

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION
(EMERGENCY)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1781

S. P. 695

In Senate, January 17, 1966

The Committee on Judiciary suggested.

EDWIN H. PERT, Secretary

Presented by Senator Violette of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SIX

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

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, many Acts enacted by the 102nd Legislature in regular session have created inconsistencies and technical errors; and

Whereas, such inconsistencies and errors have created uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that such uncertainties be resolved so that injustices to the people of Maine may be avoided; and

Whereas, in the judgment of the Legislature these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 1, § 72, sub-§ 21, amended. Subsection 21 of section 72 of Title 1 of the Revised Statutes is amended to read as follows:

‘21. State. “State,” used with reference to any organized portion thereof of the United States, may mean a territory or ~~said district~~ the District of Columbia.’

Sec. 2. R. S., T. 4, § 57, amended. The first sentence of section 57 of Title 4 of the Revised Statutes, as amended by section 1 of chapter 158 and by section 1 of chapter 356, both of the public laws of 1965, is repealed and the following enacted in place thereof:

'The following cases only come before the court as a court of law: Cases on appeal from the Superior Court or a single Justice of the Supreme Judicial Court; questions of law arising on reports of cases, including interlocutory orders or rulings of such importance as to require, in the opinion of the justice, review by the law court before any further proceedings in the action; agreed statement of facts; cases presenting a question of law; all questions arising in cases in which equitable relief is sought; motions to dissolve injunctions issued after notice and hearing or continued after a hearing; questions arising on writs of habeas corpus, mandamus and certiorari and questions of state law certified by the federal courts.'

Sec. 3. R. S., T. 4, § 102, amended. The first sentence of section 102 of Title 4 of the Revised Statutes, as amended by section 6 of chapter 412 of the public laws of 1965, is repealed and the following enacted in place thereof:

'Each of the Justices of the Superior Court shall receive an annual salary of \$17,500.'

Sec. 4. R. S., T. 4, § 109, repealed. Section 109 of Title 4 of the Revised Statutes is repealed, as follows:

'§ 109. Writs when returnable

All writs of the Superior Court returnable at a regular term of court in the County of Cumberland shall be made returnable at one of the next 3 terms to be begun and held after the issuing thereof, and in the Counties of Androscoggin, Kennebec, Penobscot and York at one of the next 2 terms to be so begun and held. In all other counties such writs shall be made returnable at the first term of court to be held more than 14 days after issuing thereof.'

Sec. 5. R. S., T. 4, § 157, amended. The 4th and 5th sentences of section 157 of Title 4 of the Revised Statutes, as amended by chapter 372 of the public laws of 1965, are repealed and the following enacted in place thereof:

'Each judge shall receive an annual salary of \$13,500 and the Chief Judge shall receive an annual salary of \$14,500. The Chief Justice of the Supreme Judicial Court shall designate one of the Judges as Chief Judge.'

Sec. 6. R. S., T. 5, § 711, sub-§ 8, amended. Subsection 8 of section 711 of Title 5 of the Revised Statutes is amended to read as follows:

'8. University of Maine, etc. Officers and employees of the University of Maine, of the several state ~~teachers'~~ colleges and of the unorganized territory school system and the teachers and principals of the school systems in state vocational schools and state institutions.'

Sec. 7. R. S., T. 5, § 1001, sub-§ 10, amended. Subsection 10 of section 1001 of Title 5 of the Revised Statutes is amended to read as follows:

10. Employee. "Employee" shall mean any regular classified or unclassified officer or employee in a department, including teachers in the state ~~teachers'~~ colleges and for the purposes of this chapter, teachers in the public schools, but shall not include any member of the Legislature or the Council or any Justice of the Superior Court or Supreme Judicial Court who is now or may be later entitled to retirement benefits under Title 4, section 5, and Title 4, section 103, nor shall it include any Judge of the District Court who is now or may be later entitled to retirement benefits under Title 4, chapter 5, nor shall it include any member of the State Police who is now entitled to retirement benefits under Title 25, chapter 195. Persons serving during any probationary period required under the Personnel Law and rules of the Personnel Board shall be deemed regular employees for purposes of this definition. In all cases of doubt, the board of trustees shall determine whether any person is an employee as defined in this chapter.'

Sec. 8. R. S., T. 5, § 1124, sub-§ 1, ¶ B, sub-¶ (1), div. (a), repealed and replaced. Division (a) of subparagraph (1) of paragraph B of subsection 1 of section 1124 of Title 5 of the Revised Statutes is repealed and the following enacted in place thereof:

'(a) A spouse, alive and not remarried at the time of the death of the member, shall be paid \$100 a month, commencing the first month after such death occurs, and continuing until the date of his death or remarriage, whichever happens first, providing that either the deceased member had 10 years of creditable service at the time of his death or that the surviving spouse is certified by the medical board, after a medical examination, to be mentally or physically incapacitated and that such incapacity is likely to be permanent. Such spouse may qualify for this benefit in addition to any payments received as provided by division (b), but shall not receive this benefit simultaneously with that provided by division (b).'

Sec. 9. R. S., T. 7, § 993, sub-§ 6, ¶ C, repealed and replaced. Paragraph C of subsection 6 of section 993 of Title 7 of the Revised Statutes is repealed and the following enacted in place thereof:

'C. State of Maine Standards for Potatoes issued by the State of Maine Commissioner of Agriculture in accordance with section 951.'

Sec. 10. R. S., T. 7, § 1754, amended. Section 1754 of Title 7 of the Revised Statutes is amended to read as follows:

§ 1754. Responsibility of division chief

The Chief of the Division of Animal Industry shall be responsible to the commissioner for the prevention, control and eradication of contagious and infectious diseases among domestic animals of the State. He shall administer chapters 201, 205, 207, 301, 303, 305, 701, 703, ~~705~~, 711 and 713, and sections 3603 to 3605. He shall perform such other duties as may be designated by the commissioner.'

Sec. 11. R. S., T. 7, § 3401, amended. The 2nd, 3rd and 4th paragraphs of section 3401 of Title 7 of the Revised Statutes are repealed.

Sec. 12. R. S., T. 7, § 3402, amended. Section 3402 of Title 7 of the Revised Statutes is amended to read as follows :

‘§ 3402. Copies of law posted

The commissioner shall seasonably forward to the clerks of the several municipalities copies of sections 3401, 3451 ~~350+~~ and 3701 to 3703, and each clerk shall annually, at least 20 days before the first day of ~~April~~ **January**, post said copies in the usual places of posting notices of the annual municipal or town elections.’

Sec. 13. 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 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. 14. R. S., T. 7, § 3453, amended. The first paragraph of section 3453 of Title 7 of the Revised Statutes is amended to read as follows :

‘The commissioner is authorized to appoint a dog recorder or recorders in unorganized territories. Said recorders shall list all dogs 4 months old or over, owned or kept by any inhabitants on ~~April~~ **January** 1st, setting the number and sex thereof opposite the names of their respective owners and keepers. Said returns shall be made to the commissioner on or before the first day of June following.’

