

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1589

Presented by Mr. Violette from Committee on Judiciary. Printed under House Rule 36.

JEROME G. PLANTE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

COMMITTEE AMENDMENT "A" to S. P. 414, L. D. 1310, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by inserting after section 2, 4 new sections, as follows:

"Sec. 2-A. R. S., T. 3, § 41, amended. Section 41 of Title 3 of the Revised Statutes is amended by adding at the end of the first paragraph, a new sentence, as follows:

'All revenues received by the document clerk in the performance of his duties shall be credited to the General Fund.'

Sec. 2-B. R. S., T. 3, § 161, amended. Section 161 of Title 3 of the Revised Statutes is amended to read as follows:

§ 161. Composition of committee; appointment

A Legislative Research Committee, as heretofore established, shall consist of 7 Senators to be appointed by the President of the Senate **from the majority and minority parties in the Senate, approximately in proportion to their respective membership in the Senate**, and ~~7~~ 10 Representatives to be appointed by the Speaker of the House of Representatives **from the majority and minority parties in the House, approximately in proportion to their respective membership in the House**, during each regular session. The President of the Senate and the Speaker of the House of Representatives shall be members ex officio. The committee shall elect a chairman who shall serve as such at the pleasure of the committee.'

Sec. 2-C. Appropriation. There is appropriated from the General Fund the sum of \$1,500 for the fiscal year ending June 30, 1966 and \$1,500 for the fiscal year ending June 30, 1967 to the Legislative Research Committee to carry out the purposes of section 2-B. The breakdown shall be as follows:

| | 1965-66 | 1966-67 |
|---------------------------------|---------------|---------------|
| LEGISLATIVE RESEARCH COMMITTEE | | |
| Personal Services (Per Diem) | (3) \$ 850 | (3) \$ 850 |
| All Other | 650 | 650 |
| | <hr/> \$1,500 | <hr/> \$1,500 |

Sec. 2-D. R. S., T. 3, § 163, sub-§ 15, amended. Subsection 15 of section 163 of Title 3 of the Revised Statutes is amended by adding at the end, a new paragraph, as follows :

'The Legislative Research Committee shall appoint an assistant finance officer to assist the Finance Officer in carrying out his duties. He shall be chosen without reference to party affiliation and solely on the grounds of fitness to perform the duties of his office. He shall hold office for 6 years from the date of his appointment and until his successor has been appointed and qualified. His salary shall be determined by the Legislative Research Committee.'"

Further amend said Bill by striking out all of section 4.

Further amend said Bill by inserting after section 6, 8 new sections, as follows :

"Sec. 6-A. R. S., T. 6, § 81, amended. The 2nd sentence of section 81 of Title 6 of the Revised Statutes is amended to read as follows :

'The director shall be a licensed airplane pilot.'

Sec. 6-B. R. S., T. 7, § 2954, amended. The last sentence of the 10th paragraph of section 2954 of Title 7 of the Revised Statutes is amended to read as follows :

'In addition to any penalty otherwise provided by law, the commission after notice and hearing may prohibit any such practice, and any person feeling himself aggrieved by any order of the commission issued under this chapter may appeal to the Superior Court as provided in section 2955.'

Sec. 6-C. R. S., T. 12, § 504, amended. The 2nd paragraph of section 504 of Title 12 of the Revised Statutes, as repealed and replaced by section 5 of chapter 226 of the public laws of 1965, is amended to read as follows :

'He is authorized and directed to prosecute cases of trespass on such lands in the same manner as specified in ~~section 4152~~ Title 30, section 4167.'

Sec. 6-D. R. S., T. 12, § 1201, amended. The 7th paragraph of section 1201 of Title 12 of the Revised Statutes, as repealed and replaced by section 34 of chapter 226 of the public laws of 1965, is amended to read as follows :

'Piscataquis County. Townships N.W.P. : 6,R.8; 4,R.9; 5,R.9; 6,R.9; 7,R.9; ~~7,R.9~~ 7,R.10; 8,R.10. Townships B.K.P., E.K.R. : 3,R.5; 2,R.6. Townships W.E.L.S. : 1,R.9; 2,R.9; 3,R.9; 4,R.9; 5,R.9; 6,R.9; 7,R.9; 8,R.9; 9,R.9; 10,R.9; A,R.10; B,R.10; 1,R.10; 2,R.10; 3,R.10; 4,R.10; 5,R.10; 6,R.10; 7,R.10; 8,R.10; 9,R.10; 10,R.10; A,R.11; B,R.11; 1,R.11; 2,R.11; 3,R.11; 4,R.11; 5,R.11; 6,R.11;

7,R.11; 8,R.11; 9,R.11; 10,R.11; A,R.12; 1,R.12; 2,R.12; 3,R.12; 4,R.12; 5,R.12; 6,R.12; 7,R.12; 8,R.12; 9,R.12; 10,R.12; A,R.13; A2,R.13 and 14; 1,R.13; 2,R.13; 3,R.13; 4,R.13; 5,R.13; 6,R.13; 7,R.13; 8,R.13; 9,R.13; 10,R.13; A,R.14; 1,R.14; X,R.14; 3,R.14; 4,R.14; 5,R.14; 6,R.14; 7,R.14; 8,R.14; 9,R.14; 10,R.14; East Middlesex Canal; Day's Academy Grant; 3,R.15; 4,R.15; 5,R.15; 6,R.15; 7,R.15; 8,R.15; 9,R.15; 10,R.15. Other townships: Harford's Point; Cove Point; All islands in Moosehead; Medford; Orneville. Municipalities: Bowerbank; Barnard Plantation; Elliotsville Plantation, Kingsbury Plantation, Lakeview Plantation.'

