised Statutes is amended to read as follows:

'§ 932. Use of state name; forfeiture of appropriation

No charitable institution or association of a private or of a semipublic nature, incorporated by special Act of the Legislature or organized in conformity with section 901 after the 11th day of July, 1913, shall use the name of the State in its title. The members of any existing voluntary association established prior to said day and theretofore using the name of the State in its title may, subsequent to said day, incorporate under the same title in conformity with said section 901. If, upon complaint by any person, the Governor and ~~the Attorney General Council~~, after notice and hearing, find that any institution or association has violated this section, such institution or association shall forfeit its right to any appropriation from the State.'

Sec. 143. R. S., T. 14, § 1201, amended. Section 1201 of Title 14 of the Revised Statutes is amended to read as follows:

'§ 1201. Persons exempt from jury service

The following persons are exempt from serving as jurors and their names shall not be placed on the list: The Governor, ~~Councillors~~ judges, clerks and deputy clerks of common-law courts, Secretary and Treasurer of State, all officers of the United States, judges and registers of probate, registers of deeds, settled Ministers of the Gospel, officers of colleges, school teachers, physicians and surgeons, dentists, nurses, cashiers of incorporated banks, sheriffs and their deputies, counsellors and attorneys at law, county commissioners, county treasurers and constables. Enginemen of fire departments shall be excused from serving as jurors in any court, unless their towns otherwise decide.'

Sec. 144. R. S., T. 14, § 5540, amended. Section 5540 of Title 14 of the Revised Statutes is amended to read as follows:

'§ 5540. Bail; exceptions

Nothing in this chapter shall restrain the Supreme Judicial Court or the

Superior Court in term time, or any justice thereof in vacation, from bailing a person for any offense when the circumstances of the case require it; except persons committed by the Governor ~~and Council~~, Senate or House of Representatives for causes mentioned in the Constitution.'

Sec. 145. R. S., T. 14, § 7202, amended. Section 7202 of Title 14 of the Revised Statutes is amended to read as follows:

'§ 7202. Filing of information

When the Legislature or ~~the Governor and Council direct~~ directs, the Attorney General shall file an information in the Superior Court in the county where the lands lie stating the grant and conditions, the breaches and the claims of the State.'

Sec. 146. R. S., T. 15, § 454, amended. Section 454 of Title 15 of the Revised Statutes is amended to read as follows:

'§ 454. Murder; filing of copies of proceedings; expenses

Whenever any person is convicted of murder, a copy of the indictment, plea, evidence and charge of the presiding justice, certified by the Official Court Reporter, shall be filed with the clerk of the court where such trial is held, and the expense thereof shall be paid by the county. A copy of the indictment, plea, evidence and charge of the presiding justice, certified by the official Court Reporter, shall be filed in the office of the Secretary of State, so that it may be used in any pardon hearing before the Governor ~~and Council~~ or the State Probation and Parole Board, and the expense thereof shall be paid by the State. The State shall pay the expense of having the evidence and charge transcribed by the Official Court Reporter in any murder cases heretofore tried, where a pardon is sought by one serving a life sentence in the State Prison who is unable to pay therefor, if he or she claims to be innocent of the crime, the transcript to be filed in the office of the Secretary of State for use as provided.'

Sec. 147. R. S., T. 15, § 2161, repealed and replaced. Section 2161 of Title 15 of the Revised Statutes is repealed and the following enacted in place thereof:

'§ 2161. Conditions prerequisite to a pardon

After conviction for a crime punishable by imprisonment in the State Prison, no pardon or commutation shall be granted by the Governor until he shall have referred the matter to the State Probation and Parole Board for investigation and public hearing and obtained its recommendation.'

Sec. 148. R. S., T. 15, § 2161-A, additional. Title 15 of the Revised Statutes is amended by adding a new section 2161-A, to read as follows:

'§ 2161-A. Investigation; hearing; notice

The board shall, under the direction of the Governor, take charge of all correspondence in reference to petitions for pardon or commutation of persons convicted of crimes punishable by imprisonment in the State Prison and carefully investigate and conduct a public hearing on each such petition and file its recommendation with the Governor with its reasons for the same.

On all petitions for pardon or commutation referred to it by the Governor, the board shall give written notice of hearing thereon to the attorney for the county where the conviction was had at least 3 weeks before the date thereof and shall cause a notice of such hearing to be published in the state paper and in a newspaper of general circulation published in the county where the conviction was had once a week for 2 successive weeks, the last publication to be at least 7 days prior to the date thereof; and the said county attorney shall, upon request of the board, attend said hearing, and the board shall allow him his necessary expenses for such attendance and a reasonable compensation for his services to be paid from the State Treasury out of the appropriation for costs in criminal proceedings.

The board may require the judge and prosecuting officer who tried the case to furnish it a concise statement thereof as proved at the trial and any other facts bearing on the propriety of granting a pardon or commutation.'

Sec. 149. R. S., T. 15, § 2161-B, additional. Title 15 of the Revised Statutes is amended by adding a new section 2161-B, to read as follows:

§ 2161-B. Governor may take testimony; false swearing

The Governor may take such testimony bearing upon petitions for pardon, reprieve or commutation of sentences as he may deem advisable. Any person who in giving such testimony swears falsely, and any person who shall knowingly and corruptly make any false statement in an affidavit intended to be used in connection with a petition for pardon, reprieve or commutation or for remission of fine or forfeiture, shall be guilty of perjury and be punished accordingly.'

Sec. 150. R. S., T. 15, § 2162, amended. Section 2162 of Title 15 of the Revised Statutes is amended to read as follows:

§ 2162. Commutation of State Prison sentence to jail

When a person is sentenced to confinement in the State Prison, the Governor ~~with the advice and consent of the Council~~ may, if he deems it consistent with the public interest and the welfare of the convict, commute said sentence to imprisonment in any county jail, there to be supported at the charge of the State at an expense not exceeding the price paid for the support of other prisoners in said jail.'

Sec. 151. R. S., T. 15, § 2163, amended. Section 2163 of Title 15 of the Revised Statutes is amended to read as follows:

§ 2163. Conditional pardons by Governor

In any case in which the Governor is authorized by the Constitution to grant a pardon, he may, ~~with the advice and consent of the Council and~~ upon petition of the person convicted, grant it upon such conditions and with such restrictions and under such limitations as he deems proper, and he may issue his warrant to all proper officers to carry such pardon into effect; which warrant shall be obeyed and executed instead of the sentence originally awarded.'

Sec. 152. R. S., T. 15, § 2164, amended. Section 2164 of Title 15 of the Revised Statutes is amended to read as follows:

‘§ 2164. Violations of conditions; rearrest

When a convict has been pardoned on conditions to be observed and performed by him, and the Warden of the State Prison or keeper of the jail where the convict was confined has reason to believe that he has violated the same, such officer shall forthwith cause him to be arrested and detained until the case can be examined by the Governor ~~and Council~~; and the officer making the arrest shall forthwith give ~~them~~ **him** notice thereof, in writing.’

Sec. 153. R. S., T. 15, § 2165, amended. Section 2165 of Title 15 of the Revised Statutes is amended to read as follows:

‘§ 2165. Remand to prison on finding of violation

The Governor ~~and Council~~ shall, upon receiving the notice provided for in section 2164, examine the case of such convict, and if it appears by his own admission or by evidence that he has violated the conditions of his pardon, the Governor ~~with the advice and consent of the Council~~ shall order him to be remanded and confined for the unexpired term of the sentence. In computing the period of his confinement, the time between the pardon and the subsequent arrest shall not be reckoned as part of the term of his sentence. If it appears to the Governor ~~and Council~~ that he has not broken the conditions of his pardon, he shall be discharged.’

Sec. 154. R. S., T. 16, § 554, amended. Section 554 of Title 16 of the Revised Statutes is amended to read as follows:

‘§ 554. Stenographers with power to take depositions

The Governor ~~with the advice and consent of the Council~~ may, upon the written recommendation of any Justice of the Superior Court, appoint competent stenographers as commissioners to take depositions in all cases and disclosures of trustees, who shall hold office for 4 years. They may act throughout the State and shall have and exercise the same powers in taking depositions and disclosures of trustees as are exercised and possessed by Justices of the peace.’

Sec. 155. R. S., T. 17, § 1214, amended. The first sentence of section 1214 of Title 17 of the Revised Statutes is amended to read as follows:

‘The Governor ~~and Council~~ may license not exceeding 50 persons to be known as and denominated state humane agents to serve for the term of 4 years, unless such license is sooner revoked for cause, such persons to be authorized to investigate, arrest and prosecute any person charged with violating any of the provisions of this chapter the same as any sheriff, deputy sheriff or constable can do, and whose jurisdiction shall extend throughout the State.’

Sec. 156. R. S., T. 17, § 1510, amended. The 2nd sentence of section 1510 of Title 17 of the Revised Statutes is amended to read as follows:

‘These rewards shall be paid by the Treasurer of State on warrant of the Governor ~~and Council~~, granted on certificate of the judge who tried the case.’

Sec. 157. R. S., T. 17, § 3104, amended. The last sentence of section 3104 of Title 17 of the Revised Statutes is amended to read as follows:

'This section shall not apply to purchases of the State by the Governor ~~and Council~~ under authority of Title I, section 814.'

Sec. 158. R. S., T. 17, § 3756, amended. Section 3756 of Title 17 of the Revised Statutes is amended to read as follows:

§ 3756. Fees of officers; costs paid by State

The fees of officers and magistrates under section 3754 shall be the same as in case of common vagrants, except that the fees for commitment shall be \$1.50 for each day necessarily employed, and actual expenses of transportation. All costs incurred under said section shall be paid by the State, upon the order of the county commissioners, out of the State Pauper Fund, provided the Governor ~~and Council are~~ is satisfied that the person confined is a tramp, having no pauper settlement in the State.'

Sec. 159. R. S., T. 18, § 1651, amended. Section 1651 of Title 18 of the Revised Statutes is amended to read as follows:

§ 1651. Duties; bonds

The Governor ~~with the advice and consent of the Council~~ shall appoint in each county for the term of 4 years, unless sooner removed, a public administrator therein, who shall, upon petition to the probate court and after due notice thereon, take out letters of administration and administer on the estates of persons who die intestate in said county, or elsewhere leaving property in said county, not known to have in the State a widow, widower or any heirs or kindred who can lawfully inherit such estate; and who shall account in like manner and give bond to the judge with like condition as in cases of ordinary administration, subject, however, to section 1654. If any widow, widower or next of kin of said deceased shall, prior to the issuing of letters of administration to said public administrator, file a petition in probate court asking that said administration be granted to said widow, widower or next of kin, or to any other person designated by them, the said probate court after due notice shall appoint an administrator as prayed for in said petition.'

Sec. 160. R. S., T. 18, § 1655, amended. The 3rd sentence of section 1655 of Title 18 of the Revised Statutes is amended to read as follows:

'The Governor ~~and Council~~, on application and proof, may order the Treasurer of State to pay it over, and such principal is appropriated to pay such lawful claims.'

Sec. 161. R. S., T. 20, § 51, amended. Section 51 of Title 20 of the Revised Statutes is amended to read as follows:

§ 51. Membership; expenses

The board, as heretofore created, shall consist of 10 members who shall be appointed by the Governor ~~with the advice and consent of the Council~~. The members shall serve for a term of 5 years and until their successors shall have

been duly appointed and qualified. A vacancy shall be filled for the unexpired term in accordance with the regular appointment. The members shall take the oath of office prescribed for state officers. Members of the board shall be subject to removal from office by the Governor ~~and Council~~ for cause. Members of the board shall serve without pay, other than their actual expenses while carrying out the functions of the board.'