Sec. 15. R. S., T. 7, § 3701, amended. Section 3701 of Title 7 of the Revised Statutes is amended to read as follows :

‘§ 3701. Keeping unlicensed dog

Whoever keeps a dog contrary to this chapter and chapters 701, 703 ~~705~~ and 711 and sections 3603 to 3605, shall be punished by a fine of not more than \$25 to be recovered by complaint before any District Court.’

Sec. 16. R. S., T. 7, § 3703, amended. The first paragraph of section 3703 of Title 7 of the Revised Statutes is amended to read as follows :

‘Each police officer, constable or State Humane Agent to whom the warrants named in section 3702 are issued shall return the same at the time specified. Such officers shall receive from the municipality the sum of \$2 for each dog killed or otherwise disposed of, and for other services rendered under this chapter and chapters 701, 703 ~~705~~ and 711 and sections 3603 to 3605, they shall receive such compensation as the municipal officers may determine.’

Sec. 17. R. S., T. 7, § 3704, amended. Section 3704 of Title 7 of the Revised Statutes is amended to read as follows :

§ 3704. Official refusal or neglect of duty

Any mayor, selectman, clerk, constable or police officer who refuses or willfully neglects to perform the duties imposed by sections 3401 to 3403, 3451, 3452, ~~3501~~ 3651 to 3653 and 3701 to 3703 shall be punished by a fine of not less than \$10 nor more than \$50, and costs.

Sec. 18. R. S., T. 7, § 3705, amended. The first sentence of section 3705 of Title 7 of the Revised Statutes is amended to read as follows:

'The District Court shall have original and concurrent jurisdiction with the Superior Court of all violations of this chapter and chapters 701, 703 ~~705~~ and 711 and sections 3603 to 3605.'

Sec. 19. R. S., T. 9, § 3206, amended. The 3rd paragraph of section 3206 of Title 9 of the Revised Statutes, as enacted by chapter 250 of the public laws of 1965, is amended to read as follows:

“STATE OF MAINE

Be it ~~known~~ **known** that whereas” (the names of the subscribers to the agreement of association) “have associated themselves with the intention of forming a corporation under the name of” (the name of the corporation) “for the purpose” (the purpose declared in the agreement of association) “with a capital stock of” (the amount fixed in the agreement of association)”, and have complied with the provisions of the statutes of this State in such case made and provided, as appears from the articles of organization of said corporation, duly approved by the Attorney General, and recorded in this office; now, therefore, I” (the name of the secretary)”, Secretary of the State of Maine, do hereby certify that said” (the names of the subscribers to the agreement of association)”, their associates and successors, are legally organized and established as, and are hereby made, an existing corporation under the name of” (name of corporation)”, with the powers, rights and privileges, and subject to the limitations, duties and restrictions, which by law appertain thereto.’

Sec. 20. R. S., T. 12, § 501, amended. The last sentence of section 501 of Title 12 of the Revised Statutes, as amended by section 2 of chapter 226 and by section 7 of chapter 412, both of the public laws of 1965, is repealed and the following enacted in place thereof:

‘He shall receive an annual salary of \$13,000, of which \$8,667 shall be paid from funds raised and created by the tax assessed under section 1601.’

Sec. 21. R. S., T. 12, § 1402, amended. The first sentence of section 1402 of Title 12 of the Revised Statutes, as amended by section 45 of chapter 226 of the public laws of 1965, is further amended to read as follows:

‘To better accommodate recreational and sporting users of the woods and to prevent forest fires in the Maine Forestry District, the commissioner is authorized to issue permits for out-of-door fires except on areas where the majority ownerships thereof ~~has withdrawn~~ **have withdrawn** permission in writing to the commissioner.’

Sec. 22. R. S., T. 12, § 1601, amended. The first sentence of section 1601 of Title 12 of the Revised Statutes, as amended by chapter 102 and by section 57 of chapter 226, both of the public laws of 1965, is repealed and the following enacted in place thereof:

'A tax of 5¼ mills on the dollar is assessed upon all the property in the Maine Forestry District, including rights in public reserved lots, to be used for the protection thereof; except that in organized municipalities the tax rate shall be 5¼ mills multiplied by a fraction whose numerator is the previous year's assessed value of the land taxable by the municipality, including dams and power houses but not including any other structure or building, and whose denominator is the total previous year's assessed value of all property taxable by the municipality.'

Sec. 23. R. S., T. 12, § 2154, amended. That part of section 2154 of Title 12 of the Revised Statutes, which relates to Marsh Island, as enacted by section 8 of chapter 448 of the public laws of 1965, is repealed and the following enacted in place thereof:

'Marsh Island: Marsh Island in Penobscot County.'

Sec. 24. R. S., T. 12, § 2358, sub-§ 1, amended. The 3rd paragraph of subsection 1 of section 2358 of Title 12 of the Revised Statutes, as amended by chapters 5 and 164 and by section 15 of chapter 448, all of the public laws of 1965, is repealed and the following enacted in place thereof:

'The open season on mink and muskrat shall be during the month of November in each calendar year; except that the open season on muskrat in Somerset County shall be from October 21st to November 21st of each year; in Washington County shall be from April 1st to April 30th of each year and in York and Franklin Counties and that portion of Cumberland County which borders on the Saco River from Route 35 north to the Oxford County line shall be only from March 20th to April 20th in each year; and except that the open season on muskrat in Aroostook County shall be during the period from April 15th to May 15th and except that the open season on muskrat in Piscataquis County shall be during the month of April only in each year; and except that the open season on muskrat within the watershed of Saco River in Oxford County, and on all lakes, ponds, marshes and streams tributary thereto, and within said county, shall be only from the first day of November to the 25th day of April in the following year.'

Sec. 25. R. S., T. 12, § 2401, sub-§ 4, amended. The last paragraph of subsection 4 of section 2401 of Title 12 of the Revised Statutes, as amended by section 3 of chapter 428 and by section 16 of chapter 448, both of the public laws of 1965, is repealed and the following enacted in place thereof:

'Nonresident hunting licenses shall be of 2 classes: One class shall be issued upon the payment of \$15.25, which will license the holder to hunt wild birds or animals during the open season therefor, except bear and deer; the other class shall be issued upon the payment of \$30.25, which will entitle the holder to hunt wild birds and animals including bear and deer during the open season therefor. The agent issuing the license shall be allowed to retain 25c from the license fee.'

Sec. 26. R. S., T. 12, § 3101, amended. The first 2 sentences of section 3101 of Title 12 of the Revised Statutes, as amended by section 5 of chapter 431 and by section 39 of chapter 448, both of the public laws of 1965, are repealed and the following enacted in place thereof:

'All birds, fish or animals, or parts thereof, hunted, bought, sold, carried, transported or found in possession of any person in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, or equipment possessed in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3601 and 3602 and Title 32, chapter 65, shall be contraband and shall be subject to seizure by the State.'

Sec. 27. R. S., T. 14, § 156, repealed. Section 156 of Title 14 of the Revised Statutes, as enacted by chapter 383 of the public laws of 1965, is repealed.

