

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)

SECOND SPECIAL SESSION

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1867

S. P. 756

In Senate, January 9, 1968

Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Mills of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-EIGHT

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

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

Sec. 1. R. S., T. 4, § 6, amended. The last paragraph of section 6 of Title 4 of the Revised Statutes is repealed, as follows :

~~This section shall apply to the present and former justices of said court. Such justice shall within one year after attaining the age of 70 years, and serving as such justice for at least 7 consecutive years, cease to serve as such justice.~~

Sec. 2. R. S., T. 4, § 57, amended. The first sentence of section 57 of Title 4 of the Revised Statutes, as repealed and replaced by section 2 of Chapter 513 of the public laws of 1965, is amended to read as follows :

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, § 104, amended. The last paragraph of section 104 of Title 4 of the Revised Statutes is repealed, as follows :

~~This section shall apply to the present and former justices of said court. Such justices shall within one year after attaining the age of 70 years, and serving as such justice for at least 7 consecutive years, cease to serve as such justice.~~

Sec. 4. R. S., T. 4, § 173, sub-§ 4, amended. The last paragraph of subsection 4 of section 173 of Title 4 of the Revised Statutes, as enacted by section 1 of chapter 408 of the public laws of 1967, is amended to read as follows:

In cases involving the operation of motor vehicles under the influence of intoxicating liquor or drugs, fees of police officers and expert witnesses called by the State shall be paid for from the ~~District Court~~ **General Fund**.

Sec. 5. Effective date. Section 4 of this Act shall become effective July 1, 1969.

Sec. 6. R. S., T. 4, § 562, amended. The first sentence of the last paragraph of section 562 of Title 4 of the Revised Statutes is repealed, 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. 7. R. S., T. 5, § 151, amended. The first sentence of section 151 of Title 5 of the Revised Statutes, as amended by section 11 of chapter 253 and by section 2 of chapter 423, both of the public laws of 1967, is repealed and the following enacted in place thereof:

All money received by the Treasurer of State from the Board of Registration in Medicine, the Board of Examiners in Physical Therapy, the Board of Examiners of Psychologists, the State Board of Nursing, the Board of Examiners of Applicants for Admission to the Bar, the Board of Accountancy, the Board of Veterinary Examiners, the Board of Osteopathic Examination and Registration, the State Board of Funeral Service, the State Board of Registration and Examination in Optometry, the Board of Dental Examiners, the State Board of Registration for Professional Engineers, the State Board of Architects, the Electricians' Examining Board, the Oil Burnermen's Licensing Board, the State Board of Barbers, State Board of Hairdressers, State Board of Registration for Land Surveyors, the Examiners of Podiatrists, the Board of Chiropractic Examination and Registration and the Board of Commissioners of the Profession of Pharmacy shall constitute a fund, which shall be a continuous carrying account for the payment of the compensation and expenses of the members, the expenses of the board and for executing the law relating to each board respectively, and so much thereof as may be required is appropriated for said purposes.

Sec. 8. R. S., T. 5, § 151-A, repealed and replaced. Section 151-A of Title 5 of the Revised Statutes, as enacted by section E of chapter 154 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

§ 151-A. Income from temporary investment of bonds

All net income realized from the temporary investment of bond proceeds on general fund bond issues approved by the 103rd Legislature and future Legislatures shall be credited to a special account designated as Debt Service Account, and used only for the retirement of bonds.

Sec. 9. R. S., T. 5, § 243, sub-§ 4-A, amended. Subsection 4-A of section 243 of Title 5 of the Revised Statutes, as enacted by chapter 486 of the public laws of 1965, is amended to read as follows:

4-A. Audit for District Court. To install a uniform accounting system and perform a postaudit for the District Court, the expenses of such audit to be paid as follows: 65% by the ~~District Court from the District Court Fund~~ **General Fund**, 20% by the State Highway Department and 15% by the Department of Inland Fisheries and Game.

Sec. 10. Effective date. Section 9 of this Act shall become effective on July 1, 1969.

Sec. 11. R. S., T. 5, c. 14, renumbered. Chapter 14 of Title 5 of the Revised Statutes which relates to Capitol Planning Commission, as enacted by section 1 of chapter 458 of the public laws of 1967, is renumbered to be chapter 14-A.