Sec. 162. R. S., T. 20, § 102, sub-§ 9, amended. Subsection 9 of section 102 of Title 20 of the Revised Statutes is amended to read as follows:

'9. Control of gift-established schools. To assume the control and management of all free public schools established and maintained by gifts or bequests, when said gifts or bequests are conditioned upon said commissioner assuming such control and management; and he shall carry out the provisions upon which such gifts or bequests are conditioned, when said conditions are approved by the Governor and ~~Council~~ **the Attorney General;**'

Sec. 163. R. S., T. 20, § 154, amended. Section 154 of Title 20 of the Revised Statutes is amended to read as follows:

'§ 154. Annual return; appropriation; expenses

The chairman and secretary of the joint committee or school directors of the School Administrative District, shall, upon the election of a superintendent of schools as provided by sections 152 and 153, certify under oath to the commissioner, upon the forms prescribed by him, all facts relative to said union or district and employment of a superintendent. Annually, and whenever a new superintendent is chosen, said chairman and secretary shall make return of a similar certificate. Upon approval of said certificate, the superintendent so employed shall, on presentation of proper vouchers, receive monthly out of the sum appropriated for superintendence of towns comprising school unions a sum equal to the aggregate sum paid by the towns comprising the union. The amount so paid to any superintendent of schools shall not exceed \$1,350 in one year nor shall any superintendent of schools receive less than \$1,150 per year. Whenever a superintendent of schools serves as a supervising principal as authorized in section 151, subsection 5, the sum paid to such superintendents of schools shall not exceed \$675 nor be less than \$575. The commissioner annually shall cause an investigation to be made of the conditions of supervision in supervisory units, including the relative financial support for supervision by the several supervisory units, the relative distances required to be traveled, and the relative amount of expenses to be paid by superintendents of schools directly in connection with the supervision and administration of schools in supervisory units. When it appears to the commissioner that the efficiency of supervision in any supervisory unit is or may be lessened because of the financial burden to administrative units, expenses for travel and other purposes required to be paid by the superintendent of such supervisory unit because of the number and location of schools, geographical or other conditions, said commissioner, annually in August, shall issue to the Governor ~~and Council~~ a recommendation relative thereto and on the approval of said recommendation, the State Controller upon the approval of the Governor ~~and Council~~ may draw a warrant for payment out of the sum appropriated for superintendence in favor of the

superintendent or superintendents of schools employed in said supervisory unit within the school year ending June 30th immediately preceding. The amount so paid for the benefit of a single supervisory unit shall not exceed \$350 annually and shall be in addition to other payments made to said superintendent as provided in this section, and the amount so available for the equalization of such expenses shall not exceed 1/5 of the appropriation for superintendence. Whenever any person, while employed as a superintendent of schools, completes courses providing additional professional training which are approved by the commissioner, the commissioner, at intervals of not more than twice a year, may recommend to the Governor ~~and Council~~ that assistance be furnished such superintendents, and upon approval of these recommendations by the Governor ~~and Council~~, the State Controller may draw a warrant for payment out of the appropriation for superintendence of such payments as are recommended.'

Sec. 164. R. S., T. 20, § 854, amended. Section 854 of Title 20 of the Revised Statutes is amended to read as follows:

'§ 854. School funds withheld from delinquent towns or administrative units

When the Governor and ~~Council~~ **the Attorney General** have reason to believe that a town or district has neglected to raise and expend the school money required by law, or to employ teachers certified as required by law, or to have instruction given in the subjects prescribed by law, or to provide suitable textbooks in the subjects prescribed by law, or faithfully to expend the school money received from the State or in any way to comply with the law prescribing the duties of administrative units in relation to public schools, they shall direct the Treasurer of State to withhold from the apportionment of state school funds made to that administrative unit such amount as they may deem expedient. The amount so withheld shall not be paid until such administrative unit shall satisfy said Governor and ~~Council~~ **the Attorney General** that it has expended the full amount of school money as required by law and that it has complied in all ways with the law prescribing the duties of administrative units in relation to public schools. Whenever such administrative unit shall fail, within the year for which the apportionment is made, so to satisfy the Governor and ~~Council~~ **the Attorney General**, the said amount withheld shall be forfeited and shall be added to the General Fund of the State.'

Sec. 165. R. S., T. 20, § 1294, amended. The last 3 sentences of section 1294 of Title 20 of the Revised Statutes are amended to read as follows:

'If the commissioner is satisfied that sections 1281 to 1289 have been complied with, he shall certify to the Governor ~~and Council~~ the sum which each administrative unit is entitled to receive from the State. In case any administrative unit has failed to comply with any of said sections by reason of circumstances beyond its control, he may after proper investigation certify such part of the high school aid as circumstances may justify. Any administrative unit dissatisfied with his decision may appeal to the Governor and ~~Council~~ **the Attorney General**, and the Governor and ~~Council~~ **the Attorney General** shall issue a certificate to the treasurer of the administrative unit for such amount as they adjudge such administrative unit entitled to receive from the State Treasury.'

Sec. 166. R. S., T. 20, § 1451, amended. The first sentence of section 1451 of Title 20 of the Revised Statutes is amended to read as follows:

'All children between the ages of 5 and 21 years who reside with a parent or legal guardian in unorganized territory within this State shall be entitled to school privileges, which shall be provided under the direction of the commissioner under such rules and regulations as may be made from time to time by him and approved by the Governor ~~and Council.~~'

Sec. 167. R. S., T. 20, § 1457, amended. Section 1457 of Title 20 of the Revised Statutes is amended to read as follows:

§ 1457. Children on government reservations

Special arrangements may be made to provide elementary school privileges in cooperation with the United States Government for a child or children residing with a parent or legal guardian at any light station, fog warning station, life-saving station or other place within a United States government reservation under such rules and regulations as may be made by the commissioner and approved by the Governor ~~and Council.~~'

Sec. 168. R. S., T. 20, § 1474, amended. The last sentence of section 1474 of Title 20 of the Revised Statutes is amended to read as follows:

'Any town or plantation dissatisfied with the sum determined upon by the said commissioner in such case may, after a vote taken by the town or plantation at a regular or special meeting called for the purpose, appeal to the Governor ~~and Council~~ who shall make the final decision relative thereto.'

Sec. 169. R. S., T. 20, § 2255, amended. Section 2255 of Title 20 of the Revised Statutes is amended to read as follows:

§ 2255. Powers and duties

The treasurer of the University of Maine shall receive and have custody of all moneys received for the University of Maine, and shall make all expenditures upon vouchers authenticated and approved in a manner designated by the trustees. The treasurer shall have no authority to contract debts and obligations, excepting loans in anticipation of assured revenues when approved by vote of the trustees, and other loans when directed by vote of the trustees and duly and properly authorized by the Governor ~~and Council.~~'

Sec. 170. R. S., T. 20, § 2256, amended. Section 2256 of Title 20 of the Revised Statutes is amended to read as follows:

§ 2256. Report

The treasurer shall prepare a complete report for the periods ending on June 30th and December 31st of each year and forward a copy of said semiannual report of the colleges to the Governor ~~and Council~~ and to the board of trustees.'

Sec. 171. R. S., T. 20, § 2305, amended. Section 2305 of Title 20 of the Revised Statutes is amended to read as follows:

§ 2305. Supervision

The state teachers' colleges shall be under the direction of the state board. Said board shall have charge of the general interests of said colleges; shall see that the affairs thereof are conducted as required by law and by such bylaws as the board adopts; employ teachers and lecturers for the same; and shall have authority, by and with the consent of the Governor and ~~Council~~ **the Attorney General**, to dispose of and acquire property for the improvement of the plants and grounds; and biennially render to the Governor ~~and Council~~ an accurate account of the receipts and expenditures for the biennium preceding, including same as a part of the commissioner's report. The clerical and staff services for this board shall be performed by the employees of the department under the direction of the commissioner. The head of a teachers' college shall be designated as a president.'

Sec. 172. R. S., T. 20, § 2359, amended. Section 2359 of Title 20 of the Revised Statutes is amended to read as follows:

§ 2359. Reimbursement from state and federal funds

Whenever the superintendent of schools of any administrative unit, on or before the first day of July, shall report to the commissioner that part-time or part-time continuation schools and classes have been maintained in accordance with the specified standards, and when such schools and classes shall be approved by the state board, the commissioner shall recommend to the Governor ~~and Council~~ annually in December the payment of reimbursement from federal funds designated for part-time schools and from state funds provided for industrial education to the extent of $\frac{1}{2}$ the cost of instruction.'

Sec. 173. R. S., T. 20, § 2405, amended. The last sentence of section 2405 of Title 20 of the Revised Statutes is amended to read as follows:

'Whenever it shall be made to appear to the Governor ~~and Council~~ that any administrative unit has provided instruction in the trades and industries in a general industrial school maintained therein for a period of 36 weeks during the school year, and employing at least one teacher whose work is devoted exclusively to such instruction and having an average attendance of at least 20 pupils, the Governor ~~and Council~~ shall direct the Treasurer of State to pay to the treasurer of such administrative unit a sum equal to $\frac{1}{2}$ the total amount spent for instruction in said school, provided that not more than \$2,000 shall be paid by the State to any one administrative unit in any year.'

Sec. 174. R. S., T. 20, § 2601, amended. Section 2601 of Title 20 of the Revised Statutes is amended to read as follows:

§ 2601. Committee; expenses

A Committee on Educational Television, as heretofore created for the purpose of facilitating the development of educational television in the State, shall consist of 7 members to be appointed by the Governor ~~with the advice and consent of the Council~~. At the time of the first appointments, one shall be appointed for one year, one for 2 years, one for 3 years, 2 for 4 years and 2 for 5 years, and thereafter for a full term of 5 years. One member of the committee shall

be a representative of the State Department of Education, one member of the committee shall be a representative of the University of Maine and the remaining members shall be citizens of the State of Maine. Any vacancy in the membership of the committee shall be filled for the unexpired term by appointment by the Governor ~~with the advice and consent of the Council~~. Members of the committee shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.'

Sec. 175. R. S., T. 20, § 2604, amended. Section 2604 of Title 20 of the Revised Statutes is amended to read as follows:

‘§ 2604. Gifts

The Governor ~~and Council~~ **is** authorized to accept any gift of money, real or personal property, from any source whatsoever, and grants-in-aid from the Federal Government to assist in carrying out the purposes of this chapter.'

Sec. 176. R. S., T. 20, § 2803, sub-§ 3, amended. Subsection 3 of section 2803 of Title 20 of the Revised Statutes is amended to read as follows:

‘3. Member of Legislature. A Member of the Legislature to be chosen by the Governor ~~by and with the consent of the Council~~, whose term as such member of the board shall expire when he shall cease to be a Member of the Legislature or at the expiration of 6 years from the date of his appointment whichever shall first occur. All members shall be entitled to their actual expenses incurred in the performance of their duties as such.'

Sec. 177. R. S., T. 20, § 3504, amended. The 5th sentence of section 3504 of Title 20 of the Revised Statutes is amended to read as follows:

'Appointive members may be removed by the Governor ~~and Council~~ for cause.'

Sec. 178. R. S., T. 20, § 3506, sub-§ 13, amended. The first paragraph of subsection 13 of section 3506 of Title 20 of the Revised Statutes is amended to read as follows:

'As funds are appropriated, the authority may make a grant to an administrative unit where the borrowing capacity of the unit, the lease rental policies of the authority, and any other available funds are not sufficient in total to finance the minimum classroom facilities needed. Determination of eligibility shall be pursuant to such reasonable rules and regulations as the authority shall make and its determination shall become final upon approval of the Governor ~~and the Executive Council~~. Any grant of state appropriated funds made under this section shall be considered as matching funds for any federal law requiring matching funds for school construction assistance. The authority is empowered to make an additional grant to administrative units extending school opportunities to children living in unorganized territory by adding to the grant as determined above the percentage thereof ascertained by dividing the number of pupils enrolled from unorganized territory on April 1st preceding by the total enrollment reported in the latest annual report required under section 966.'

Sec. 179. R. S., T. 21, § 43, amended. The first paragraph of section 43 of Title 21 of the Revised Statutes is amended to read as follows:

'In a city which has a population of 5,000 or over, a board of registration consisting of 3 members must be appointed as follows: One member nominated by the city committees of each of the 2 major parties and appointed by the municipal officers, and the 3rd member appointed by the Governor ~~with the advice and consent of the Council.~~'

Sec. 180. R. S., T. 21, § 43, sub-§ 3, ¶ A, amended. Paragraph A of subsection 3 of section 43 of Title 21 of the Revised Statutes is amended to read as follows:

'A. **Exception.** When there is a vacancy in the office of chairman of the board, the Governor, ~~with the advice and consent of the Council~~ shall appoint a qualified person to fill the vacancy for the remainder of the term.'

Sec. 181. R. S., T. 21, § 925, sub-§ 1, amended. Subsection 1 of section 925 of Title 21 of the Revised Statutes is amended to read as follows:

'1. **Challenged ballot.** A challenged ballot must be counted the same as a regular ballot. The validity of a challenged ballot need not be determined unless it affects the result of an election. If the challenged ballot affects the result of an election, its validity must be determined by the Governor ~~and Council~~ subject to the right of appeal provided in section 1212, except where final determination of the election of a candidate is governed by the State or Federal Constitution.'

Sec. 182. R. S., T. 21, § 1032, sub-§ 10, amended. Subsection 10 of section 1032 of Title 21 of the Revised Statutes is amended to read as follows:

'10. **Official approval required.** It must be of an identical type approved by the Secretary of State and the Attorney General ~~and one member of the Governor's Council to be designated by the Governor.~~'

Sec. 183. R. S., T. 21, § 1034, amended. Section 1034 of Title 21 of the Revised Statutes is amended to read as follows:

§ 1034. Regulations of Secretary of State

The Secretary of State may make reasonable regulations governing the use of voting machines. Before the regulations become effective, they must be approved by the Governor and ~~Council~~ **the Attorney General.**'

Sec. 184. R. S., T. 21, § 1092, amended. The first paragraph of section 1092 of Title 21 of the Revised Statutes is amended to read as follows:

'Within 20 days after an election, the Secretary of State shall tabulate the election returns and submit the tabulation to the Governor ~~and Council.~~'

Sec. 185. R. S., T. 21, § 1094, amended. Section 1094 of Title 21 of the Revised Statutes is amended to read as follows:

§ 1094. Hearing and review by Governor

The Governor ~~and Council~~ shall review the tabulation of the vote, hear appeals and determine the result of referendum questions and the persons to whom the Governor shall issue certificates of election or notices of apparent election

except where the final determination as to their election depends on the Federal or State Constitution.'