Sec. 28. R. S., T. 14, § 158, additional. Title 14 of the Revised Statutes is amended by adding a new section 158, as follows:

§ 158. Damages for tortious conduct of charitable corporations

A charitable organization shall be considered to have waived its immunity from liability for negligence or any other tort during the period a policy of insurance is effective covering the liability of the charitable organization for negligence or any other tort. Each policy issued to a charitable organization shall contain a provision to the effect that the insurer shall be estopped from asserting, as a defense to any claim covered by said policy, that such organization is immune from liability on the ground that it is a charitable organization. The amount of damages in any such case shall not exceed the limits of coverage specified in the policy, and the courts shall abate any verdict in any such action to the extent that it exceeds such policy limit.'

Sec. 29. R. S., T. 20, § 102, sub-§ 13, amended. Subsection 13 of section 102 of Title 20 of the Revised Statutes is amended to read as follows:

'13. State colleges. To supervise the state ~~teachers'~~ colleges;'

Sec. 29-A. R. S., T. 20, § 215, sub-§ 4, amended. The 4th paragraph from the end of subsection 4 of section 215 of Title 20 of the Revised Statutes is amended to read as follows:

'When affirmative action is taken in accordance with the preceding articles in each of the participating municipalities, said district shall, upon the date that it takes over the operation of the public schools within its jurisdiction, become eligible to the benefits of sections 3456 and ~~3518~~ 3457 and become responsible for assessing in all the participating municipalities in the new School Administrative District, collecting and paying over to the trustees of the community school district each year the funds necessary to amortize all outstanding capital outlay indebtedness existing at the time when the operation of the community school district was suspended.'

Sec. 29-B. R. S., T. 20, § 218, amended. The first sentence of section 218 of Title 20 of the Revised Statutes is amended to read as follows:

'A School Administrative District may establish a reserve fund for capital outlay purposes as defined in section ~~3518~~ 3457, by adding a request therefor in the district budget.'

Sec. 29-C. R. S., T. 20, § 223, amended. Section 223 of Title 20 of the Revised Statutes is amended to read as follows:

§ 223. Regulations

Subject to this chapter and sections 1901, 1902, 3456, ~~3518~~ 3457 and 3721 to 3723, the State Board of Education may make such reasonable regulations as it may find necessary for carrying out the purposes, provisions and intent of these sections.'

Sec. 29-D. R. S., T. 20, § 304, amended. The 2nd sentence of section 304 of Title 20 of the Revised Statutes is amended to read as follows:

'To procure funds for capital outlay purposes, as defined in section ~~3518~~ 3457, the school directors of said district are authorized to issue bonds and notes of the district, not to exceed in the aggregate, at any one time outstanding, the limit of indebtedness of 12½% of the total of the last preceding state valuation of all the participating towns including all outstanding school indebtedness assumed by said district.'

Sec. 29-E. R. S., T. 20, § 1292, amended. The 4th sentence of the first paragraph of section 1292 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 371 of the public laws of 1965, is amended to read as follows:

'Any unit which receives state funds as secondary school construction aid under ~~Title 20~~ section ~~3518~~ 3457, or federal funds for secondary school construction aid shall have such amount deducted from the allowable insured value of secondary school buildings and equipment in the average cost per pupil computation.'

Sec. 29-F. R. S., T. 20, § 2356-B, sub-§ 1, amended. The 2nd paragraph of subsection 1 of section 2356-B of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 440 of the public laws of 1965, is amended to read as follows:

'As used in this section, cost of construction shall consist of the same items as are eligible for construction assistance to School Administrative Districts in accordance with section ~~3518~~ 3457 and the grants provided in this section shall be paid at such times and in such installments as are provided for in section ~~3518~~ 3457. Grants for construction assistance provided by this section, including grants for equipping or for the completing of the equipping of a facility already available, shall be in lieu of any construction assistance for the same facility made or authorized under section ~~3518~~ 3457 and shall be made only on the basis of information available in the office of the commissioner on November 1st of each year covering expenditures made by the administrative unit in its preceding fiscal year as reported by its superintendent of schools to the commissioner on forms which he shall provide for the purpose.'

Sec. 30. R. S., T. 20, § 2402, amended. Section 2402 of Title 20 of the Revised Statutes is amended to read as follows:

'2402. Courses in colleges

The state board shall cause to be introduced into all of the ~~state teachers'~~ colleges such courses in manual arts, domestic science and agriculture as will enable their graduates to teach elementary courses in those subjects in the rural and grade schools. In not more than one of said colleges, the course in manual training shall be so extended as to offer opportunity to persons desiring to qualify as special teachers of that branch, and in not more than one, the course in domestic science shall be so extended as to offer similar opportunity to persons desiring to qualify as special teachers thereof. For the 2 special courses thus offered, the said board is authorized to expend annually such sums as may be available in appropriations for the support of said ~~teachers'~~ colleges.'

Sec. 31. R. S., T. 20, § 3119, amended. Section 3119 of Title 20 of the Revised Statutes is amended to read as follows:

'§ 3119. Teacher preparation

It shall be the duty of the commissioner to see to it that suitable provision is made for the education of teachers and school administrators to meet the educational needs of handicapped or exceptional children. As funds may be made available for the purpose, he shall provide in one or more of the ~~teachers'~~ state colleges courses of instruction and such special services for handicapped or exceptional children as will provide the necessary practical training and the demonstrations necessary for this professional training.'

Sec. 32. R. S., T. 20, § 3213, amended. Section 3213 of Title 20 of the Revised Statutes is amended to read as follows:

'§ 3213. Free tuition

All children qualifying as war orphans under this chapter shall be admitted to state supported post-secondary vocational schools, ~~teachers'~~ state colleges or institutions of collegiate grade free of tuition.'

Sec. 33. R. S., T. 20, § 3456, sub-§ 1, amended. Subsection 1 of section 3456 of Title 20 of the Revised Statutes is amended to read as follows:

'1. Program. A program which includes ~~pre-primary or~~ kindergarten through grade 12;'

Sec. 34. R. S., T. 20, § 3518, repealed. Section 3518 of Title 20 of the Revised Statutes, as amended by section 2 of chapter 261 and by section 1 of chapter 429, both of the public laws of 1965, is repealed.

Sec. 35. R. S., T. 20, § 3457, additional. Title 20 of the Revised Statutes is amended by adding a new section 3457, to read as follows:

'§ 3457. State aid for school construction

To provide further incentive for the establishment of larger School Administrative Districts, the commissioner shall allocate state financial assistance to School Administrative Districts on school construction approved subsequent to the formation of such districts, and on school debts, and Maine School Building Authority leases assumed by the district. The state obligation on assumed debts

and Maine School Building Authority leases shall not extend beyond 25 years from the original date of the unit's obligation and shall not apply to obligations made prior to August 28, 1957. No financial assistance shall be paid until the school construction has been completed and a full report of the cost of said construction and other expenses for capital outlay purposes is made to the commissioner. The report shall be in such form as the commissioner shall determine and shall include, but not be limited to, the following: The amount of money contributed by the district, the amount of money borrowed for capital outlay purposes, the time within which said borrowed funds are to be repaid and the total amount to be repaid and the amount to be repaid each year, the amount of interest to be paid each year and the rate of interest, the amount of rental due the Maine School Building Authority under lease agreement between the Maine School Building Authority and the district. On the basis of all the reports on file in the office of the commissioner on November 1st of each year, the commissioner shall determine the total amount to be paid to all of the School Administrative Districts and other eligible administrative units in that year, for capital outlay purposes, and shall apportion out of moneys appropriated for this purpose, in December of that year, to the School Administrative Districts and other eligible administrative units, the same percentage of each administrative unit's expenditures for capital outlay purposes including principal and interest payments and any rental payments under lease agreements between the administrative units and the Maine School Building Authority as each administrative unit would be entitled to receive in that year based on Table II of this section. In addition to the foregoing, if the district has contributed money to defray all or part of the cost of capital outlay construction, the commissioner shall determine the amount payable to the district for this expenditure; but the commissioner shall have the discretion to pay the entire amount due in one year or he may determine that payment shall be made over a period not to exceed 5 years. The commissioner, after making a determination as to the payment period, may change the payment period to a shorter period than his original determination, but shall not have the power to extend the payment period after his original determination.