Sec. 12. R. S., T. 5, § 1121, sub-§ 1, ¶ C, amended. The first 2 sentences of paragraph C of subsection 1 of section 1121 of Title 5 of the Revised Statutes, as repealed and replaced by section D of chapter 154 of the private and special laws of 1967, are repealed and the following enacted in place thereof:

Any member of the State Police who became a member of that department subsequent to July 9, 1943 may retire upon completion of 20 years of creditable service as a state police officer, but must retire upon attainment of age 55, except that any member who is a state police officer on January 1, 1967 and who will not have 20 years creditable service at the time age 55 is attained may continue in said service until 20 years is attained and forthwith shall be retired. Except that military service credits as allowed under section 1094 shall not be considered as part of the creditable service necessary for the 20 years service as a state police officer, but that any military service creditable under section 1091 shall be considered to be part of the creditable service necessary for the 20 years as a state police officer provided that he was a state police officer at the time of entrance into said military service and upon separation from military service again became a state police officer.

Sec. 13. R. S., T. 5, § 1121, ¶ C, amended. The next to the last sentence of paragraph C of section 1121 of Title 5 of the Revised Statutes is amended to read as follows:

Notwithstanding anything to the contrary, the chief and the deputy chief shall be permitted to continue in said position beyond attained age ~~50~~ 55 or after completion of ~~25~~ 20 years of creditable service until the end of the term for which he was appointed, and the chief or the deputy chief may be appointed or reappointed regardless of attained age or length of creditable service.

Sec. 14. R. S., T. 5, § 1151, sub-§ 2, ¶ A, repealed and replaced. Paragraph A of subsection 2 of section 1151 of Title 5 of the Revised Statutes, as amended by section 3 of chapter 189 and repealed and replaced by section 1 of chapter 384, both of the public laws of 1967, is repealed and the following enacted in place thereof:

A. Each eligible state employee or teacher or Justice of the Supreme Judicial Court or Justice of the Superior Court or Judge of the District Court to whom this section applies shall be eligible to be insured for an amount of group life insurance approximating his annual compensation and an equal amount of group accidental death and dismemberment insurance in accordance with the following schedule. The board of trustees may, upon recommendation of the advisory council, permit eligible state employees or teachers or Justices of the Supreme Judicial Court or Justices of the Superior Court or Judges of the District Court to purchase up to double the amounts shown in Table A; provided that any additional life insurance coverage authorized shall be in force only during the active service of the state employee or teacher or Justices of the Supreme Judicial Court or Justices of the Superior Court or Judges of the District Court and upon retirement the maximum coverage shall be in accordance with Table A and subject to subsection 9, paragraph A. The board of trustees in consultation with the Advisory Council on Group Insurance shall by regulation prescribe the conditions of eligibility for this additional insurance.

Sec. 15. R. S., T. 5, § 1151, sub-§ 2, ¶ B, amended. The first 3 paragraphs of paragraph B of subsection 2 of section 1151 of Title 5 of the Revised Statutes, as enacted by section 2 of chapter 384 of the public laws of 1967, are amended to read as follows:

Each eligible state employee or teacher or **Justice of the Supreme Judicial Court or Justice of the Superior Court or Judge of the District Court** to whom this section applies shall be eligible to elect to insure the life of a dependent, not otherwise insured under this section, as follows:

The amount of life insurance, according to age at death, which shall be paid in the event of death from any cause shall be:

Employee's spouse	\$2,000
Child 6 months to 19 years	500
Child under 6 months	100

The term "dependent" means only an employee's spouse or an employee's legitimate unmarried child, which term shall include a stepchild or legally adopted child, under 19 years of age. During any period in which an employee or teacher or **Justice of the Supreme Judicial Court or Justice of the Superior Court or Judge of the District Court** shall have elected to insure a dependent as provided in this subsection, the full cost of same shall be withheld by payroll deduction or deductions as provided in subsection 6 and any benefits shall be payable as provided in subsection 3. If an employee or teacher or **Justice of the Supreme Judicial Court or Justice of the Superior Court or Judge of the District Court** shall have elected to insure a dependent as provided in this subsection, any insurance on any dependent shall cease

upon the employee or teacher's or **Justice of the Supreme Judicial Court or Justice of the Superior Court or Judge of the District Court's** separation from the service subject to provisions which shall be contained in the policy for conversion to an individual policy of life insurance on the spouse.