Sec. 186. R. S., T. 21, § 1095, amended. The first paragraph of section 1095 of Title 21 of the Revised Statutes is amended to read as follows:

'Within a reasonable time after an election, the Governor shall issue an election certificate in accordance with Title 5, section 84 or a notice of apparent election to each person elected to office according to the tabulation required by section 1092, or on appeal according to the determination of the Governor ~~and Council.~~'

Sec. 187. R. S., T. 21, § 1152, amended. The first paragraph of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

'On the written application of a losing candidate in any election not later than 10 days after the tabulation of the vote is submitted to the Governor ~~and Council,~~ the Secretary of State shall permit him or his counsel to recount the ballots under proper protective regulations, subject to the following provisions:'

Sec. 188. R. S., T. 21, § 1152, sub-§ 7, amended. Subsection 7 of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

7. Mistake in ballot count. If it is found that there was a mistake made in counting the ballots on election day the Secretary of State shall submit a corrected tabulation to the Governor ~~and Council.~~

Sec. 189. R. S., T. 21, § 1152, sub-§ 8, amended. Subsection 8 of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

8. Appeal to Governor. If there are enough disputed ballots to affect the result of the election, the interested candidate may appeal to the Governor ~~and Council~~ for a determination of the election on written application to the Secretary of State at the close of the recount.

A. Exception. This subsection does not apply where final determination of the election of a candidate is governed by the State or Federal Constitution.'

Sec. 190. R. S., T. 21, § 1152, sub-§ 9, amended. Subsection 9 of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

9. Package resealed and marked. After the recount, the Secretary of State shall reseal the packages of ballots and the check lists, and shall note the fact and date of the recount on them. If there is an appeal to determine the validity of the disputed ballots, the Secretary of State shall keep them until needed by the Governor ~~and Council.~~

Sec. 191. R. S., T. 21, § 1153, amended. The first paragraph of section 1153 of Title 21 of the Revised Statutes is amended to read as follows:

'On the written application of a candidate as provided in section 1152, the Governor ~~and Council~~ shall hold a hearing on the appeal.'

Sec. 192. R. S., T. 21, § 1153, sub-§ 3, amended. Subsection 3 of section 1153 of Title 21 of the Revised Statutes is amended to read as follows:

'3. **Determination.** At the hearing, the Governor ~~and Council~~ shall examine the disputed ballots, hear the arguments of each candidate or his counsel and determine who was elected. In making this determination, they may accept as facts any relevant conclusions agreed upon by the nominees.'

Sec. 193. R. S., T. 21, § 1154, amended. Section 1154 of Title 21 of the Revised Statutes is amended to read as follows:

§ 1154. Referendum ballots

Any resident of the municipality affected may inspect referendum ballots, have ~~then them~~ recounted and appeal those disputed to the Governor ~~and Council~~ as provided in sections 1151 to 1153. Instead of the notice requirements of those sections, the person to whom the application is directed shall publish a notice of the details of the inspection, recount or hearing on appeal in a newspaper having general circulation in the municipalities concerned, at least 3 days prior to it.'

Sec. 194. R. S., T. 21, § 1211, amended. Section 1211 of Title 21 of the Revised Statutes is amended to read as follows:

§ 1211. Ballots and checklists available for inspection

On request, the clerk of any municipality and the Secretary of State shall produce any ballots or checklists in his custody before the Governor ~~and Council~~, either branch of the Legislature, any legislative committee or any court of competent jurisdiction.'

Sec. 195. R. S., T. 21, § 1622, sub-§ 3, amended. Subsection 3 of section 1622 of Title 21 of the Revised Statutes is amended to read as follows:

'3. **Registration commissioner.** The Governor ~~with the advice and consent of the Council~~ shall appoint a qualified person as registration commissioner of each voting district. The commissioner shall serve for 2 years from the date of his appointment. He shall receive a salary of \$20 for each day actually and necessarily employed in the performance of his duties. In case of a vacancy in the office of registration commissioner, the Governor shall make a new appointment in the same manner as the original appointment for a full term. If there is insufficient time before the next election, in the opinion of the Governor, to obtain a person to serve, he may appoint a temporary registration commissioner to conduct that election only. ~~The appointment of a temporary registration commissioner may be made without the advice and consent of the Council.'~~

Sec. 196. R. S., T. 22, § 1, amended. The 2nd paragraph of section 1 of Title 22 of the Revised Statutes is amended to read as follows:

'The head of the department shall be the Commissioner of Health and Welfare, as heretofore appointed and hereinafter in this Title called the "commissioner" who shall be appointed by the Governor with the advice and consent of the ~~Council Senate~~ to serve for 3 years ~~or during the pleasure of the said Governor and Council~~. Any vacancy shall be filled by appointment as above for a like term. He may employ such bureau chiefs, deputies, assistants and employees, subject to the Personnel Law, as may be necessary to carry out the work of the

department; and they shall be under the immediate supervision, direction and control of the commissioner. The compensation of the commissioner shall be fixed by the Governor ~~and Council~~.

Sec. 197. R. S., T. 22, § 41, amended. Section 41 of Title 22 of the Revised Statutes is amended to read as follows:

‘§ 41. Commissioner’s report

The commissioner, as soon as practicable after the close of the fiscal year which is indicated by an even number, shall report to the Governor ~~and Council~~ the activities of the department during the biennial period just ended with such suggestions as to legislative action as he deems necessary or important.’

Sec. 198. R. S., T. 22, § 45, amended. Section 45 of Title 22 of the Revised Statutes is amended to read as follows:

‘§ 45. Appropriated funds transferable

The appropriations made by the Legislature to any division of the department may be combined or transferred from one division to another thereof by authority of the Governor and ~~Council~~ **the Commissioner of Finance and Administration** when such is deemed necessary.’

Sec. 199. R. S., T. 22, § 511, amended. The first sentence of section 511 of Title 22 of the Revised Statutes is amended to read as follows:

‘Medical examiners for each county in the State, as heretofore appointed, 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~~.’

Sec. 200. R. S., T. 22, § 562, amended. The last sentence of section 562 of Title 22 of the Revised Statutes is amended to read as follows:

‘The services of the laboratory and all investigations made shall be free to the people of the State, except that the department, subject to the approval of the Governor ~~and Council~~, may fix charges when deemed advisable or necessary.’

Sec. 201. R. S., T. 22, § 1352, amended. The first sentence of section 1352 of Title 22 of the Revised Statutes is amended to read as follows:

‘An advisory committee, as heretofore established, shall be appointed by the Governor, ~~with the advice and consent of the Council~~ to advise and consult with the Department of Health and Welfare in carrying out the administration of section 1351.’

Sec. 202. R. S., T. 22, § 1703, amended. The last sentence of section 1703 of Title 22 of the Revised Statutes is amended to read as follows:

‘The department, subject to the approval of the Governor and ~~Council~~ **the Attorney General**, shall have authority to accept funds from other sources for the same purposes.’

Sec. 203. R. S., T. 22, § 1704, amended. The first sentence of section 1704 of Title 22 of the Revised Statutes is amended to read as follows:

'An Advisory Hospital Council, as heretofore established, shall be appointed by the Governor, ~~with the advice and consent of the Council~~ to advise and consult with the Department of Health and Welfare in carrying out the administration of sections 1702 to 1704.'

Sec. 204. R. S., T. 22, § 1706, amended. Section 1706 of Title 22 of the Revised Statutes is amended to read as follows:

'§ 1706. Distribution of antitoxins in emergency

The department, with the approval of the Governor ~~and Council~~ may, for the purpose of aiding in national defense in case of war or in any state emergency declared by the Governor under the Civil Defense Law, procure and distribute within the State, and sell or give away, in its discretion, antitoxins, serums, vaccines, viruses and analogous products applicable to the prevention or cure of disease of man.'

Sec. 205. R. S., T. 22, § 3103, amended. The first sentence of section 3103 of Title 22 of the Revised Statutes is amended to read as follows:

'The commissioner shall give to the Governor ~~or Council~~ or to the Legislature or any committee thereof at any time upon their request information and advice with reference to any charitable or correctional institution about which he has information.'

Sec. 206. R. S., T. 22, § 3104, amended. Section 3104 of Title 22 of the Revised Statutes is amended to read as follows:

'§ 3104. Cooperation with the United States Department of Agriculture

The department may cooperate and participate in the administration of programs of the United States Department of Agriculture or any agency thereof.

When in his judgment it appears to be for the best interest of welfare of the people of the State, the commissioner, with the approval of the Governor ~~and Council~~, is authorized to enter into and execute, on behalf of the department, all necessary agreements with the United States Department of Agriculture or any agency thereof to carry out the stamp plan, so called, or other plans for the distribution of food or surplus commodities for relief purposes. Such agreements may include in their provisions that regulations promulgated by the Secretary of Agriculture governing the administration of programs of the United States Department of Agriculture shall become part of such agreements.

There shall be established in the office of the Treasurer of State, by authority of the Governor ~~and Council~~, a revolving fund for use in connection with participation in the federal program of the United States Department of Agriculture or any agency thereof.

This revolving fund shall not be in excess of \$100,000. This fund must at all times consist of cash on hand, stamps purchased, and not resold, and accounts receivable, against the cities and towns of Maine that have purchased stamps from this fund, the aggregate of which shall equal the total fund established by order of the Governor ~~and Council~~, it being understood that this fund

shall be used solely for the purpose of purchasing United States Government food stamps to be resold to the cities and towns of Maine participating in the so-called food stamp plan.

This fund shall be established by segregating the fund approved by the Governor ~~and Council~~ as above stated from the amounts on deposit to the credit of the General Fund of the State.

This fund shall continue in effect until the Governor ~~and Council~~ shall determine that the necessity for said fund no longer exists, when such segregation of funds shall cease.'

Sec. 207. R. S., T. 22, § 3105, amended. The first sentence of section 3105 of Title 22 of the Revised Statutes is amended to read as follows:

'The department, under the direction of the Governor ~~and Council~~, may establish, conduct and maintain rehabilitation work as part of its program of aid and assistance.'

Sec. 208. R. S., T. 22, § 4710, amended. Section 4710 of Title 22 of the Revised Statutes is amended to read as follows:

§ 4710. Warrants

The Governor ~~and Council~~ may draw warrants on the Treasurer of State for such sums as are payable to the Indians for the bounties on agricultural products.'

Sec. 209. R. S., T. 22, § 4714, amended. Section 4714 of Title 22 of the Revised Statutes is amended to read as follows:

§ 4714. Expenditure of tribal funds

The department, subject to the approval of the Governor ~~and Council~~, may expend for the benefit of either Indian tribe, any portion of the funds of that tribe, provided the expenditure will not decrease the principal of the fund to such an extent as to prevent compliance with any existing statute, and provided the tribe whose funds are used shall consent to the expenditure at a meeting duly called for the purpose.'

Sec. 210. R. S., T. 22, § 4789, amended. Section 4789 of Title 22 of the Revised Statutes is amended to read as follows:

§ 4789. Warrants for interest on 4 townships purchased; rents

The Governor ~~and Council~~ may draw warrants on the State Treasury for any sum not exceeding the interest on the price of the 4 townships purchased by the State of the Penobscot Tribe in June, 1833, and of any other money paid into the treasury, and for the full amount of rents paid in as aforesaid. When the whole amount of such sums, in the opinion of the department, is more than is necessary for said tribe, the excess may be invested for their benefit.'

Sec. 211. R. S., T. 23, § 51, amended. Section 51 of Title 23 of the Revised Statutes is amended to read as follows:

‘§ 51. Appointment; tenure; reports

The State Highway Commission, as heretofore established, shall consist of 3 members to be appointed by the Governor with the advice and consent of the ~~Council~~ Senate. One member shall be a member of the political party which cast the 2nd highest number of votes in the last gubernatorial election. One member shall be appointed by the Governor as chairman who shall devote each full working day to his duties and whose salary shall be fixed by the Governor ~~and Council~~. The term of office of the chairman shall be 7 years, subject only to removal for cause. The other members of the commission shall receive \$5,000 per year and shall be appointed for a term of 3 years and any vacancies shall be filled for the unexpired term. Each member of the commission, except the chairman, shall receive his actual expenses incurred in the performance of his official duties while away from his home. The Attorney General shall be attorney for the commission and shall, without additional compensation, give the commission such advice and service as it may from time to time require. The commission shall be furnished with suitable offices at the seat of government. It shall make an annual report for the fiscal year ending June 30th, to the Governor ~~and Council~~, of its doings and the expenditures of its office, with such statement relative to the construction and maintenance of public highways and such recommendations as to the general policy of the State relative thereto as it considers appropriate. The chairman shall be the chief administrative officer, having general charge of the office and records, but all policy decisions of the commission must be by a majority of its total membership.’