Sec. 6-E. R. S., T. 12, § 1203, amended. The first paragraph of section 1203 of Title 12 of the Revised Statutes, as amended by section 35 of chapter 226 of the public laws of 1965, is repealed and the following enacted in place thereof:

'The commissioner shall take measures for the prevention, control and extinguishment of forest fires in said forestry district, and to this end he shall establish such administrative divisions as he may deem necessary.'

Sec. 6-F. R. S., T. 12, § 1252, amended. The first sentence of section 1252 of Title 12 of the Revised Statutes, as amended by section 37 of chapter 226 of the public laws of 1965, is further amended to read as follows:

'The commissioner shall be responsible for the prevention, control and extinguishment of forest fires in said Forestry District, and to this end he shall in all areas of the State and shall have an unbroken chain of command down to and including town forest fire wardens.'

Sec. 6-G. R. S., T. 12, § 1505, amended. The first sentence of section 1505 of Title 12 of the Revised Statutes, as amended by section 51-A of chapter 226 of the public laws of 1965, is further amended to read as follows:

'Owners or operators of all primary wood-using sawmills, and primary processors of veneer wood, cordwood, boltwood, pulpwood, posts, poles, piling and fence rails, except for domestic use and not for sale or conversion into products for sale, shall render an annual report to the commissioner during the month of January of each year of the amount of softwoods and hardwoods processed by species within the State by ~~or for~~ them during the preceding calendar year, and showing the county or counties from which the wood was taken.'

Sec. 6-H. R. S., T. 12, § 2253, amended. The first sentence of section 2253 of Title 12 of the Revised Statutes, as amended by section 61 of chapter 226 of the public laws of 1965, is further amended to read as follows:

'No person shall place any trailer, camper, shelter or tent from May 1st to November 30th at any public campsite maintained or authorized by the department and keep such trailer, camper, shelter or tent so located, vacant or occupied, for more than one week in any 30-day period.'

Further amend said Bill by striking out all of section 11 and inserting in place thereof the following:

"Sec. 11. R. S., T. 15, § 1904, amended. Section 1904 of Title 15 of the Revised Statutes is amended to read as follows:

§ 1904. Inability to pay fine and costs; liberation

Except when otherwise provided, any convict sentenced to pay a fine or costs or both and committed or confined for default thereof and for no other cause shall be given a credit of \$5 on such fine or costs or both for each day during which he shall be confined and shall be discharged at such time as the said credits or such credits as have been given and money paid in addition thereto shall equal the amount of the fine or costs or both, but no ~~convict shall be discharged in less than 30 days in any case, nor shall any~~ convict shall serve more than 11 months to discharge his liability under any single fine or costs or both, and in all cases no further action shall be taken to enforce payment of said fine or costs or both."

Further amend said Bill by inserting after section 14, 2 new sections, as follows:

"Sec. 14-A. R. S., T. 21, § 701, sub-§ 3, amended. Subsection 3 of section 701 of Title 21 of the Revised Statutes is amended to read as follows:

'3. Order of offices. The order of offices on the ballot is as follows: United States Senator, Governor ~~and~~, Representative to Congress, **State Senator and Representative to the Legislature** followed by the ~~other state and~~ county offices.'

Sec. 14-B. R. S., T. 21, § 702, sub-§ 4, amended. Subsection 4 of section 702 of Title 21 of the Revised Statutes is amended to read as follows:

'4. Order of offices. The order of offices on the ballot is as follows: President and Vice-President, United States Senator, Governor ~~and~~, Representative to Congress, **State Senator and Representative to the Legislature** followed by the ~~other state and~~ county offices.'

Further amend said Bill by inserting after section 15, 2 new sections, as follows:

"Sec. 15-A. R. S., T. 22, § 7, amended. Section 7 of Title 22 of the Revised Statutes is amended by adding at the end, a new paragraph, as follows:

'The department shall establish in the State House complex, in cooperation with the Bureau of Public Improvements, and administer under appropriate rules and regulations a first aid and health service for state employees and State House visitors.'