Sec. 16. R. S., T. 5, § 1151, sub-§ 2, amended. The last paragraph of subsection 2 of section 1151 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 411 of the public laws of 1967, is amended to read as follows:

The board of trustees, upon recommendation of the Advisory Council on Group Insurance, may purchase through the payment of a single premium on behalf of eligible state employees and teachers and **Justices of the Supreme Judicial Court and Justices of the Superior Court and Judges of the District Court** paid-up life insurance to be effective in a prescribed level amount upon retirement for reasons other than occupational disability. The board of trustees, with the approval of the Advisory Council on Group Insurance, shall by regulation prescribe the conditions of eligibility for and the annual level amount of this additional paid-up life insurance.

Sec. 17. R. S., T. 5, § 1151, sub-§ 7, amended. The last paragraph of subsection 7 of section 1151 of Title 5 of the Revised Statutes, as enacted by section 2 of chapter 411 of the public laws of 1967, is amended to read as follows:

Anything to the contrary notwithstanding, any dividends, premium rate adjustments or accumulations developed for any reason shall be used either to reduce or eliminate any contribution otherwise required from the Unappropriated Surplus of the General Fund or to increase benefits to state employees and teachers and **Justices of the Supreme Judicial Court and Justices of the Superior Court and Judges of the District Court**, as the board of trustees and the Advisory Council on Group Life Insurance in their sole discretion shall order by means of uniform regulations necessary to implement such usage or usages.

Sec. 18. R. S., T. 9, § 3122, amended. The 2nd sentence of section 3122 of Title 9 of the Revised Statutes is amended to read as follows:

Such report shall give information with respect to the financial condition of such licensee and shall include: The name and address of the licensee; balance sheets at the end of the accounting period; a statement of income and expenses for said period; a reconciliation of surplus or net earnings with the balance sheets; a schedule of assets used and useful in the small loan business; an analysis of charges, size of loans and types of security on loans of ~~\$2,500~~ **\$2,000** or less; an analysis of delinquent accounts; an analysis of suits, repossessions and sales of chattels and such other relevant information as the commissioner may reasonably require concerning the business and operations during the preceding calendar year for each licensed place of business conducted by such licensee within the State.

Sec. 19. R. S., T. 12, § 51, amended. The 2nd sentence of section 51 of Title 12 of the Revised Statutes, as amended by chapter 280 and by section 10 of chapter 494, both of the public laws of 1967, is repealed and the following enacted in place thereof:

It shall consist of the following 11 members: The Dean of the College of Agriculture, the State Commissioner of Agriculture, the State Forest Commissioner, State Commissioner of Inland Fisheries and Game and State Commissioner of Sea and Shore Fisheries, who shall serve ex officii; and 4 soil and water conservation district supervisors, one of which shall represent each of the following 4 areas: Area 1, composed of the soil and water conservation districts of St. John Valley, Central Aroostook, Southern Aroostook and Washington County; Area 2, composed of the districts of Piscataquis County, Somerset County, Franklin County and Kennebec County; Area 3, composed of the districts of Oxford County, Androscoggin Valley, Cumberland County and York County; Area 4, composed of Penobscot County, Waldo County, Knox-Lincoln and Hancock County, and 2 soil conservation representatives to be appointed by the 4 district supervisors.

Sec. 20. R. S., T. 12, § 514, sub-§ 3, ¶ C, amended. Paragraph C of subsection 3 of section 514 of Title 12 of the Revised Statutes, as enacted by chapter 487 of the public laws of 1965, is amended to read as follows:

C. Permits to littoral proprietors abutting on great ponds or their authorized representatives for the erection and maintenance of permanent causeways, bridges, marinas or fill in great ponds, provided that 7 days prior to the granting of any permit, public notice that the permit will be issued shall be given by publishing same in a newspaper having its principal place of business in the county where the premises are situated, if any, or if not, in the state newspaper, and provided that an opportunity for hearing before the commissioner shall be given to any owner of riparian rights in the pond concerned claiming within that time to be aggrieved should such permit be granted, and provided that the commissioner has first consulted with and had the approval of the Mining Bureau, the Water and Air Environmental Improvement Commission, the Commissioner of Inland Fisheries and Game and the State Park and Recreation Commission. Existing encroachments shall be deemed lawful if in conformity with criteria established by the Forest Commissioner by rule or regulation, after having consulted with and had the approval of the Mining Bureau, the Water and Air Environmental Improvement Commission, the Commissioner of Inland Fisheries and Game and the State Park and Recreation Commission. Each application for a permit shall be accompanied by a permit fee of \$10. Fees collected shall be credited to a special account and may be expended by the Forest Commissioner for any expense incurred in carrying out the purpose of this section.