Sec. 212. R. S., T. 23, § 61, amended. The 2nd sentence of section 61 of Title 23 of the Revised Statutes is amended to read as follows:

‘The Governor ~~and Council~~ on recommendation of the commission may sell and convey on behalf of the State the interests of the State in property taken or acquired by purchase under chapters 1 to 19 and deemed no longer necessary for the purposes hereof, and they may lease such interests in such property pending such sale or the advantageous use of such property for highway purposes.’

Sec. 213. R. S., T. 23, § 152, amended. The first and 2nd paragraphs of section 152 of Title 23 of the Revised Statutes is amended to read as follows:

‘The Land Damage Board, as heretofore established, shall consist of 3 members. Two of said members shall be appointed by the Governor, ~~with the advice and consent of the Council~~ one of whom shall be a qualified appraiser and the other an attorney at law. The attorney designated as a member of the board shall be its chairman. The first appointments shall be made for staggered terms of 2 and 3 years, as fixed by the Governor. Thereafter all appointments shall be made for 3-year terms. They shall be sworn, and for inefficiency, willful neglect of duty or for malfeasance in office may, after notice and hearing, be removed by the Governor ~~and Council~~. In case of a vacancy occurring through death, resignation or removal, the Governor, ~~with the advice and consent of the Council~~ shall appoint a successor for the whole term of the member whose place he takes, subject to removal as aforesaid.

The Governor ~~with the advice and consent of the Council~~ shall set the rate of pay on a per diem basis which each member of the Land Damage Board shall

receive and they shall be remunerated for all expenses necessarily incurred in the performance of their official duties.'

Sec. 214. R. S., T. 23, § 252, amended. Section 252 of Title 23 of the Revised Statutes is amended to read as follows:

§ 252. Construction

The Governor ~~and Council~~, with the special authorization of the Legislature, may direct the commission to lay out and construct any state highway as a parkway or a freeway road.'

Sec. 215. R. S., T. 23, § 453, amended. The 9th sentence of section 453 of Title 23 of the Revised Statutes is amended to read as follows:

'The commission may provide for the construction of the bridge on a day labor basis, or with approval of the Governor ~~and Council~~, by contract without advertising for bids.'

Sec. 216. R. S., T. 23, § 654, amended. The 2nd sentence of section 654 of Title 23 of the Revised Statutes is amended to read as follows:

'If the commission neglects to so sign, establish or maintain such detour road the same shall be done by order of the Governor ~~and Council~~.'

Sec. 217. R. S., T. 23, § 753, amended. The 10th sentence of section 753 of Title 23 of the Revised Statutes is amended to read as follows:

'The commission may construct state highways by day labor without advertising for bids; and may, with the approval of the Governor ~~and Council~~, award contracts for state highways without advertising for bids, if the same shall be for the best interest of the State.'

Sec. 218. R. S., T. 23, § 1551, amended. The 2nd sentence of section 1551 of Title 23 of the Revised Statutes is amended to read as follows:

'The last 4 mentioned members shall be appointed by and serve at the pleasure of the Governor ~~with the advice and consent of the Council~~.'

Sec. 219. R. S., T. 23, § 1552, amended. The first and 2nd sentences of section 1552 of Title 23 of the Revised Statutes are amended to read as follows:

'The State, under proper authorization of the Governor and ~~Executive Council~~ **the Attorney General**, shall issue all highway and bridge bonds. The Governor and ~~Executive Council~~ **the Attorney General** shall consult with the said board for its recommendations as to whether conditions are favorable for any such issuance.'

Sec. 220. R. S., T. 23, § 1601, amended. The first sentence of section 1601 of Title 23 of the Revised Statutes is amended to read as follows:

'The Treasurer of State by direction of the Governor and ~~Council~~ **the Commissioner of Finance and Administration** shall negotiate the sale of all state highway bonds and state highway and bridge bonds.'

Sec. 221. R. S., T. 23, § 1602, amended. Section 1602 of Title 23 of the Revised Statutes is amended to read as follows:

'§ 1602. Appeal to Governor on disagreement of commission

If at any time the commission cannot unanimously agree upon the proper exercise of its power to direct the expenditure of all moneys for construction and maintenance of all state and state aid highways as provided in section 52 or upon the proper apportionment of money raised from the sale of state highway and state highway and bridge bonds in accordance with section 1601, any member of the commission, should he deem the matter of sufficient importance, may appeal to the Governor ~~and Council~~ who shall then make the final decision relative to the particular expenditure or apportionment concerning which the commission cannot agree.'

Sec. 222. R. S., T. 23, § 1652, amended. The 2nd paragraph of section 1652 of Title 23 of the Revised Statutes is amended to read as follows:

'Transfers from one account of the General Highway Fund to another account thereof shall be made only with the approval of the Governor and ~~Council~~ **the Commissioner of Finance and Administration**, but in no case shall any permanent transfer be made except for purposes specifically provided for by appropriate legislative Acts for the expenditures of the General Highway Fund.'

Sec. 223. R. S., T. 24, § 51, amended. The first sentence of the 3rd paragraph of section 51 of Title 24 of the Revised Statutes is amended to read as follows:

'The Insurance Commissioner, as heretofore appointed and hereinafter in this Title called "commissioner," shall be appointed by the Governor with the advice and consent of the ~~Council~~ **Senate** and shall hold his office for 4 years and until his successor has been appointed and qualified, but shall not at the same time be Bank Commissioner.'

Sec. 224. R. S., T. 24, § 323, amended. The 2nd sentence of section 323 of Title 24 of the Revised Statutes is amended to read as follows:

'The Treasurer of State shall make such exchange, if the Governor and ~~Council~~ **the Bank Commissioner**, upon application of the company, shall find and certify to him that the market value of the securities offered is not less than the par value of those proposed to be withdrawn.'

Sec. 225. R. S., T. 24, § 1005, amended. The 2nd sentence of section 1005 of Title 24 of the Revised Statutes is amended to read as follows:

'These amounts may be deposited in such interest-bearing securities as the Governor and ~~Council~~ **the Bank Commissioner** may approve or in such securities as any insurance company or savings bank may, from time to time, be authorized to hold for purpose of investment.'

Sec. 226. R. S., T. 25, § 2, amended. Section 2 of Title 25 of the Revised Statutes is amended to read as follows:

'§ 2. Armed vessels to protect coast

When the Governor ~~and Council deem~~ **deems** it necessary to protect the coast of the State from invasion, ~~they~~ **he** may procure, equip, officer and man, such armed vessels as ~~they think~~ **he thinks** expedient, to cruise along the coast of the State for the purpose of protecting the inhabitants thereof; and fix the relative rank and compensation of the officers, and the number and compensation of seamen employed.'

Sec. 227. R. S., T. 25, § 304, amended. The first and 2nd paragraphs of section 304 of Title 25 of the Revised Statutes are amended to read as follows:

'Whenever it is deemed advisable by the Governor, there shall be created within the executive branch of the State Government a Department of Civil Defense and Public Safety, as heretofore established and hereinafter in this chapter called the "Civil Defense and Public Safety Agency", and a Director of Civil Defense and Public Safety, hereinafter in this chapter called the "director", who shall be the head thereof. The director shall be appointed by the Governor ~~with the advice and consent of the Council~~ and he shall hold office during the pleasure of the Governor ~~and Council~~. He shall receive such compensation as shall be fixed by the Governor and ~~Council~~ **Commissioner of Finance and Administration** and shall hold no other state office.

The director may employ such technical, clerical, stenographic, administrative and operative assistants and other personnel, subject to the Personnel Law, and make such expenditures on approval of the Governor and ~~Council~~ **Commissioner of Finance and Administration**, as may be necessary to carry out the purposes of this chapter.'

Sec. 228. R. S., T. 25, § 305, amended. The first sentence of the 2nd paragraph of section 305 of Title 25 of the Revised Statutes is amended to read as follows:

'Such rules and regulations shall become effective when approved in writing by the Governor and ~~Council~~ **Attorney General** and when a certified copy thereof has been filed with the Secretary of State.'

Sec. 229. R. S., T. 25, § 306, amended. The 2nd and 3rd sentences of section 306 of Title 25 of the Revised Statutes are amended to read as follows:

'All members shall be appointed by the Governor ~~with the advice and consent of the Executive Council~~. They shall serve during the pleasure of the Governor ~~and Executive Council~~.'

Sec. 230. R. S., T. 25, § 308, amended. The 4th paragraph of section 308 of Title 25 of the Revised Statutes is amended to read as follows:

'The Governor shall, with the approval of the ~~Executive Council~~ **Attorney General**, award reasonable compensation to the owners of the property which he may take under this section and for its use and for any injury thereto or destruction thereof caused by such use.'

Sec. 231. R. S., T. 25, § 322, amended. Section 322 of Title 25 of the Revised Statutes is amended to read as follows:

§ 322. Appropriations and authorization of expenditures

The Governor, with the advice and consent of the ~~Council~~ **Secretary of State and the Attorney General**, is authorized and empowered, whenever an emergency has been declared as provided in section 307, to transfer to the "Emergency Civil Defense and Public Safety Fund", as heretofore established, any state moneys in the General Fund of the State, including unexpended appropriation balances of any state department or agency allotted or otherwise. The Governor is authorized to expend the moneys in the said fund for the purpose of carrying out this chapter.'

Sec. 232. R. S., T. 25, § 712, amended. The 11th paragraph of section 712 of Title 25 of the Revised Statutes is amended to read as follows:

'Subject to the approval of the Governor, the Adjutant General may appoint a property officer and a plans and training officer both of whom shall meet the requirements for appointment of staff officers provided in section 710, hold office at the pleasure of the Adjutant General and receive salaries to be fixed by the Governor and ~~Council~~ **Commissioner of Finance and Administration**.'

Sec. 233. R. S., T. 25, § 1167, amended. The 2nd sentence of section 1167 of Title 25 of the Revised Statutes is amended to read as follows:

'Upon order of the Governor ~~and Council~~, the quartermaster general is authorized to issue to the municipal officers of any city or town field ordnance of obsolete pattern under such regulations as the Governor ~~and Council~~ may prescribe.'

Sec. 234. R. S., T. 25, § 1501, amended. Section 1501 of Title 25 of the Revised Statutes is amended to read as follows:

§ 1501. Chief; deputy; members of force; rules and regulations

The Governor, with the advice and consent of the ~~Council~~ **Senate**, shall appoint a Chief of the State Police, as heretofore appointed, to serve for a term of 4 years unless removed for cause. Such appointment may be made from the membership of the State Police. He may be removed by the Governor ~~and Council~~ only after charges have been preferred in writing and, if he so requests, after public hearing. The chief shall be the executive head of the Department of the State Police, as heretofore established, and shall execute the duties of his office under the direction and subject to the approval of the Governor ~~and Council~~. Subject to the approval of the Governor ~~and Council~~, the chief may designate a commissioned officer of the State Police to act as his deputy. Subject to the Personnel Law, the Chief of the State Police may enlist suitable persons as members of the State Police to enforce the law and employ such other employees as may be necessary. The Chief of the State Police shall make rules and regulations, subject to the approval of the Personnel Board, for the discipline and control of the State Police.'

Sec. 235. R. S., T. 25, § 1504, amended. The first sentence of section 1504 of Title 25 of the Revised Statutes is amended to read as follows:

'The Governor and ~~Council~~ **Commissioner of Finance and Administration** shall determine the salary of the chief and deputy chief.'

Sec. 236. R. S., T. 25, § 1549, amended. Section 1549 of of Title 25 of the Revised Statutes is amended to read as follows:

‘§ 1549. Authorization of Governor

The law enforcement agencies of the State, upon request of the Governor ~~and Council~~, shall have the authority to take, or cause to be taken, and shall take, or cause to be taken, the fingerprints of the persons enumerated in section 1548 and of any persons who shall request their fingerprints to be taken for civilian identification.’

Sec. 237. R. S., T. 25, § 1591, amended. The last sentence of section 1591 of Title 25 of the Revised Statutes is amended to read as follows:

‘Upon his request for retirement, made in writing to the Governor ~~and Council~~, he shall receive thereafter $\frac{1}{2}$ of the pay per year that is paid to him as chief at the time of his retirement, provided he has served at least 4 years as chief; otherwise he shall receive thereafter $\frac{1}{2}$ of the pay per year that was paid to him as a member at the time he was appointed chief.’