Said apportionment shall apply similarly to payments made for capital outlay purposes on school construction, approved by the commissioner after August 28, 1957, in administrative units where the April 1st enrollment of resident and tuition pupils in grades 9 through 12 for that year is over 700 pupils, and in all community school districts approved by the State Board of Education which incur debt after April 1, 1965; and in other smaller administrative units when in the judgment of the Legislature, on recommendation of the board, the formation of a School Administrative District by consolidation is not geographically or educationally practical. Any administrative unit qualifying for school construction aid under this section by virtue of receiving tuition students from surrounding municipalities must render at least 2 years' notice to the sending municipalities before discontinuing such acceptance.

The percentage of aid to a community school district qualifying under this section shall be determined by dividing the total state valuation of the member towns of the district by the total average resident pupils of the last 2 enrollment reports as reported on April 1st annually by the member towns of the district.

The average per pupil valuation thus determined shall be applied to Table II of this section to determine the percentage of construction aid.

The term "community school district" as used herein shall include any type of school district consisting of more than one administrative unit operating a secondary school except a School Administrative District.

When a municipality having more than 100 resident pupils educated at public expense in grades 9 through 12 has contracted with a School Administrative District to educate all of the pupils in said district in grades 9 through 12, for a period of from 5 to 20 years, said municipality shall, during the life of said contract, be paid out of moneys appropriated and apportioned for the purposes of this section, the percentage of said municipality's expenditures for capital outlay purposes as it would be entitled to receive in that year based on Table II of this section.

"Capital outlay purposes" as the term is used in this Title shall mean the cost of new construction, expansion, acquisition or major alteration of a public school building, the cost of acquisition of all land or interest therein of any nature or description for such construction, expansion, acquisition or major alteration, and any legal appraisal or surveyors' fees or services with relation thereto, the cost of demolition, of removing any buildings or structures on land so acquired, the cost of furnishings and equipment, financing charges, insurance during construction, cost of architectural, engineering and other legal expenses, plans, specifications, estimates of costs, and such other expense as may be necessary and incidental to any construction, expansion, acquisition or major alteration of a public school building and the placing of such a building in operation.

The term "school building" as used in this section shall mean, but not be limited to, any structure used or useful for schools and playgrounds, including facilities for physical education.

The term "major alteration" as used in this section shall mean the cost of converting an existing public school building to the housing of another or additional grade level group, or providing additional school facilities in an existing public school building but shall not include the restoration of an existing public school building or piece of equipment within it, to a new condition of completeness or efficiency from a worn, damaged or deteriorated condition.

On the basis of information available in the office of the commissioner on September 1st for the 2 years next preceding the biennial convening of the Legislature, as provided in returns of educational statistics required by him, the commissioner shall apportion construction subsidies to the school administrative units of the State for each of the next 2 years according to the following plan:

The several administrative units, cities, towns, plantations and School Administrative Districts, shall be divided into 21 classifications according to their valuations per resident school child being educated at public expense. The valuation shall be as determined by the Board of Equalization in the statement filed by it, as provided in Title 36, section 381, and the number of children shall be the average of the last 2 enrollment reports of resident pupils being educated at public expense on April 1st annually. Such computation shall be subject to

correction in accordance with the final statement filed by the Board of Equalization on December 1st.

For each eligible unit the construction subsidy allocation thereafter shall be the applicable percentage of the construction costs as defined in this section obtained from Table II below.

TABLE II

Class	State Valuation per Resident Pupil	Percentage of State Support of Foundation Program
1	\$ 3,000 and under	66%
2	3,001 — 3,500	64
3	3,501 — 4,000	62
4	4,001 — 4,500	60
5	4,501 — 5,000	58
6	5,001 — 5,500	55
7	5,501 — 6,000	52
8	6,001 — 6,500	49
9	6,501 — 7,000	46
10	7,001 — 7,500	44
11	7,501 — 8,000	41
12	8,001 — 8,500	38
13	8,501 — 9,000	36
14	9,001 — 9,500	34
15	9,501 — 10,000	32
16	10,001 — 10,500	30
17	10,501 — 11,000	28
18	11,001 — 11,500	26
19	11,501 — 12,000	24
20	12,001 — 12,500	21
21	12,501 and over	18 ²

Sec. 35-A. R. S., T. 20, § 3454, amended. The first sentence of section 3454 of Title 20 of the Revised Statutes is amended to read as follows:

'Whenever the information required for the purposes of this chapter, chapters 117, 207, 209, 211 and 511, and sections 522, 1292, and ~~3518~~ 3457 is not available because of the failure of the administrative unit, through its officers, to make the returns required by law, or because of the loss or destruction of the school records of an administrative unit, the commissioner may use as a basis for apportionment numbers on which the apportionment for said administrative unit was made for the preceding year less 10%.'

Sec. 35-B. R. S., T. 20, § 3674, amended. The last sentence of section 3674 of Title 20 of the Revised Statutes is amended to read as follows:

'To the maximum extent possible under any federal act, school construction assistance presently authorized and paid under section ~~3518~~ 3457 shall be considered as state funds used to match federal funds.'

Sec. 36. R. S., T. 21, § 245, sub-§ 1, amended. Subsection 1 of section 245 of Title 21 of the Revised Statutes is amended to read as follows:

'1. Certain persons may not vote. A ~~pauper and a~~ person under guardianship for reasons of mental illness may not vote at any election.'

Sec. 37. R. S., T. 22, § 3453, amended. The first sentence of section 3453 of Title 22 of the Revised Statutes is amended to read as follows:

'Upon the death of a person who is receiving aid to the aged, blind or disabled or who has received such aid at any time during his lifetime, the State shall have a claim against his estate, allowable in probate court and enforceable in accordance with **Title 18, for all amounts paid under chapters 951 to 957.**'

Sec. 38. R. S., T. 22, § 3754, repealed. Section 3754 of Title 22 of the Revised Statutes, as enacted by chapter 213 of the public laws of 1965, is repealed.