Sec. 21. R. S., T. 12, § 664, amended. Section 664 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 496 of the public laws of 1965, is amended to read as follows:

§ 664. Administration

The State Park and Recreation Commission shall administer the waterway under this chapter, except for the power to control activities previously delegated by law to the Departments of Forestry and Inland Fisheries and Game and to the Water and Air Environmental Improvement Commission.

Sec. 22. R. S., T. 12, § 2001, amended. The 2nd paragraph of section 2001 of Title 12 of the Revised Statutes, as last amended by chapter 259 and by section 7 of chapter 404, both of the public laws of 1967, is repealed and the following enacted in place thereof:

It shall be the duty of the inland fish and game wardens to enforce all laws relating to inland fisheries and game and all rules and regulations pertaining thereto, Title 7, chapter 707 and sections 3601, 3602, Title 17, sections 2794 and 2798, Title 32, chapter 65; all regulations of the Federal Migratory Bird Treaty Act, Act of Congress approved July 3, 1918, as amended; all rules and regulations promulgated by the State Park and Recreation Commission relating to hunting, fishing and trapping; all rules and regulations promulgated in accordance with Title 38, section 323 and all rules and regulations promulgated by authority of chapter 206; to arrest all violators thereof, and to prosecute all offenses against the same.

Sec. 23. R. S., T. 12, § 2101, amended. That part of section 2101 of Title 12 of the Revised Statutes which relates to Long Lake Game Management Area, as enacted by chapter 126 of the public laws of 1967, is repealed.

Sec. 24. R. S., T. 12, § 2154, amended. Section 2154 of Title 12 of the Revised Statutes, as amended, is further amended by inserting in alphabetical order, the following paragraph:

Long Lake Game Management Area, Aroostook County: Within the following boundaries in the Towns of St. Agatha and Madawaska, Aroostook County: Beginning in the Village of St. Agatha at the junction of Route 162 and road that is near the northwesterly shore of Long Lake, easterly and northerly along said road to its junction with another road near Brishlotte Lake outlet stream, thence easterly along said road to its junction with the road that is along the easterly side of said Long Lake, thence southerly along said road to its junction with the road leading westerly to Birch Point, so called, thence along said road to its nearest point to said Long Lake, thence westerly to a red painted stake on the east shore of said Long Lake, thence southwesterly across said Long Lake to a red painted stake on the west shore of said Long Lake, thence in the same direction until this line intersects Route 162, thence northwesterly along said Route 162 to the point of beginning. This is intended to include the large and smaller islands in the northerly end of said Long Lake.

Sec. 25. R. S., T. 12, § 2301, sub-§ 3, repealed and replaced. Subsection 3 of section 2301 of Title 12 of the Revised Statutes, as amended by section 13 of chapter 404 and by section 12-A of chapter 494, both of the public laws of 1967, is repealed and the following enacted in place thereof:

3. Licenses for Indians. The commissioner shall issue a hunting, trapping and fishing license to any Indian over the age of 10 years of the Passamaquoddy and Penobscot tribes without any charge or fee, providing the Indian presents a certificate from the Commissioner of Indian Affairs stating that the person described is an Indian and a member of that tribe. For the purpose of this section, an Indian shall be any member on the tribal lists of the Penobscot and Passamaquoddy tribes of Indians. Holders of such licenses shall be subject to all of the laws, rules and regulations of chapters 301 to 335.

Sec. 26. R. S., T. 12, § 2358, sub-§ 1, amended. The 2nd paragraph of subsection 1 of section 2358 of Title 12 of the Revised Statutes, as amended by chapters 38, 109 and 145, all of the public laws of 1967, 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 during the month of April of each year; in Penobscot County south of the Canadian Pacific Railroad tracks and Washington and Franklin Counties shall be from April 1st to April 30th of each year and in York County 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 and in Penobscot County north of the Canadian Pacific Railroad tracks 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. 27. R. S., T. 12, § 2362, repealed. Section 2362 of Title 12 of the Revised Statutes, as enacted by chapter 254 of the public laws of 1967, is repealed.