Sec. 238. R. S., T. 25, § 1941, amended. Section 1941 of Title 25 of the Revised Statutes is amended to read as follows:

‘§ 1941. Membership

A Passenger Tramway Safety Board, heretofore established, shall consist of 4 appointive members and the Directors of State Parks and Recreation, ex officio. The appointive members shall be appointed by the Governor ~~with the advice and consent of the Council~~ from persons representing the following interests: 2 members from the passenger tramway industry, one of whom shall operate a rope tow, and in making such appointments consideration shall be given to recommendations made by members of the industry; one member to represent the public at large; and one member to represent insurance companies which engage in insuring passenger tramway operations, and in appointing such member consideration shall be given to recommendations made by such insurance companies. The Governor shall designate the chairman and a secretary shall be appointed by the board.’

Sec. 239. R. S., T. 25, § 2395, amended. The last sentence of section 2395 of Title 25 of the Revised Statutes is amended to read as follows:

‘Such records shall at all times be open to public inspection and such portions of it as the said commissioner deems expedient shall be published in his annual report to the Governor ~~and Council~~.’

Sec. 240. R. S., T. 25, § 2441, amended. The 3rd paragraph of section 2441 of Title 25 of the Revised Statutes is amended to read as follows:

‘Such rules and regulations shall become effective when approved in writing by the Governor and ~~Council~~ **the Attorney General** and when a certified copy thereof has been filed with the Secretary of State. Any person aggrieved by any such rule or regulation or the reasonableness of same, or any act or order of the Insurance Commissioner in enforcing any such rule or regulation, may appeal to the Superior Court by filing a complaint therefor and the court shall

fix a time and place of hearing and cause notice thereof to be given to the commissioner and, after the hearing, the court may affirm or reverse the rule, regulation, act or order of the commissioner and the decision of the court shall be final.'

Sec. 241. R. S., T. 25, § 2452, sub-§ 1, amended. Subsection 1 of section 2452 of Title 25 of the Revised Statutes is amended to read as follows:

'1. **Effective date.** The regulations, and amendments thereto, become effective when a certified copy of them has been approved in writing by the Governor and ~~Council~~ **the Attorney General** and filed with the Secretary of State.'

Sec. 242. R. S., T. 26, § 41, amended. The 2nd sentence of section 41 of Title 26 of the Revised Statutes is amended to read as follows:

'He shall be appointed by the Governor, with the advice and consent of the ~~Council~~ **Senate**, for a term of 3 years, and shall hold office until his successor is appointed and qualified.'

Sec. 243. R. S., T. 26, § 171, amended. The first sentence of section 171 of Title 26 of the Revised Statutes is amended to read as follows:

'The board of appeals, as heretofore established, shall be known as the "Board of Boiler Rules," and shall consist of 5 members, 4 of whom shall be appointed by the commissioner, with the approval of the Governor ~~and Council~~.'

Sec. 244. R. S., T. 26, § 175, amended. The first paragraph of section 175 of Title 26 of the Revised Statutes is amended to read as follows:

'The commissioner shall appoint, with the approval of the Governor ~~and Council~~ and may remove for cause when so appointed, a citizen of this State who shall have had, at the time of such appointment, not less than 5 years' practical experience with steam boilers as a steam engineer, mechanical engineer, boiler maker or boiler inspector, and who has passed the same kind of an examination as that prescribed for deputy and authorized inspectors in section 176 to be Chief Inspector of Boilers at any time the office may become vacant.'

Sec. 245. R. S., T. 26, § 372, amended. The first paragraph of section 372 of Title 26 of the Revised Statutes is amended to read as follows:

'The Board of Construction Safety Rules and Regulations as heretofore established, for the purpose of formulating and adopting reasonable safety regulations and codes in order to provide for personal, material and public safety in connection with construction, and such other activities usually associated with the construction industry, shall consist of 8 members of which 6 shall be appointed to membership by the commissioner, subject to the approval of the Governor ~~and Council~~. Of the 6 appointed members of the board, 2 shall represent the construction contractors within the State; 2 shall represent the construction workers within the State; one shall represent the insurance companies licensed to insure workmen's compensation within the State; one shall represent the public. The 7th member of the board shall be the Commissioner of Labor and Industry and the 8th member shall be the Insurance Commissioner. The chair-

man shall be elected annually by the members of the board. The board shall meet at least twice yearly at the State Capitol, or at any other place designated by the chairman. Of the 6 appointed members, 2 shall be appointed for a term of 2 years; 2 shall be appointed for a term of 3 years; and 2 shall be appointed for a term of 4 years. Each member shall hold office until his successor is duly appointed and qualified. At the expiration of each member's term his successor shall be appointed by the commissioner subject to the approval of the Governor ~~and Council~~, from the same classification in accordance with this section for a term of 4 years. In case of a vacancy in board membership, the commissioner, with the approval of the Governor ~~and Council~~, shall appoint a member of the proper classification to serve the unexpired term of the absent member.'

Sec. 246. R. S., T. 26, § 431, amended. The first paragraph of section 431 of Title 26 of the Revised Statutes is amended to read as follows:

'The purpose of the Board of Elevator Rules and Regulations, as heretofore established, is to govern and control the construction, installation, alteration, repair, use, operation and inspection of elevators, in order to provide for reasonable personal, material and public safety in connection with the use of such elevators. The said board shall consist of 5 members, of whom 3 shall be appointed to membership by the commissioner, subject to the approval of the Governor ~~and Council~~. Each member shall hold office until his successor is duly appointed. At the expiration of each member's term, his successor shall be appointed by the commissioner, subject to the approval of the Governor ~~and Council~~, from the same classification in accordance with this section for a term of 4 years. In case of a vacancy in board membership, the commissioner, with the approval of the Governor ~~and Council~~, shall appoint a member of the proper classification to serve the term of the absent member. Of the 3 appointed members of the board, one shall be a representative of owners or lessees of elevators within the State; one shall be a representative of manufacturers of elevators; one shall be a representative of insurance companies licensed to insure elevators in the State. The 4th member of the board shall be the Insurance Commissioner and the 5th member of the board shall be the Commissioner of Labor and Industry, who shall be chairman of the board.'

Sec. 247. R. S., T. 26, § 433, amended. Section 433 of Title 26 of the Revised Statutes is amended to read as follows:

§ 433. Appointment of inspectors

The commissioner shall appoint, with the approval of the Governor ~~and Council~~, and may remove for cause when so appointed, a citizen of the State qualified to fulfill the functions of the office to serve as supervising inspector, after he shall have successfully passed an examination prescribed by the board. The commissioner may appoint such state elevator inspectors as are necessary to carry out this subchapter from among applicants who successfully pass the examination.'

Sec. 248. R. S., T. 26, § 882, amended. The first and 2nd sentences of section 882 of Title 26 of the Revised Statutes are amended to read as follows:

'A Panel of Mediators, as heretofore established, shall consist of 5 impartial

members appointed by the Governor ~~with the advice and consent of the Council~~ from time to time upon the expiration of the terms of the several members, for terms of 3 years. One member of the panel shall be appointed chairman thereof by the Governor ~~with the advice and consent of the Council.~~

Sec. 249. R. S., T. 26, § 911, amended. The first paragraph of section 911 of Title 26 of the Revised Statutes is amended to read as follows:

'The State Board of Arbitration and Conciliation, as heretofore established and hereinafter in this subchapter called the "board", shall consist of 3 members appointed by the Governor, with the advice and consent of the ~~Council~~ **Senate**, from time to time upon the expiration of the terms of the several members, for terms of 3 years. One member shall be an employer of labor or selected from some association representing employers of labor, and another shall be an employee or an employee selected from some bona fide trade or labor union. The 3rd member shall be chairman of the board and shall represent the public interests of the State. Vacancies occurring during a term shall be filled for the unexpired term. The board shall hold a meeting on the 3rd Wednesday of September in each year and shall organize by choosing from its members a secretary. Members of the board shall each receive \$25 a day for their services, for the time actually employed in the discharge of their official duties. They shall receive their traveling and all other necessary expenses. The board shall from time to time make such rules of procedure as it deems necessary, and shall annually, on or before the first day of July, make a report to the Governor ~~and Council~~, which shall be incorporated in and printed with the biennial report of the department. The appropriation for the board shall be included in the department's budget and authorization for expenditures shall be the responsibility of the commissioner.'

Sec. 250. R. S., T. 26, § 1081, sub-§ 1, amended. The 2nd sentence of subsection 1 of section 1081 of Title 26 of the Revised Statutes is amended to read as follows:

'Upon the expiration of the term of office of any member, his successor shall be appointed by the Governor, with the advice and consent of the ~~Council~~ **Senate**, to hold office for a term of 6 years or until his successor has been duly appointed and qualified, ~~or during the pleasure of the Governor and Council~~ except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.'

Sec. 251. R. S., T. 26, § 1082, sub-§ 4, amended. The 4th sentence of subsection 4 of section 1082 of Title 26 of the Revised Statutes is amended to read as follows:

'Special counsel may be designated by the Attorney General at the request of the commission whose services and expenses, subject to approval by the Governor ~~and Council~~, shall be paid from the funds provided for the administration of this chapter.'

Sec. 252. R. S., T. 26, § 1302, amended. The last sentence of section 1302 of Title 26 of the Revised Statutes is amended to read as follows:

'The same shall be open to the inspection of the Governor ~~and Council.~~'

Sec. 253. R. S., T. 27, § 1, amended. The first paragraph of section 1 of Title 27 of the Revised Statutes is amended to read as follows:

'The Maine State Library shall be under the management and supervision of a State Librarian, as heretofore appointed, who shall make such rules and regulations as are necessary for the proper management of the library and the safety of its contents. The Governor, with the advice and consent of the ~~Council~~ **Senate**, shall appoint such librarian who shall serve for a term of 4 years, and until his successor is duly appointed and qualified. The librarian shall receive such salary as shall be set by the Governor and ~~Council~~ **the Commissioner of Finance and Administration.**'

Sec. 254. R. S., T. 27, § 38, amended. The first sentence of section 38 of Title 27 of the Revised Statutes is amended to read as follows:

'The State Librarian, with the approval of the Governor ~~and Council~~, may make any regulations necessary to enable the State to comply with any law of the United States, heretofore or hereafter enacted, intended to promote public library services.'

Sec. 255. R. S., T. 27, § 61, amended. The first paragraph of section 61 of Title 27 of the Revised Statutes is amended to read as follows:

'A copy of the printed decisions of the Supreme Judicial Court, commonly called Maine Reports, and of the advance sheets, which are purchased by the State in accordance with Title 4, section 702, shall be distributed by the State Librarian to the following: Each county law library, college library, county attorney, judge of probate, register of probate, clerk of courts, District Court, ~~Councilor~~ Senator and Representative from Maine in the Congress of the United States, Justice and ex-justice of the Supreme Judicial Court, Justice and ex-justice of the Superior Court; the Governor, Judge of the United States District Court for Maine, United States District Attorney for Maine, Clerk of the United States District Court for Maine, Judge of the United States Court of Appeals for the first circuit.'

Sec. 256. R. S., T. 27, § 63, amended. Section 63 of Title 27 of the Revised Statutes is amended to read as follows:

'§ 63. Price

The State Librarian, subject to the approval of the Governor ~~and Council~~, shall fix the price at which the printed volumes of a revision of the statutes, and supplements thereto, or those containing the laws passed at a session of the Legislature, may be sold and delivered, and shall thereafter make sales at the price so fixed.'

Sec. 257. R. S., T. 27, § 65, amended. The first paragraph of section 65 of Title 27 of the Revised Statutes is amended to read as follows:

'A copy of all compilations or revisions of the statutes, and supplements thereto, and the laws passed by each Legislature shall be sold and delivered at $\frac{1}{2}$ the established price to the following: Each free public library, county law library,

college library, municipality, county attorney, clerk of courts, county commissioners' court, sheriff, county treasurer, register of deeds, register of probate, judge of probate, Justice and ex-justice of the Supreme Judicial Court, Justice and ex-justice of the Superior Court, District Court, ex-governor, ~~Councilor~~ the Governor, Reporter of Decisions, Judge of the United States District Court for Maine, United States District Attorney for Maine, Clerk of the United States District Court for Maine, Judge of the United States Court of Appeals for the first circuit, Maine Historical Society.'

Sec. 258. R. S., T. 27, § 261, amended. The first sentence of section 261 of Title 27 of the Revised Statutes is amended to read as follows:

'A State Historian, as heretofore appointed, shall be appointed by the Governor ~~with the advice and consent of the Council.~~'

Sec. 259. R. S., T. 27, § 267, amended. The 2nd sentence of section 267 of Title 27 of the Revised Statutes is amended to read as follows:

'Any portion of said amount may be expended by the State Historian under the direction of the Governor ~~and Council~~, in the publication of historical matter and data relating to the history of the State, or in making available by card catalogue, and otherwise, historical materials in the possession of the State.'