Sec. 39. R. S., T. 22, § 3755, additional. Title 22 of the Revised Statutes is amended by adding a new section 3755, to read as follows:

'3755. Locating those liable for support of dependents

To assist in locating parents who have deserted their children and other persons liable for support of dependents, the Department of Health and Welfare may request and shall receive information from the records of all departments, boards, bureaus and other agencies of this State, and the same are authorized to provide such information as is necessary for this purpose. Only information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support shall be requested and used or transmitted by the department pursuant to the authority conferred by this section. The department may make such information available only to public officials and agencies of this State, other states and the political subdivisions of this State and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents for the purpose of enforcing their liability for support.'

Sec. 40. R. S., T. 22, § 4717, additional. Title 22 of the Revised Statutes is amended by adding a new section 4717, to read as follows:

'Ordinances

§ 4717. Adoption of ordinances by Penobscot Tribe and Passamaquoddy Tribe of Indians

The governor and council of the Penobscot Tribe and of the Passamaquoddy Tribe of Indians shall prepare the ordinances, rules and regulations for such tribe after a hearing held at a special meeting of such tribe called for the purpose. Said ordinances, rules and regulations shall be submitted for approval by the tribe at a general meeting called by the governor. Such ordinances, rules and regulations shall be enforced by the constables of the tribe under the supervision and direction of said governor and council.'

Sec. 41. R. S., T. 22, § 4774, repealed. Section 4774 of Title 22 of the Revised Statutes, as amended by sections 1 and 2 of chapter 87 and repealed by section 2 of chapter 450, both of the public laws of 1965, is repealed.

Sec. 42. R. S., T. 22, § 4838, repealed. Section 4838 of Title 22 of the Revised Statutes, as amended by section 3 of chapter 87 and repealed by section 3 of chapter 450, both of the public laws of 1965, is repealed.

Sec. 43. R. S., T. 24, § 2301, amended. Section 2301 of Title 24 of the Revised Statutes is amended to read as follows :

‘§ 2301. Scope

Any corporation organized under special Act of the Legislature, or under Title 13, chapters 81 and 91, for the purpose of establishing, maintaining and operating a nonprofit hospital service plan whereby hospital care is to be provided by a hospital, or a group of hospitals, with which such corporation has a contract for such purpose, or such corporation as may establish, maintain and operate a nonprofit medical service plan whereby medical or surgical or optometric service or expense indemnity is provided to such persons or groups of persons as shall become subscribers to such plan under contracts with said corporation, may be licensed by the commissioner on the terms and conditions provided for in this chapter.’

Sec. 44. R. S., T. 26, § 113, repealed and replaced. Section 113 of Title 26 of the Revised Statutes, as amended by section 2 of chapter 106 and by chapter 290, both of the public laws of 1965, is repealed and the following enacted in place thereof :

‘§ 113. Sterilization

No person shall manufacture for sale, sell, lease, offer to sell or lease, or deliver or consign in sale or lease, or have in his possession with intent to sell, lease, deliver or consign in sale or lease any article of bedding or upholstered furniture covered in this subchapter in which in the making, remaking or renovation thereof, any material has been used that comes from an animal or fowl, that contains any bugs, vermin, insects or filth, that is insanitary, that contains burlap or other material which has been used for balings, or that is secondhand, unless such material has been effectively cleansed and sterilized or disinfected by a process approved by the department and in accordance with the regulations of the department.’

Sec. 45. R. S., T. 26, c. 7, sub-c. VII, repealed. Subchapter VII of chapter 7 of Title 26 of the Revised Statutes, as enacted by chapter 394 of the public laws of 1965, is repealed.

Sec. 46. R. S., T. 26, c. 7, sub-c. VIII, additional. Chapter 7 of Title 26 of the Revised Statutes is amended by adding a new subchapter VIII, as follows :

‘SUBCHAPTER VIII

FAIR EMPLOYMENT PRACTICE ACT

§ 81. Right to freedom from discrimination in employment

The opportunity for an individual to employment for which he is qualified without discrimination because of race, color, religious creed, ancestry, age

or national origin is hereby recognized as and declared to be a civil right which shall be enforceable only as set forth in this subchapter.

§ 862. Unlawful employment practices

It shall be an unlawful employment practice, unless based upon a bona fide occupational qualification, or except where based upon applicable security regulations established by the United States or the State of Maine, for any employer because of the race, color, religious creed, ancestry, age or national origin of any individual to refuse to hire or employ, or to bar or to discharge from employment such individuals, or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment, if the individual is the best able and most competent to perform the services required. This section shall not apply to:

1. Termination. Termination of employment because of the terms or conditions of any bona fide retirement or pension plan;
2. Retirement plan. Operation of the terms or conditions of any bona fide retirement or pension plan which have the effect of a minimum service requirement;
3. Insurance plan. Operation of the terms or conditions of any bona fide group or employee insurance plan.

§ 863. Procedure

Any individual claiming to be aggrieved by an alleged unlawful employment practice may make, sign and file with the Commissioner of Labor and Industry a verified complaint, in writing, which shall state the name and address of the person, employer, labor organization or employment agency alleged and which shall set forth the particulars thereof and contain such other information as may be required by the commissioner. The commissioner upon his own initiative or the Attorney General may, in like manner, make, sign and file such complaint.

§ 864. Penalty

Any person, persons, firm, association or corporation, or officer, agent or representative of such corporation, who violates or permits to be violated any of the provisions of this subchapter, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$250 for each and every violation.'

Sec. 47. R. S., T. 28, § 2, sub-§ 22-A, repealed. Subsection 22-A of section 2 of Title 28 of the Revised Statutes, as enacted by section 1 of chapter 144 of the public laws of 1965, is repealed.

Sec. 48. R. S., T. 28, § 2, sub-§ 22-B, additional. Section 2 of Title 28 of the Revised Statutes, as amended, is further amended by adding a new subsection 22-B, to read as follows:

'22-B. Vessel. "Vessel" shall mean a craft used for navigation of the water, any ship, vessel or boat of any kind, licensed for carrying not less than 50 passengers under the requirements of the Public Utilities Commission or the United

States Coast Guard, and propelled by steam or otherwise and used only on waters other than inland waters.'

Sec. 49. R. S., T. 28, § 7, repealed. Section 7 of Title 28 of the Revised Statutes, as enacted by chapter 367 of the public laws of 1965, is repealed.

Sec. 50. R. S., T. 28, § 8, additional. Title 28 of the Revised Statutes is amended by adding a new section 8, as follows :

‘§ 8. Entrances from Class A restaurants to living quarters

The commission (Liquor) may grant written permission to a licensed person, who operates a Class A restaurant to maintain an entrance, doorway or other aperture leading directly from the licensed premises to his living quarters, provided that said entrance to living quarters shall be so constructed that it shall not be necessary to go through the area where liquor is served in order to enter said living quarters.'

Sec. 51. R. S., T. 28, § 7, repealed. Section 7 of Title 28 of the Revised Statutes, as enacted by chapter 368 of the public laws of 1965, is repealed.