Sec. 15-B. Appropriation. There is appropriated from the General Fund to the Department of Health and Welfare the sum of \$7,880 for the fiscal year ending June 30, 1966 and \$5,538 for the fiscal year ending June 30, 1967 to carry out the purposes of section 15-A. The breakdown shall be as follows:

| Department | 1965-66 | 1966-67 |
|--------------------|---------|---------|
| HEALTH AND WELFARE | | |
| Personal Services | \$4,030 | \$4,238 |
| All Other | 750 | 1,200 |

| | | |
|----------------------------------|---------|----------|
| Capital Expenditures | 2,000 | 100 |
| Mechanical & Structural Expenses | 1,100 | — |
| | Total | \$5,538” |
| | \$7,880 | |

Further amend said Bill by inserting after section 19, 3 new sections, as follows:

“**Sec. 19-A. R. S., T. 28, § 55, sub-§ 14, amended.** The 4th sentence of subsection 14 of section 55 of Title 28 of the Revised Statutes is amended to read as follows:

‘Their power and duties shall include the duty to inquire into and arrest for violations of any of the provisions of this Title, **to arrest for violations of Title 17, chapter 69,** to arrest for violations of Title 29, section 2182, to arrest for impersonation of or interference with liquor inspectors, and to arrest for disturbances of the peace in the pursuance of their duties relating to liquor under this Title and to serve all processes necessary for and pertaining to enforcement of any of the provisions of this Title.’

Sec. 19-B. R. S., T. 30, § 4167, amended. The first sentence of the 2nd paragraph of section 4167 of Title 30 of the Revised Statutes, as amended by section 67 of chapter 226 of the public laws of 1965, is further amended to read as follows:

‘The assessors in the organized plantations of the State shall help police the ~~reserved~~ public ~~reserved~~ lots within the boundaries of their respective plantations without any expense to the commissioner.’

Sec. 19-C. R. S., T. 32, § 1952, sub-§ 4, amended. Subsection 4 of section 1952 of Title 32 of the Revised Statutes, as amended by section 70 of chapter 226 of the public laws of 1965, is further amended to read as follows:

‘**4. Others.** Highway contractors, sub-contractors and their employees in the removal of trees during the performance of contracts for the construction or maintenance of highways, and the felling, pruning, trimming or shaping of shade or ornamental trees by a general contractor in the conduct of his **regular** business.’”

Further amend said Bill by inserting after section 21, 3 new sections, as follows:

“**Sec. 21-A. R. S., T. 33, § 654-A, additional.** Title 33 of the Revised Statutes is amended by adding a new section 654-A, to read as follows:

‘**§ 654-A. Certain county records of deeds to be copied; legal effect**

When contents of certain volumes of county records of deeds are found in deteriorating condition, the register of deeds of each and every county is authorized to make a true copy of the contents of any such volume and to certify that they are true copies of said records.

When said copies are so made and certified, the records contained therein and

certified copies made therefrom shall be received in all courts of law with the same legal effect as those contained in the original volumes.'

Sec. 21-B. R. S., T. 36, § 991, amended. The first sentence of section 991 of Title 36 of the Revised Statutes is amended to read as follows:

'If any resident or nonresident taxpayer after a reasonable demand refuses or neglects to pay any part of the tax assessed against him in accordance with this chapter **or chapter 109**, the tax collector may distrain him in any part of the State by any of his goods and chattels not exempt from attachment for debt, for the whole or any part of his tax, and may keep such distress for not less than 4 days nor more than 7 days at the expense of the owner, and if he does not pay his tax within that time, the distress shall be openly sold at vendue by the tax collector after the 4th day but on or before the 7th day.'

Sec. 21-C. R. S., T. 36, § 993, amended. The first paragraph of section 993 of Title 36 of the Revised Statutes is amended to read as follows:

'If any resident or nonresident taxpayer assessed in accordance with this chapter **or chapter 109**, for 12 days after demand, refuses or neglects to pay his tax and to show the tax collector sufficient goods and chattels to pay it, such officer may arrest him in the county where found and commit him there to jail, until he pays it or is discharged by law.'

Further amend said Bill by inserting after section 25, a new section, as follows:

'Sec. 25-A. Hersey Fund restored. The City of Bangor is authorized to issue its general obligation bonds or notes in the aggregate principal amount of \$100,000 in accordance with the applicable provisions of its charter, the proceeds of which, except premiums, shall be used to provide money to restore the principal of the Hersey Fund, so-called, received by said city in trust under the will of the late Samuel F. Hersey and used in the year 1893 to construct the Hersey Memorial Building, more commonly known as the Bangor City Hall. So long as the city shall remain trustee, said funds so restored shall be deposited or invested in the manner permitted by law for the investment of trust funds of municipalities and the income therefrom shall be used in accordance with the provisions of the will of said Samuel F. Hersey. General obligation bonds or notes issued hereunder may be issued and sold separately or may be consolidated and sold together with any other issue or issues of general obligation bonds or notes of said city. Any premiums received upon such bonds or notes, less the cost of preparing, issuing and marketing them, shall be applied to the payment of the principal of the first of such bonds or notes to mature.'

Further amend said Bill by adding at the end thereof the following:

'Sec. 30. Effective date. Sections 6-C to 6-H, 19-B and 19-C shall become effective 91 days after the adjournment of the Legislature.'