Sec. 260. R. S., T. 27, § 301, amended. The first sentence of section 301 of Title 27 of the Revised Statutes is amended to read as follows:

'The Art Commission, as heretofore established, shall consist of 3 members who shall be appointed by the Governor ~~with the advice and consent of the Council.~~'

Sec. 261. R. S., T. 28, § 51, amended. The first sentence of section 51 of Title 28 of the Revised Statutes is amended to read as follows:

'The State Liquor Commission, as heretofore established, shall consist of 3 members to be appointed by the Governor, with the advice and consent of the ~~Council~~ **Senate**, to serve for 3 years and may after notice and hearing be removed for cause by the Governor ~~and Council.~~'

Sec. 262. R. S., T. 28, § 54, amended. The first paragraph of section 54 of Title 28 of the Revised Statutes is amended to read as follows:

'The commission shall appoint a business administrator whose term of office shall be continuous, subject only to removal for cause by a ~~majority vote of the Governor the individual members of the Council~~ and the commission ~~acting as one body~~ after notice and public hearing if requested by the administrator. The salary of the administrator shall be fixed by the Governor and ~~Council~~ **the Commissioner of Finance and Administration.**'

Sec. 263. R. S., T. 28, § 56, amended. Section 56 of Title 28 of the Revised Statutes is amended to read as follows:

§ 56. Working capital

The net profits of the commission shall be general revenue of the State. The commission is authorized to keep and have on hand a stock of wines and spirits for sale, the value of which, computed on less carload price quotations F.O.B.

warehouse filed by liquor and wine vendors, shall not at any time exceed the amount of working capital authorized. The maximum permanent working capital of the commission is established at \$3,500,000 and permanent advances up to this amount may be authorized by the Governor ~~and Council~~ upon recommendation of the commission with the approval of the Commissioner of Finance and Administration. The permanent working capital of the commission may be supplemented by temporary loans from other state funds upon recommendation of the commission and by approval of the Commissioner of Finance and Administration and the Governor ~~and Council~~.'

Sec. 264. R. S., T. 28, § 101, amended. The next to the last paragraph of section 101 of Title 28 of the Revised Statutes is amended to read as follows:

'The inhabitants of the several municipalities shall vote by ballot on said questions, those in favor voting "Yes" on their ballots and those opposed "No", and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and return made to the office of the Secretary of State in the same manner as votes for Governor and members of the Legislature, and the Governor ~~and Council~~ shall review the same and the result shall be determined as provided in Title 21.'

Sec. 265. R. S., T. 28, § 204, amended. The last sentence of section 204 of Title 28 of the Revised Statutes is amended to read as follows:

'The commission may sell spirituous and vinous liquor to approved government instrumentalities within the State at a price to be set by the commission which shall be approved by the Governor ~~and Council~~.'

Sec. 266. R. S., T. 29, § 51, amended. The 2nd sentence of section 51 of Title 29 of the Revised Statutes is amended to read as follows:

'The rules and regulations of the Secretary of State and any changes therein shall take effect when approved by the Governor and ~~Council~~ **Attorney General** and published at least once in each daily newspaper in the State.'

Sec. 267. R. S., T. 29, § 55, amended. The last sentence of section 55 of Title 29 of the Revised Statutes is amended to read as follows:

'He shall, from time to time as required by the Governor ~~and Council~~, make report of his doings and of the fees received from motor vehicle registrations, licenses issued and from other sources, with such recommendations as he may consider appropriate.'

Sec. 268. R. S., T. 29, § 193, amended. The first and 3rd sentences of section 193 of Title 29 of the Revised Statutes are amended to read as follows:

'The Secretary of State shall, upon application therefor by Maine members of the United States Senate, Maine members of the United States House of Representatives, ~~members of the Executive Council~~ Members of the Legislature, Representatives of the Indian Tribes at the Legislature, President of the Senate, Speaker of the House, Secretary of the Senate and the Clerk of the House, issue one pair of specially designed number plates and a certificate of registration for one designated motor vehicle owned or controlled by each of the officials named.'

'Plates issued to members of the Executive Council shall bear a numeral designating the councillor district they represent.'

Sec. 269. R. S., T. 29, § 291, amended. The 2nd and 3rd sentences of section 291 of Title 29 of the Revised Statutes are amended to read as follows:

'The members of the board shall be appointed by the Governor ~~with the advice and consent of the Council~~ for terms of 3 years. The members of the board may be removed for cause, by the Governor ~~with the advice and consent of the Council.~~'

Sec. 270. R. S., T. 29, § 292, amended. The first sentence of section 292 of Title 29 of the Revised Statutes is amended to read as follows:

'The Governor ~~with the advice and consent of the Council~~ shall appoint one of the members to be chairman of the board and the members shall elect one of the board to serve as secretary.'

Sec. 271. R. S., T. 29, § 1801, amended. Section 1801 of Title 29 of the Revised Statutes is amended to read as follows:

'§ 1801. Weighing points

From time to time the Chief of the State Police shall designate, of his own motion or by order of the Governor ~~and Council~~, along the main highways of this State, weighing points, stations or barracks at which a suitable set of platform or portable scales for the weighing of motor vehicles shall be available for use.

The Chief of the State Police shall designate, of his own motion or by order of the Governor ~~and Council~~ certain state police officers who will be empowered to examine loads and replace seals as provided by section 1802.'

Sec. 272. R. S., T. 30, § 101, amended. The first sentence of section 101 of Title 30 of the Revised Statutes is amended to read as follows:

'There shall be a board of commissioners for each county consisting of a chairman and 2 other citizens, all resident in the county, who shall be elected, or in case of a vacancy, appointed by the Governor ~~with the advice and consent of the Council.~~'

Sec. 273. R. S., T. 30, § 103, amended. Section 103 of Title 30 of the Revised Statutes is amended to read as follows:

'§ 103. Other times

When no choice is affected or a vacancy happens in the office of county commissioner by death, resignation, removal from the county or for any other reason, the Governor ~~with the advice and consent of the Council~~ shall appoint a person to fill the vacancy, who shall hold office until the first day of January after another has been chosen to fill the place.'

Sec. 274. R. S., T. 30, § 104, amended. The 2nd sentence of Title 30 of section 104 of the Revised Statutes is amended to read as follows:

'From the time of his induction into such service, he shall be regarded as on leave of absence without pay from his said office, and the Governor ~~with the~~

~~advice and consent of the Council~~ shall appoint a competent citizen, a resident of the county so affected, to fill said office while said county commissioner is in the federal service, but not for a longer period than the remaining portion of the term of said county commissioner.

Sec. 275. R. S., T. 30, § 451, amended. The last sentence of section 451 of Title 30 of the Revised Statutes is amended to read as follows:

'Whenever the Governor and ~~Council~~ **the Attorney General**, upon complaint and due notice and hearing, shall find that a county attorney has violated any statute or is not performing his duties faithfully and efficiently, they may remove him from office and **the Governor shall** appoint another attorney in his place for the remainder of the term for which he was elected.'

Sec. 276. R. S., T. 30, § 452, amended. The 2nd sentence of section 452 of Title 30 of the Revised Statutes is amended to read as follows:

'From the time of his induction into such service he shall be regarded as on leave of absence without pay from his said office, and the Governor ~~with the advice and consent of the Council~~ shall appoint a competent attorney, a resident of the county so affected, to fill said office while said county attorney is in the federal service but not for a longer period than the remaining portion of the term of said county attorney.'

Sec. 277. R. S., T. 30, § 552, amended. Section 552 of Title 30 of the Revised Statutes is amended to read as follows:

§ 552. Appointment of substitute on death or removal

Whenever the office of county attorney becomes vacant by reason of the death, permanent incapacity or removal from the county of the incumbent of the office, except as provided for in section 452, the Governor ~~with the advice and consent of the Council~~ shall appoint a competent attorney, a resident of the county affected, to fill out the term of office of said incumbent.'

Sec. 278. R. S., T. 30, § 601, amended. The last paragraph of section 601 of Title 30 of the Revised Statutes is amended to read as follows:

'If a person so chosen declines to accept or a vacancy occurs, the Governor ~~with the advice and consent of the Council~~ may appoint a suitable resident of the county who, having accepted the trust, given bond and been sworn, shall be treasurer until the first day of January following the next biennial election, at which said election a treasurer shall be chosen for the remainder of the term, if any; but in any event he shall hold office until another is chosen and qualified.'

Sec. 279. R. S., T. 30, § 602, amended. The last sentence of section 602 of Title 30 of the Revised Statutes is amended to read as follows:

'The Governor ~~and Council~~ shall forthwith notify the county commissioners of the county where such person resides of his election.'

Sec. 280. R. S., T. 30, § 905, amended. The last 2 sentences of section 905 of Title 30 of the Revised Statutes are amended to read as follows:

'The clerk of courts of his county shall certify such sheriff's name to the Gov-

ernor ~~and Council~~ and the Attorney General. Unless reasonable cause therefor is shown, or within 20 days after the clerk has so certified, he gives or renews his security to the satisfaction of the Governor ~~and Council~~, he thereby vacates his office.'

Sec. 281. R. S., T. 30, § 906, amended. Section 906 of Title 30 of the Revised Statutes is amended to read as follows:

'§ 906. Governor may require new bond

When the Treasurer of State certifies to the Governor ~~and Council~~ that moneys due to the State on warrants or any other sums or balances are in the hands of a sheriff and furnishes the names of his sureties, and it appears to ~~them~~ **him** that the sureties are insufficient or have removed from the State, ~~they~~ **the Governor** may require him to give a new bond with sufficient sureties within 60 days after he is notified to be filed as aforesaid, and if he neglects it, his office becomes vacant.'

Sec. 282. R. S., T. 30, § 1105, amended. The 3rd sentence of section 1105 of Title 30 of the Revised Statutes is amended to read as follows:

'If the execution is returned unsatisfied and he has not made such disclosure or if the judgment was rendered for his own official delinquency, the creditor may file an attested copy of such execution and return with the Governor ~~and Council~~, and serve on such sheriff a copy of such copy, attested by the Secretary of State, with a notice under his hand of the day on which such first copy was filed.'

Sec. 283. R. S., T. 30, § 1155, amended. The first and last sentences of section 1155 of Title 30 of the Revised Statutes are amended to read as follows:

'When the meridian line or standard of length is established, repaired or rebuilt in any county, the Governor ~~with the advice and consent of the Council~~ shall appoint a competent commissioner, not necessarily a resident of this State, to inspect and verify the same.'

'Such commissioner shall receive from the State such just compensation as the Governor ~~and Council~~ **the Commissioner of Finance and Administration** shall allow.'

Sec. 284. R. S., T. 30, § 3757, amended. The last paragraph of section 3757 of Title 30 of the Revised Statutes is amended to read as follows:

'All sums so apportioned to unorganized places shall be expended for the benefit of public schools and public roads in the counties in which such places are located, in such manner as the Governor ~~and Council~~ may from time to time determine.'

Sec. 285. R. S., T. 30, § 5608, amended. The last 2 sentences of section 5608 of Title 30 of the Revised Statutes are amended to read as follows:

'When such return is not made by any such plantation, the Secretary of State shall not furnish it with blanks for election returns, and no votes purporting to be cast by such plantation shall be counted or allowed by the Governor

~~and Council.~~ When a plantation is organized after the first day of July, such return is not required to be made by the clerk thereof during that year, but the votes of such plantations shall not be counted or allowed by the Governor ~~and Council~~ for any purpose, during the year of its organization, unless it is organized at least 60 days prior to the Tuesday following the first Monday of November.'

Sec. 286. R. S., T. 32, § 1, amended. The first sentence of section 1 of Title 32 of the Revised Statutes is amended to read as follows:

'The Maine Board of Accountancy, as heretofore established and hereinafter in this chapter called the "board", shall consist of 3 members who shall be citizens and residents of the State, appointed annually by the Governor ~~with the advice and consent of the Council,~~ for terms of 3 years as the terms of the several members expire.'

Sec. 287. R. S., T. 32, § 3, amended. Section 3 of Title 32 of the Revised Statutes is amended to read as follows:

• **§ 3. Annual reports**

The board shall annually make a report to the Governor ~~and Council~~ showing its receipts and disbursements in detail, the names of persons to whom certificates have been issued and the names of persons whose certificates have been revoked, with the reasons therefor, during each fiscal year ending on the 30th day of June.'

Sec. 288. R. S., T. 32, § 151, amended. The last paragraph of section 151 of Title 32 of the Revised Statutes is amended to read as follows:

'The board shall be composed of 5 practicing architects, or 4 practicing architects and one professor of architecture, who shall be appointed by the Governor ~~with the advice and consent of the Council,~~ to serve for 3 years and until their successors are duly appointed and qualified. Each member of the board shall receive a certificate of his appointment from the Governor.'

Sec. 289. R. S., T. 32, § 155, amended. The first paragraph of section 155 of Title 32 of the Revised Statutes is amended to read as follows:

• 'The Governor ~~with the advice and consent of the Council~~ may by due process of law remove any member of the board for misconduct, incompetency, neglect of duty or for any malfeasance in office. Vacancies in the membership of the board shall be immediately filled for the unexpired term.'