Sec. 52. R. S., T. 28, § 9, additional. Title 28 of the Revised Statutes is amended by adding a new section 9, to read as follows :

‘§ 9. Entrances from retail liquor store premises

Notwithstanding any other statute or rule or regulation of the commission to the contrary, no person, firm or corporation shall be denied a license for the retail sale of malt liquor solely because the retail store premises of the applicant has entrances, doorways or other apertures which are not securely and permanently sealed leading from the retail store premises of the applicant to other premises where other types of business are carried on, provided that the retail store premises of the applicant and the nonlicensed portions of the other premises are under a common roof and all merchandising in the building is done on a single floor having common entranceways into which all persons enter for both the proposed licensed premises and any unlicensed premises. All persons carrying on any business, except any bank or savings and loan institution, duly organized and existing by virtue of the laws of the State of Maine or of the United States of America under the common roof and having common entranceways shall in writing to the commission agree to allow reasonable inspection of their premises by authorized enforcement agents of the Liquor Commission. Any persons taking a drink of liquor or offering a drink to another within the unlicensed area and under the common roof shall be deemed in violation of Title 17, section 2003, and shall be punished in a like manner. That part of the premises which the applicant owns, leases or rents shall be fully described in the application for license and the licensee may be required by the commission to identify on the premises by an appropriate marking the area which he owns, rents or leases.'

Sec. 53. R. S., T. 28, § 701, amended. The 2nd paragraph of section 701 of Title 28 of the Revised Statutes, as amended by section 1 of chapter 199 and by section 3 of chapter 243, both of the public laws of 1965, is repealed and the following enacted in place thereof :

‘Population shall be determined according to each Federal Decennial Census as shown by any official report authorized by the Federal Census Act and shall apply to the licensing period next following such official report.

Hotel—Malt Liquor	\$200.00
Club—Spirituos and vinous	200.00
Club—Malt liquor	100.00
Public service—Spirituos and vinous	200.00
Public service—Malt liquor	100.00
Restaurant, class A—Spirituos and vinous	750.00
Restaurant—Malt liquor only	200.00
Restaurant—Vinous liquor only	200.00
Tavern—Malt liquor only	300.00
Tavern, class A—Malt liquor only	400.00
Retail store—Malt liquor only	
If merchandise is groceries only	100.00
If other stock of merchandise	200.00 ⁷

Sec. 54. R. S., T. 28, § 702, amended. The last paragraph of section 702 of Title 28 of the Revised Statutes, as amended by chapter 72 and by section 4 of chapter 243, both of the public laws of 1965, is repealed and the following enacted in place thereof :

‘Licensed hotels, class A taverns and restaurant malt liquor licensees who have been issued such special amusement permit may charge admission in designated areas approved by the commission.’

Sec. 55. R. S., T. 29, § 256, amended. The 2nd paragraph of section 256 of Title 29 of the Revised Statutes, as amended by section 2 of chapter 248 and repealed and replaced by chapter 370, both of the public laws of 1965, is repealed and the following enacted in place thereof :

‘All motor vehicles and trailers owned and used by any municipal corporation therein and all motor vehicles loaned by automobile dealers to municipalities for use in driver education in the secondary schools shall be registered, but shall be exempt from the provisions of this Title as to payment of registration fees, except that when such vehicles are leased or rented for commercial purposes they shall be subject to payment of the fees as provided in this Title. All such vehicles and trailers shall display registration plates as required by this Title or approved by the Secretary of State. All motor vehicles and trailers owned by the State and all vehicles and trailers owned by a municipal fire department or an organized volunteer fire department may be exempt from the provisions of this Title as to registration and payment of registration fees, but shall not be exempt from the inspection requirements of section 2122. Such motor vehicles and trailers shall display an identifying marker or insignia approved by the Secretary of State.’

Sec. 56. R. S., T. 29, § 1652, amended. The 2nd paragraph of section 1652 of Title 29 of the Revised Statutes, as amended by chapters 152, section 2 of 216 and 350, all of the public laws of 1965, is repealed and the following enacted in place thereof :

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

Distance in feet between the extremes of any group of axles	Maximum load in pounds carried on any group of axles		
	3 axle vehicles	4 axle vehicles	5 axle vehicles
4 to 7	32,000		
8	32,610		
9	33,580		
10	34,550		
11	35,510		
12	36,470		
13	37,420		
14	38,360	45,900	
15	39,300	46,750	
16	40,230	47,600	
17	41,160	48,450	
18	42,080	49,300	51,100
19	42,990	50,150	52,050
20	43,900	51,000	53,000
21	44,800	51,850	53,950
22	45,700	52,700	54,900
23	46,590	53,550	55,850
24	47,470	54,400	56,800
25	48,350	55,250	57,750
26	49,220	56,100	58,700
27	50,090	56,950	59,650
28	50,950	57,800	60,600
29	51,800	58,650	61,550
30		59,500	62,500
31		60,350	63,450
32		61,200	64,400
33		62,050	65,350
34		62,900	66,300
35		63,750	67,250
36		64,600	68,200
37		65,450	69,150
38		66,300	70,100
39			70,550
40			73,280

provided that no vehicle shall have a gross weight imparted to any road surface of more than 22,000 pounds on any one axle, and no vehicle having 2 or more axles less than 8 feet apart shall be operated, or caused to be operated, with more than 18,000 pounds imparted to the road surface from either axle or 32,000 pounds from both axles; provided further that no vehicle shall be so operated,

or caused to be operated, when the load imparted to the road surface is greater than 600 pounds per inch width tire, manufacturer's rating; except that 3-axle straight trucks with brakes on the wheels of all axles may be operated for a gross weight of 46,000 pounds with a distance between the extreme axles of not less than 16 feet, specifically excepting, however, the Interstate Highway System as defined in the Federal Highway Act of 1956; except that 3-axle trucks with brakes on the wheels of all axles hauling forest products may be operated for a gross weight of 48,000 pounds with a distance between the extreme axles of not less than 18 feet, and except further that 3-axle trucks with 2 rear axles driven and with brakes on wheels of all axles, hauling forest products may be operated upon the payment of an additional license fee of \$25 per calendar month, or fraction thereof, for any of the months of December, January or February at 15% in excess of the maximum gross weight permitted and that tractor-trailer combinations hauling forest products may be operated upon the payment of an additional fee of \$25 per calendar month, or fraction thereof, for any of the months of December, January or February at 15% in excess of the maximum gross and axle weights permitted, not, however, permitting, validating or in any way applying to the use of the Interstate System as defined in the Federal Aid Highway Act of 1956 by vehicles with weights carried on any one axle, tandem axle weights or overall gross weight or with width in excess of the applicable maximum weights or maximum widths permitted by section 108 (j) of the Federal Aid Highway Act of 1956 and except that 3-axle trucks with brakes on the wheels of all axles hauling construction materials may be operated for a gross weight of 48,000 pounds with a distance between the extreme axles of not less than 16 feet and except that in special cases, special permits for the transportation of individual shipments in loads of greater gross weights may be granted by the State Highway Commission or such appropriate commission or officials as is duly authorized elsewhere in this Title. All trucks and combinations of truck tractor and semitrailer with 4 or more axles shall have adequate brakes on the wheels of all axles; except that this sentence shall not apply if the vehicle is in compliance with Interstate Commerce Commission safety regulations.'