• **Sec. 290. R. S., T. 32, § 351, amended.** The 3rd and 4th sentences of section 351 of Title 32 of the Revised Statutes are amended to read as follows:

'The tenure of each barber member of the board shall be for 3 years, initially appointed as follows: The present senior barber board member, as appointed under section 1601 prior to September 16, 1961, shall serve for a term of 3 years, the junior barber board member, similarly elected, shall serve for a term of 2 years and its 3rd barber member, created by this section, shall serve for a term of one year, and shall be appointed by the Governor ~~with the advice and consent of the Council.~~ Thereafter, each of the barber members of the

board shall be appointed by the Governor ~~with the advice and consent of the Council~~ for a term of 3 years and until his successor is appointed and qualified.'

Sec. 291. R. S., T. 32, § 351, amended. The 3rd sentence of the 2nd paragraph of section 351 of Title 32 of the Revised Statutes 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 Administrative Hearing Commissioner under Title 5, chapters 301 to 307, 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 this chapter 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 during the year, together with such recommendations as deemed necessary.'

Sec. 292. R. S., T. 32, § 351, amended. The 3rd paragraph of section 351 of Title 32 of the Revised Statutes is amended to read as follows:

'No person operating or employed by a school of barbering shall be appointed as a member of the board, and if any member of the board, after appointment, shall affiliate himself in any way with any such school of barbering, his membership on the board shall immediately terminate and the unexpired term of such member shall be filled by the Governor ~~and Council~~.'

Sec. 293. R. S., T. 32, § 501, amended. The first and last sentences of section 501 of Title 32 of the Revised Statutes are amended to read as follows:

'The Board of Chiropractic Examination and Registration, as heretofore established and in this chapter called the "board," shall consist of 5 persons, who shall be appointed by the Governor ~~with the advice and consent of the Council~~.'

'Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council~~.'

Sec. 294. R. S., T. 32, § 951, amended. The first and last sentences of the first paragraph of section 951 of Title 32 of the Revised Statutes are amended to read as follows:

'The Board of Dental Examiners, as heretofore established and in this chapter called the "board," shall consist of 5 members of the dental profession appointed by the Governor ~~with the advice and consent of the Council~~.'

'The Governor ~~with the advice and consent of the Council~~ may remove any member of said board on proven charges of inefficiency, incompetence, immorality or unprofessional conduct.'

Sec. 295. R. S., T. 32, § 1151, amended. The first and 7th sentences of section 1151 of Title 32 of the Revised Statutes are amended to read as follows:

'An Electricians Examining Board, as heretofore established, and in this chapter called the "board," shall consist of an executive secretary, who shall be the Insurance Commissioner or a representative from the Insurance Department dele-

gated by the Insurance Commissioner and 6 other members, hereinafter called the appointive members who shall be appointed by the Governor ~~with the advice and consent of the Council.~~'

'Any member of said board may be removed from office for cause, by the Governor ~~with the advice and consent of the Council.~~'

Sec. 296. R. S., T. 32, § 1301, amended. The first paragraph of section 1301 of Title 32 of the Revised Statutes is amended to read as follows:

'The State Board of Registration for Professional Engineers, as heretofore established, shall administer this chapter. The board shall consist of 5 professional engineers, who shall be appointed by the Governor ~~with the advice and consent of the Council,~~ from among nominees recommended by the representative engineering societies in the State and who shall have the qualifications required by section 1302.'

Sec. 297. R. S., T. 32, § 1304, amended. Section 1304 of Title 32 of the Revised Statutes is amended to read as follows:

'§ 1304. Removal; vacancies

The Governor ~~with the advice and consent of the Council~~ may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the Governor as provided in section 1301.'

Sec. 298. R. S., T. 32, § 1451, amended. The first paragraph of section 1451 of Title 32 of the Revised Statutes is amended to read as follows:

'The Board of Examiners of Funeral Directors and Embalmers, as heretofore established and in this chapter called the "board," shall consist of 5 members, one of whom shall be the Director of Health, who shall be secretary of said board, and the other members shall be licensed funeral directors and embalmers, who shall be appointed by the Governor ~~with the advice and consent of the Council~~ and they shall hold office for the term of 4 years. In case of a vacancy due to death, resignation or other cause, the vacancy shall be filled by an appointment for the unexpired term, as is provided for original appointments.'

Sec. 299. R. S., T. 32, § 1601, amended. The first sentence of the 2nd paragraph of section 1601 of Title 32 of the Revised Statutes is amended to read as follows:

'The 3 members of the board (State Board of Hairdressers) who are hairdressers shall be appointed by the Governor ~~with the advice and consent of the Council.~~'

Sec. 300. R. S., T. 32, § 1601, amended. The 3rd and last sentences of the 4th paragraph of section 1601 of Title 32 of the Revised Statutes are 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 Administrative Hear-

ing Commissioner under Title 5, chapters 301 to 307, 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 a license under this chapter 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 during the year, together with such recommendations as deemed necessary.'

'If any member of the board after appointment shall affiliate himself in any way with any such school of hairdressing and beauty culture, his membership on the board shall immediately terminate and the vacancy shall be filled by the Governor ~~and Council~~ in the manner provided for the appointment of new members for the remaining unexpired term of their predecessor.'

Sec. 301. R. S., T. 32, § 2151, amended. The first sentence and the last paragraph of section 2151 of Title 32 of the Revised Statutes are amended to read as follows:

'A State Board of Nursing, as heretofore created, shall consist of 5 professional nurses, one of whom, when feasible, shall be active in practical nurse education or in a school of practical nursing at the time of appointment, who shall be appointed by the Governor ~~with the advice and consent of the Council.~~

'The Governor may remove any member from the board for cause ~~with the advice and consent of the Council.~~

Sec. 302. R. S., T. 32, § 2351, amended. The first and 6th sentences of section 2351 of Title 32 of the Revised Statutes are amended to read as follows:

'An Oil Burner Men's Licensing Board, as heretofore established and in this chapter called the "board", shall consist of a chairman who shall be the Director of State Fire Prevention, ex officio, and 2 other members, called the appointive members, who shall be appointed by the Governor ~~with the advice and consent of the Council.~~

'Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council.~~

Sec. 303. R. S., T. 32, § 2501, amended. The first and 5th sentences of section 2501 of Title 32 of the Revised Statutes are amended to read as follows:

'The State Board of Registration and Examination in Optometry, as heretofore established and hereinafter in this chapter called the "board," shall consist of 5 persons appointed by the Governor ~~with the advice and consent of the Council.~~

'Any member of said board may be removed from office, for cause, by the Governor ~~with the advice and consent of the Council.~~

Sec. 304. R. S., T. 32, § 2651, amended. The first and last sentences of section 2651 of Title 32 of the Revised Statutes are amended to read as follows:

'The Board of Osteopathic Examination and Registration, as heretofore established and in this chapter called the "board," shall consist of 5 persons appointed by the Governor ~~with the advice and consent of the Council.~~

'Any member of said board may be removed from office, for cause, by the Governor ~~with the advice and consent of the Council.~~'

Sec. 305. R. S., T. 32, § 2851, amended. The first sentence of section 2851 of Title 32 of the Revised Statutes is amended to read as follows:

'A Board of Commissioners of the Profession of Pharmacy, as heretofore established and in this chapter called the "board," shall consist of 5 pharmacists all of whom shall be residents of the State and actually engaged in the practice of their profession, who shall be appointed and may be removed for cause by the Governor ~~with the advice and consent of the Council.~~'

Sec. 306. R. S., T. 32, § 2854, amended. The last sentence of section 2854 of Title 32 of the Revised Statutes is amended to read as follows:

'Said board shall annually in July make to the Governor ~~and Council~~ a report stating the condition of pharmacy in the State, with a full and complete record of all its official acts during the year and of the receipts and disbursements of the board to the last day of the preceding month.'

Sec. 307. R. S., T. 32, § 3201, amended. The first and last sentences of the first paragraph of section 3201 of Title 32 of the Revised Statutes are amended to read as follows:

'The Board of Registration in Medicine, as heretofore established and in this chapter called the "board," shall consist of 6 persons appointed by the Governor ~~with the advice and consent of the Council.~~'

'Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council.~~'

Sec. 308. R. S., T. 32, § 3401, amended. The first and 5th sentences of section 3401 of Title 32 of the Revised Statutes are amended to read as follows:

'A Plumbers' Examining Board, as heretofore established, shall consist of an executive officer who shall be the Director of the Division of Sanitary Engineering of the Bureau of Health and 2 other members, hereinafter called the appointive members, who shall be appointed by the Governor ~~with the advice and consent of the Council.~~'

'Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council.~~'

Sec. 309. R. S., T. 32, § 3601, amended. The first sentence of section 3601 of Title 32 of the Revised Statutes is amended to read as follows:

'The Examiners of Podiatrists, as heretofore appointed and in this chapter called the "examiners," shall be 2 members of the Board of Registration in Medicine together with 2 podiatrists appointed by the Governor ~~with the advice and consent of the Council.~~'

Sec. 310. R. S., T. 32, § 3801, amended. The first sentence of section 3801 of Title 32 of the Revised Statutes is amended to read as follows:

'The Governor ~~with the advice of the Council~~ may license not exceeding 50 detectives for the detection, prevention and punishment of crime, to serve for the term of 4 years, unless such license is sooner revoked for cause.'

Sec. 311. R. S., T. 32, § 3901, amended. The last sentence of section 3901 of Title 32 of the Revised Statutes is amended to read as follows:

'Any member of said board may be removed from office, for cause, by the Governor ~~and his Executive Council.~~'

Sec. 312. R. S., T. 32, § 4751, amended. The first and last sentences of the first paragraph of section 4751 of Title 32 of the Revised Statutes are amended to read as follows:

'The Board of Veterinary Examiners, as heretofore established and in this chapter called the "board," shall consist of 3 members who shall be veterinarians, appointed by the Governor ~~with the advice and consent of the Council.~~'

'Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council.~~'

Sec. 313. R. S., T. 32, § 4752, amended. The last sentence of section 4752 of Title 32 of the Revised Statutes is amended to read as follows:

'The treasurer shall receive all fees, charges and assessments payable to the board and account for and pay over the same according to law and shall annually, on the first day of July, make written report to the Governor ~~and Council~~ for all receipts and expenditures of said board.'

Sec. 314. R. S., T. 33, § 601, amended. The last sentence of section 601 of Title 33 of the Revised Statutes is amended to read as follows:

'In the meantime, the Governor ~~with the advice and consent of the Council~~ may fill vacancies by appointment, and the person so appointed shall hold his office until the first day of January, next after the election last mentioned.'

Sec. 315. R. S., T. 33, § 602, amended. The 2nd sentence of section 602 of Title 33 of the Revised Statutes is amended to read as follows:

'The Governor and ~~Council~~ the Secretary of State shall open and examine the same and the list of votes of citizens in the military service returned to said office.'

Sec. 316. R. S., T. 33, § 656, amended. Section 656 of Title 33 of the Revised Statutes is amended to read as follows:

§ 656. Owner of original records reimbursed for safekeeping

Whoever, having possession of or owning any such original records, delivers them to the Maine Historical Society as provided in section 655 shall be paid from the State Treasury the reasonable expenses incurred by him in obtaining possession or becoming the owner thereof, whenever the amount of such ex-

penses shall have been certified to by the Maine Historical Society and approved by the Governor ~~and Council~~. The cost of making said copy and of filing it in the registry of deeds shall be paid to said Maine Historical Society by the Treasurer of State whenever said cost shall have been certified to and approved by the Governor ~~and Council~~. The sums expended in any year under this section shall not exceed in the aggregate the sum of \$500.'

Sec. 317. R. S., T. 34, § 1, amended. The first and 3rd sentences of the 2nd paragraph of section 1 of Title 34 of the Revised Statutes are amended to read as follows:

'The department shall be under the control and supervision of a Commissioner of Mental Health and Corrections, as heretofore appointed and hereinafter in this Title called the "commissioner," who shall be appointed by the Governor with the advice and consent of the ~~Council~~ **Senate**; said appointment shall be for 3 years and until his successor is appointed and qualified ~~or during the pleasure of the Governor and Council~~.'

'He shall receive such salary as shall be fixed by the Governor ~~and Council~~.'

Sec. 318. R. S., T. 34, § 3, amended. The first paragraph of section 3 of Title 34 of the Revised Statutes is amended to read as follows:

'The department may make frequent inspections of all county jails and shall inspect all county jails at least twice in each year and report annually, before December 1st, to the Governor ~~and Executive Council~~ in respect to the conditions of said jails.'

Sec. 319. R. S., T. 34, § 41, amended. The 3rd sentence of section 41 of Title 34 of the Revised Statutes is amended to read as follows:

'No member of the Legislature ~~or the Governor's Council~~ shall serve on any Board of Visitors.'

Sec. 320. R. S., T. 34, § 132, amended. Section 132 of Title 34 of the Revised Statutes is amended to read as follows:

§ 132. Governor

Whenever a prisoner convicted of or charged with a capital crime or other high offense escapes from prison; or there is reasonable cause to believe that a person who is charged with such offense and has not been apprehended therefor cannot be arrested and secured in the ordinary course of proceedings, the Governor may, upon application in writing of the Attorney General or county attorney for the county in which such offense was committed, and upon such terms and conditions as he deems expedient and proper, offer a suitable reward, not exceeding \$1,000 for the arrest, return and delivery into custody of such escaped prisoner or fugitive from justice; and upon satisfactory proof that the terms and conditions of such offer have been complied with, he may ~~with the advice and consent of the Council~~ draw his warrant upon the Treasurer of State for the payment thereof.'

Sec. 321. R. S., T. 34, § 557, amended. The 2nd sentence of section 557 of Title 34 of the Revised Statutes is amended to read as follows:

'If it is returned unsatisfied, the creditor may file with the Governor ~~and Council~~ a copy of such execution and return, and serve on the warden a copy of such copy attested by the Secretary of State, with a notice under his hand of the day on which such copy was filed.'

Sec. 322. R. S., T. 34, § 708, amended. The 3rd sentence of section 708 of Title 34 of the Revised Statutes is amended to read as follows:

'When the warden believes that there are more convicts in the State Prison than can be confined there securely, he shall certify the fact to the Governor ~~and Council~~, who may authorize him to transfer them, so far as is necessary, to some jail.'

Sec. 323. R. S., T. 34, § 902, amended. Section 902 of Title 34 of the Revised Statutes is amended to read as follows:

§ 902. Jailer's duties when office of sheriff vacant

When a vacancy occurs in the office of sheriff, the jailer lawfully acting continues in office and shall retain charge of the jail and of all prisoners therein or committed thereto, and his official neglects and misdoings are a breach of his principal's official bond until a new sheriff is qualified, or the Governor ~~and Council remove~~ ~~removes~~ such jailer and ~~appoint~~ ~~appoints~~ another, which ~~they~~ ~~he~~ may do. The jailer so appointed shall give bond in the manner required of a sheriff for the faithful discharge of his duties.'

Sec. 324. R. S., T. 34, § 1551, amended. The 2nd and 4th sentences of section 1551 of Title 34 of the Revised Statutes are amended to read as follows:

'Two of the members shall be appointed by the Governor ~~with the advice and consent of the Council~~ from persons with special training or experience in law, sociology, psychology or related branches of social science.'

'The term of the regularly appointed members of the board shall be 4 years and until their successors have been appointed and qualified, or during the pleasure of the Governor ~~and Council~~.'

Sec. 325. R. S., T. 34, § 1552, sub-§§ 4 & 6, amended. Subsections 4 and 6 of section 1552 of Title 34 of the Revised Statutes are amended to read as follows:

4. Investigation. To provide necessary investigation of any criminal case or matter including ~~pre sentence~~ **presentence** investigation when requested by the court having jurisdiction;'

6. Recommendations. To make recommendations to the Governor ~~and Council~~ in reference to the granting of reprieves, commutations and pardons when requested;'

Sec. 326. R. S., T. 35, § 1, amended. The first sentence of section 1 of Title 35 of the Revised Statutes is amended to read as follows:

'The Public Utilities Commission, as heretofore established, shall consist of 3 members appointed by the Governor, with the advice and consent of the ~~Council~~

Senate, from time to time upon the expiration of the terms of the several members, for terms of 7 years.'

Sec. 327. R. S., T. 35, § 1, amended. The 2nd sentence of the last paragraph of section 1 of Title 35 of the Revised Statutes is amended to read as follows:

'The salary of the clerk, the director of transportation and the general counsel shall be left to the discretion of the commission, subject to the approval of the Governor ~~and Council.~~'

Sec. 328. R. S., T. 35, § 2, amended. The last sentence of section 2 of Title 35 of the Revised Statutes is amended to read as follows:

'Any willful violation of chapters 1 to 17 by any commissioner shall constitute sufficient cause for his removal by the Governor ~~with the advice and consent of the Council.~~'

Sec. 329. R. S., T. 35, § 70, amended. The last sentence of section 70 of Title 35 of the Revised Statutes is amended to read as follows:

'The commission may, with the consent of the Governor ~~and Council~~, hold joint hearings with the Interstate Commerce Commission with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of the commission and the Interstate Commerce Commission, in accord with the Act to regulate commerce and applicable amendments.'

Sec. 330. R. S., T. 35, § 1191, amended. Section 1191 of Title 35 of the Revised Statutes is amended to read as follows:

'§ 1191. Damages; municipality and State to share

If any person claims damages on account of any act done under sections 1189 and 1190, he may, within 2 years after the doing of any such act, petition the Public Utilities Commission to assess his damages and the said commission, after reasonable notice to the petitioner and to the interested municipality and, after hearing, shall award such sum as seems proper as damages to be paid by the municipality wherein the property is located. Upon proper proof of any such payment, the Governor ~~and Council~~ shall cause $\frac{1}{2}$ thereof to be paid by the State to such municipality.'

Sec. 331. R. S., T. 36, § 54, amended. Section 54 of Title 36 of the Revised Statutes is amended to read as follows:

'§ 54. Annual report to Governor

The State Tax Assessor shall annually, before the first day of January, make a report to the Governor ~~and Council~~ of the proceedings of the Bureau of Taxation, and shall include therein tabular summaries derived from returns from local assessors, with summaries showing the taxes assessed against corporations, and such statistics and other information concerning revenue and taxation as may be deemed of public interest, and for the years in which the Board of Equalization shall have equalized the valuation of the State, the report shall include tabular statements of the state valuation by towns.'

Sec. 332. R. S., T. 36, § 101, amended. The first sentence of section 101 of Title 36 of the Revised Statutes is amended to read as follows:

'The State Tax Assessor may, subject to the approval of the Governor and ~~Council~~ **the Attorney General**, within 3 years from the assessment, if justice requires, make an abatement of any state, county or forestry district taxes.'

Sec. 333. R. S., T. 36, § 291, amended. The first and 4th sentences of section 291 of Title 36 of the Revised Statutes are amended to read as follows:

'The Board of Equalization, as heretofore established, shall consist of the State Tax Assessor as chairman serving without additional salary, and 2 associate members not otherwise connected with the State Government or any local government thereof appointed by the Governor ~~and Council~~ for terms of 4 years.'

'Each associate member shall be paid a per diem, to be fixed by the Governor and ~~Council~~ **the Commissioner of Finance and Administration**, when attending meetings called by the chairman, and shall receive his actual expenses incurred in the performance of his official duties.'

Sec. 334. R. S., T. 36, § 652, sub-§ 1, ¶ I, amended. Paragraph I of subsection 1 of section 652 of Title 36 of the Revised Statutes is amended to read as follows:

'I. Any college in this State authorized to confer the degree of bachelor of arts or of bachelor of science and having real estate liable to taxation shall, on the payment of such tax and proof of the same to the satisfaction of the Governor ~~and Council~~, be reimbursed from the State Treasury to the amount of the tax so paid, provided the aggregate amount reimbursed to any college in any one year shall not exceed \$1,500 and this right of reimbursement shall not apply to real estate bought after April 12, 1889.'

Sec. 335. R. S., T. 36, § 1332, amended. Section 1332 of Title 36 of the Revised Statutes is amended to read as follows:

§ 1332. Abatement where double tax

Whenever it appears to the State Tax Assessor that any parcel of property in the State has been doubly taxed in any year, and it appears by the records that a moiety of such tax has been paid, the State Tax Assessor may, subject to the approval of the Governor and ~~Council~~ **the Attorney General**, abate the balance remaining unpaid, and said tax or taxes shall be canceled upon the books of the State.'

Sec. 336. R. S., T. 37, § 1, amended. The 3rd paragraph of section 1 of Title 37 of the Revised Statutes is amended to read as follows:

'The commissioner (of Veterans Services) shall be appointed by the Governor ~~with the advice and consent of the Council~~ to serve for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled by appointment for a like term. The commissioner shall receive such salary as shall be fixed by the Governor and ~~Council~~ **the Commissioner of Finance and Administration**.'

Sec. 337. R. S., T. 38, § 81, amended. Section 81 of Title 38 of the Revised Statutes is amended to read as follows:

‘§ 81. Appointment; bond

The Governor ~~with the advice and consent of the Council~~ may appoint pilots for any port in which a majority of the ship owners and masters apply in writing therefor and recommend suitable persons, and shall give to each of them branches or warrants for the execution of the duties of his office. Such pilots shall, before entering upon said duties, give bond to the Treasurer of State.’

Sec. 338. R. S., T. 38, § 83, amended. Section 83 of Title 38 of the Revised Statutes is amended to read as follows :

‘§ 83. Fees; complaints; suspension or removal

The Governor ~~and Council~~ may fix the fees of pilotage, specify the same in the branch of each pilot, transmit to each collector of customs in said ports a schedule thereof, to be hung up by him for public inspection, hear and determine all complaints against such pilots for misconduct, and suspend or remove them and appoint others in their places.’

Sec. 339. R. S., T. 38, § 361, amended. The first sentence of section 361 of Title 38 of the Revised Statutes is amended to read as follows :

‘The Water Improvement Commission, as heretofore established and hereinafter in this subchapter called the “commission,” shall consist of the Commissioner of Health and Welfare who shall serve during his term of office and 8 members appointed by the Governor ~~with the advice and consent of the Council~~, 2 of whom shall represent manufacturing interests of the State, 2 of whom shall be representatives of municipalities, 2 of whom shall represent the public generally and 2 of whom shall represent the conservation interests in the State.’

Sec. 340. R. S., T. 38, § 362, amended. The 2nd sentence of section 362 of Title 38 of the Revised Statutes is amended to read as follows :

‘The commission (Water Improvement) is authorized, subject to the approval of the Governor and ~~Council~~ **Attorney General**, to accept federal funds available for water pollution control and water resources and meet such requirements with respect to the administration of such funds, not inconsistent with this subchapter, as are required as conditions precedent to receiving federal funds.’

Sec. 341. R. S., T. 38, § 532, amended. The 4th sentence of section 532 of Title 38 of the Revised Statutes is amended to read as follows :

‘The Governor ~~by and with the consent and advice of the Council~~ shall appoint 3 more commissioners who shall be citizens of the State, one to represent municipal interests, one to represent industrial interests and one to represent the public generally.’

Sec. 342. R. S., T. 38, § 811, amended. Section 811 of Title 38 of the Revised Statutes is amended to read as follows :

‘§ 811. Appointment of engineer; duties

The Governor ~~with the advice and consent of the Council~~ shall annually appoint a competent and practical engineer, a citizen of the State, who shall hold

said office until his successor is appointed and qualified, and who shall, upon petition of 10 resident taxpayers of any town or several towns, the selectmen or assessors of any town or the county commissioners of any county, inspect any dam or reservoir located in such town or county erected for the saving of water for manufacturing or other uses, and after personal examination and hearing the testimony of witnesses summoned for the purpose, shall forthwith report to the Governor his opinion of the safety and sufficiency thereof.'

Sec. 343. R. S., T. 39, § 91, amended. The 2nd sentence of section 91 of Title 39 of the Revised Statutes is amended to read as follows:

'They (Industrial Accident Commission) shall be appointed by the Governor, with the advice and consent of the ~~Council~~ **Senate**.'

Sec. 344. R. S., T. 39, § 91, amended. The 2nd paragraph of section 91 of Title 39 of the Revised Statutes is amended to read as follows:

'The commissioners so appointed shall hold office for the terms aforesaid, unless removed, and until their successors are appointed and qualified. They shall all have the same authority and powers, but their respective duties shall be determined by the chairman. They shall be sworn, and for inefficiency, willful neglect of duty or for malfeasance in office may, after notice and hearing, be removed by the Governor ~~and Council~~. In case of a vacancy occurring through death, resignation or removal, the Governor, **with the advice and consent of the Senate**, shall appoint a successor for the whole term of the member whose place he takes, subject to removal. In case the office of chairman becomes vacant, the senior commissioner shall act as chairman until the Governor makes an appointment to fill such vacancy.'

Sec. 345. R. S., T. 39, § 108, amended. Section 108 of Title 39 of the Revised Statutes is amended to read as follows:

§ 108. Biennial report of commission

The commission shall make a report to the Governor ~~and Council~~ for the biennial period ending December 31st of each even year, giving such statistical information as may be contained in its department in relation to the administration of this Act, particularly with reference to the number of employees under the Act, the number injured, the amount of compensation and other benefits paid and the cost of the same to the employers.'

Sec. 346. Effective date. This Act shall take effect on the first Wednesday in January, 1967.