Sec. 57. R. S., T. 29, § 1655, amended. The first sentence of section 1655 of Title 29 of the Revised Statutes, as amended by chapters 170 and 225, is repealed and the following enacted in place thereof:

'The operation on the highways of any vehicle loaded entirely with firewood, pulpwood, logs or bolts or loaded entirely with farm produce or dump trucks, tractor dump trucks or transit-mix concrete trucks carrying highway construction materials or the operation on the highways of any vehicle loaded with any products requiring refrigeration, whether by ice or mechanical equipment, shall not be deemed to be in violation of any of the provisions of sections 246, 1652 to 1654 and 1656 relating to weights of vehicles, weights of loads, tonnages or overloads if the gross weight of such vehicle and its load does not exceed 110% of the maximum gross weight for which such vehicle is then registered nor 110% of the maximum gross weight permitted for such vehicle by section 1652, and if the weight thereof imparted to any road surface by an axle or axles does not exceed 110% of the maximum axle weight permitted therefor by section 1652; provided that no vehicle loaded as aforesaid shall be deemed in violation of the above said sections if, as to each axle, the weight imparted to any road surface

is not greater than the combined total of 600 pounds per inch width tire, manufacturer's rating, of all tires attached to such axle and provided further that the maximum gross vehicle weight shall not exceed the limits and tolerances established in this Title.'

Sec. 58. R. S., T. 30, § 2, amended. That part of section 2 of Title 30 of the Revised Statutes which relates to Androscoggin County, as amended by section 1 of chapter 397 and by section 1 of chapter 407, both of the public laws of 1965, is repealed and the following enacted in place thereof:

'Androscoggin County: County commissioners, \$2,400; chairman, \$3,000; clerk of courts, \$8,000; county attorney, \$6,500; first assistant county attorney, \$4,500; second assistant county attorney, \$3,500; county treasurer, \$4,700; sheriff, \$5,900; register of deeds, \$6,200; judge of probate, \$5,400; register of probate, \$5,200.'

Sec. 59. R. S., T. 30, § 2, amended. That part of section 2 of Title 30 of the Revised Statutes which relates to Penobscot County, as amended by section 1 of chapter 397 and section 2 of chapter 420, both of the public laws of 1965, is repealed and the following enacted in place thereof:

'Penobscot County: County commissioners, \$2,500; clerk of courts, \$5,500; deputy clerk of courts, \$4,500; county attorney, \$6,000; first assistant county attorney, \$5,000; second assistant county attorney, \$4,000; county treasurer, \$3,500; sheriff, \$5,800; register of deeds, \$5,000; judge of probate, \$5,900; register of probate, \$4,800.'

Sec. 60. R. S., T. 30, § 1901, sub-§ 13, amended. Subsection 13 of section 1901 of Title 30 of the Revised Statutes is amended to read as follows:

'13. **Sewage disposal system.** "Sewage disposal system" means and includes any plant, system, facility or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage, including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources, or any integral part thereof, including but not limited to treatment plants, pumping stations, intercepting sewers, ~~trunk~~ **trunk** sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the municipal officers for the operation thereof.'

Sec. 60-A. R. S., T. 30, § 2060, sub-§ 5, ¶ A, sub-¶ (3), additional. Paragraph A of subsection 5 of section 2060 of Title 30 of the Revised Statutes is amended by adding a new subparagraph (3), to read as follows:

'(3) When a town has chosen a single assessor under paragraph A, the selectmen shall appoint the assessor for a term not exceeding 5 years.'

Sec. 60-A. R. S., T. 30, § 2060, sub-§ 5, ¶ B, amended. Paragraph B of subsection 5 of section 2060 of Title 30 of the Revised Statutes, as amended by chapter 80 of the public laws of 1965, is further amended to read as follows:

~~'B. When others have not been elected, the selectmen shall serve as assessors except that when a town has chosen a single assessor under paragraph A the selectmen shall appoint the assessor for a term not exceeding 5 years.'~~

Sec. 61. R. S., T. 30, § 2151, sub-§ 5, ¶ B, sub-¶ (1), amended. Subparagraph (1) of paragraph B of subsection 5 of section 2151 of Title 30 of the Revised Statutes is amended to read as follows:

'(1) With respect to automobile junkyards, sections 2452 to ~~2458~~ 2460 apply to any ordinance authorized by this paragraph.'

Sec. 62. R. S., T. 30, § 4360, repealed. Section 4360 of Title 30 of the Revised Statutes is repealed.

Sec. 63. R. S., T. 30, § 4401-A, additional. Title 30 of the Revised Statutes is amended by adding a new section 4401-A, to read as follows:

§ 4401-A. Applicability of provisions

Sections 4401 and 4451 to 4455 shall not apply to any city or town until they shall have been accepted by the inhabitants of such town or the city government of such city at a meeting legally called therefor.'

Sec. 64. R. S., T. 30, § 4361, repealed. Section 4361 of Title 30 of the Revised Statutes is repealed.

Sec. 65. R. S., T. 30, § 4402-A, additional. Title 30 of the Revised Statutes is amended by adding a new section 4402-A, to read as follows:

§ 4402-A. Violation of permit; nuisances

If any person willfully or negligently violates any condition or regulation prescribed in his permit, said officers may forthwith disconnect his drain from the public drain and declare his permit forfeited. Such person, his heirs and assigns shall not be allowed to enter it again without a new permit. Whoever by the construction or use of a private drain commits a nuisance is liable therefor notwithstanding anything herein contained.'

Sec. 66. R. S., T. 30, § 4403, amended. The first sentence of section 4403 of Title 30 of the Revised Statutes is amended to read as follows:

'Abutters upon the line of a public drain existing in any city or town which has not accepted sections ~~4360~~ 4401, 4401-A and 4451 to 4455, and abutters upon the line of a public drain constructed prior to such acceptance, and the owner of contiguous private drains may enter and connect with such public drain on written application to the municipal officers distinctly describing the land to which it applies and paying therefor what they determine.'

Sec. 67. R. S., T. 30, § 4952, sub-§ 1, ¶ H, repealed. Paragraph H of subsection 1 of section 4952 of Title 30 of the Revised Statutes is repealed, as follows:

~~'H. A copy of each subdivision plot approved under this subchapter shall be filed with the municipal clerk.'~~

Sec. 68. R. S., T. 30, § 5343, repealed and replaced. Section 5343 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 423 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 5343. Title

This chapter may be cited as the "Municipal Industrial and Recreational Obligations Act."

Sec. 69. R. S., T. 30, § 5344, repealed. Section 5344 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 423 of the public laws of 1965, is repealed.

Sec. 70. R. S., T. 32, § 2902, amended. The last paragraph of section 2902 of Title 32 of the Revised Statutes, as amended by chapter 286 and by section 19 of chapter 425, both of the public laws of 1965, is repealed and the following enacted in place thereof:

'Every person holding a valid and unexpired certificate of registration as a registered assistant pharmacist, in the State of Maine, on July 1, 1960, may be permitted to qualify as a registered pharmacist by examination as such, provided such a registered assistant pharmacist has held such a certificate for a minimum of 5 years and shall have been in actual practice as a registered assistant as actively engaged in retail or hospital practice of pharmacy for a minimum of at least 3 years immediately preceding the date of his application for examination by the Maine State Board of Commissioners of the Profession of Pharmacy as a registered pharmacist.'

Sec. 71. R. S., T. 34, § 863, repealed. Section 863 of Title 34 of the Revised Statutes, as enacted by chapter 389 of the public laws of 1965, is repealed.

Sec. 72. R. S., T. 34, § 864, additional. Title 34 of the Revised Statutes is amended by adding a new section 864, to read as follows:

§ 864. Halfway house-school tuition

The department (of Mental Health and Corrections) is authorized to establish a Halfway House Program, so-called, to be operated on the property of the Reformatory for Women, in or near Skowhegan, or in other municipalities within the State, said program to provide an environment of community living controlled pursuant to rules and regulations adopted by the superintendent. Inmates of said reformatory and females sentenced to the Maine State Prison may be paroled to participate in said Halfway House Program in accordance with applicable provisions of chapter 121. Children transferred to said reformatory as incorrigible from the Stevens Training Center may be placed on entrustment in said program in accordance with Title 15, section 2716.

Upon recommendation of said superintendent, a participant in the Halfway House Program shall be granted entrance into a public school within the Skowhegan administrative unit, subject to Title 20, section 859. Tuition shall be paid to the Skowhegan administrative unit by said superintendent from the appropriation to said reformatory. The amount of tuition to be paid for a participant attending a public school other than a secondary school, as well as the amount of tuition to be paid for a participant attending a secondary school shall not exceed the receiving school's average cost per pupil for the current fiscal year to be determined as provided in Title 20, section 1292; except that, as to a participant attending a secondary school, in no instance shall tuition paid under this section exceed the average cost per pupil in all secondary schools of the State for the current fiscal year, and as to a participant attending a public school other than a

secondary school, in no instance shall tuition paid under this section exceed the average cost per pupil in all such schools of the State for the current fiscal year.'

Sec. 73. R. S., T. 35, § 2539, amended. The last paragraph of section 2539 of Title 35 of the Revised Statutes is amended to read as follows:

'In order to effectuate the policies and provisions of this chapter, and when deemed necessary, to obtain uniformity in the formulation, administration and enforcement of any order, ruling or regulation issued hereunder, or promulgated by the duly constituted authority of the United States, pertaining to the regulating or handling of natural gas, the Public Utilities Commission shall have power to confer, cooperate and enter into compacts with such authority; to avail itself of records and facilities of, and to make available records and facilities to, such authority; to conduct joint investigations and hold joint hearings; to issue orders, rulings and regulations jointly or concurrently with, or ~~complementary~~ **complementary** to those issued by, such authority; and to collaborate with such authority and others in the development and operation of measures for the increased safety of the transportation and distribution of natural gas within the State.'

Sec. 74. R. S., T. 35, § 2802, amended. Section 2802 of Title 35 of the Revised Statutes is amended to read as follows:

§ 2802. Purpose

Cooperative, nonprofit membership ~~cooperations~~ **corporations** may be organized under chapters 221 to 227 for the purpose of supplying electric energy and promoting and extending the use thereof.'

Sec. 75. R. S., T. 36, § 1483, sub-§ 6, amended. Subsection 6 of section 1483 of Title 36 of the Revised Statutes, as amended by section 1 of chapter 135 of the public laws of 1965, is further amended to read as follows:

'6. Certain public utilities. Vehicles owned by telephone and telegraph companies and railroad companies subject to the excise taxes set forth in chapters ~~355, 359~~ 361 and 363.'

Sec. 76. R. S., T. 36, § 3029, amended. The first paragraph of section 3029 of Title 36 of the Revised Statutes is amended to read as follows:

'If a user shall at any time file a false ~~monthly~~ **quarterly** report of the data or information required by this chapter, or shall fail, refuse or neglect to file the ~~monthly~~ **quarterly** report required by this chapter, or to pay the full amount of the tax as required by this chapter, the State Tax Assessor may forthwith cancel the license of said user and notify such user in writing of such cancellation by registered mail to the last known address of such user appearing on the file of the State Tax Assessor.'

Sec. 77. R. S., T. 36, § 3030, amended. Section 3030 of Title 36 of the Revised Statutes is amended to read as follows:

§ 3030. Failure to report and pay taxes

When any user shall fail to file the ~~monthly~~ **quarterly** report with the State Tax Assessor on or before the time fixed for the filing thereof, or when such user fails to submit data outlined in section 3028 in such ~~monthly~~ **quarterly** report, or when such user shall fail to pay to the State Tax Assessor the amount of excise taxes due this State when the same shall be paid, a penalty of 10%

shall be added to the amount of the tax due, and such penalty of 10% shall immediately accrue and thereafter said tax and penalty shall bear interest at the rate of 1% per month or fraction thereof until the same is paid.'

Sec. 78. R. S., T. 36, § 3031, amended. The first paragraph of section 3031 of Title 36 of the Revised Statutes is amended to read as follows:

'Whenever any user shall neglect or refuse to make and file any report for any ~~calendar month~~ **quarter** as required by this chapter, or shall file an incorrect or fraudulent report, the State Tax Assessor shall determine after an investigation, the number of gallons of fuel with respect to which the user has incurred liability under this chapter for any particular month or months and fix the amount of taxes and penalties payable by the user under this chapter accordingly. The State Tax Assessor shall forthwith proceed to collect the amount so fixed.'

Sec. 79. R. S., T. 38, § 411, amended. The first paragraph of section 411 of Title 38 of the Revised Statutes is amended to read as follows:

'The commission is authorized to pay an amount equal to the total federal contribution under P. L. 660, 84th Congress, **as amended**, to the expense of a municipal or quasi-municipal pollution abatement construction program which has received federal approval and federal funds for construction.'

Sec. 80. R. S., T. 39, § 53, repealed and replaced. Section 53 of Title 39 of the Revised Statutes, as amended by chapter 39 and by section 2 of chapter 408, both of the public laws of 1965, is repealed and the following enacted in place thereof:

'§ 53. Waiting period; when compensation payable

No compensation for incapacity to work shall be payable for the first 7 days of incapacity, except that firemen shall receive compensation from the date of incapacity. In case incapacity continues for more than 14 days, compensation shall be allowed from the date of incapacity.'

Sec. 81. R. S., T. 39, § 65, amended. The 2nd sentence of section 65 of Title 39 of the Revised Statutes, as repealed and replaced by section 8 of chapter 408 of the public laws of 1965, is amended to read as follows:

'The ~~employer~~ **employee** shall have the right to have a physician or surgeon of his own selection present at such examination, whose costs shall be paid by the employer.'

Sec. 82. P. & S. L., 1963, c. 163, repealed. Chapter 163 of the private and special laws of 1963, as amended by chapter 101 of the private and special laws of 1965, is repealed.

Sec. 83. Resolves, 1965, c. 78, amended. The 2nd paragraph of chapter 78 of the resolves of 1965 is amended to read as follows:

'Resolved: That such sum shall be expended under the direction of the Attorney General to defray the expenses of continuing the review of the criminal statutes of the State authorized by the ~~resolves of 1963, chapter 89 private and special laws of 1963, chapter 203~~, including the services of consultants and advisers, and technical and clerical assistance; and be it further'

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.