Sec. 28. R. S., T. 12, § 2363, additional. Title 12 of the Revised Statutes is amended by adding a new section 2363, to read as follows:

§ 2363. Hunting of muskrat, mink, otter and fisher by Indians

It shall be lawful for members of the Penobscot or Passamaquoddy Indian Tribes to hunt muskrat, mink, otter or fisher with bow and arrow or firearms on lands or islands within their possession.

Sec. 29. R. S., T. 12, § 2554-A, repealed. Section 2554-A of Title 12 of the Revised Statutes, as enacted by section 31-A of chapter 404 of the public laws of 1967, is repealed.

Sec. 30. R. S., T. 12, § 2554-B, additional. Title 12 of the Revised Statutes is amended by adding a new section 2554-B, to read as follows:

§ 2554-B. Long Pond, Belgrade Lakes

There shall be no bag limit on white perch in Long Pond of Belgrade Lakes, Rome and Belgrade, Kennebec County.

Sec. 31. R. S., T. 12, § 4705, amended. Section 4705 of Title 12 of the Revised Statutes, as enacted by chapter 348 of the public laws of 1967, is amended to read as follows:

§ 4705. Wetlands Control Board

The Wetlands Control Board shall be composed of the Commissioners of Sea and Shore Fisheries and of Inland Fisheries and Game, the Chairman of the

Water and **Air Environmental** Improvement Commission, the Chairman of the State Highway Commission and the Forest Commissioner or their delegates.

Sec. 32. R. S., T. 13, § 981-A, additional. Title 13 of the Revised Statutes is amended by adding a new section 981-A, to read as follows:

§ 981-A. Certificate of organization; prior to 1911

Any nonprofit corporation, organized prior to the effective date of chapter 133 of the public laws of 1911, may present a certificate of such organization to the Attorney General, prepared by its officers of the date of such presentation, setting forth the date, place and purpose of the incorporation, its present location and officers, and if the Attorney General finds that such corporation was formed, by examination of the corporate records or other substantial evidence, whether or not with all the formalities now required in a certificate, and conformed to the law existing at the date of organization, he shall so certify, and the certificate so certified shall be recorded in the registry of deeds where the corporation is located and a copy thereof filed with the Secretary of State as provided for corporations under the present law; and if a certificate has heretofore been filed with the Secretary of State, as provided by chapter 192 of the public laws of 1897, the corporation may present such certificate or a copy thereof to the Attorney General. If he finds that the incorporation was made according to the law of the date of incorporation, he shall so certify, and in either case a copy of such certificate shall be filed with the registry of deeds in the county where the corporation is located, within 60 days after such certification.

Sec. 33. R. S., T. 14, § 6203-A, repealed. Section 6203-A of Title 14 of the Revised Statutes, as enacted by chapter 396 of the public laws of 1967, is repealed.

Sec. 34. R. S., T. 14, § 6203-F, additional. Title 14 of the Revised Statutes is amended by adding a new section 6203-F, to read as follows:

§ 6203-F. Foreclosure of bond for deed and contracts for sale of real estate

If the purchaser of real estate under a contract for the sale of real estate, including a bond for a deed, shall be in default of any of the terms of such contract, the seller, his heirs or assigns may foreclose the rights of the purchaser in said contract by any of the means provided by law for the foreclosure of mortgages, except that the redemption period shall be 60 days. Within the redemption period, the purchaser, or a person claiming under him, may apply to any Justice of the Supreme Judicial Court or Superior Court for an extension of time to redeem, and after such notice as the court may order, for good cause shown, the court may extend the redemption period to a maximum of one year. An extension order shall not be binding against any person without actual notice thereof unless, within said 60-day period, a written notice describing the land, identifying the instrument under which foreclosure proceedings have been brought, and setting forth the fact that application for extension of the redemption period has been made, is recorded in the registry of deeds in the county in which the land is located. This section shall not be construed to extend the life of options with an ascertainable time of termination. The remedy afforded by this section supplements other legal remedies which may be available to the seller.

Sec. 35. R. S., T. 14, § 7154, amended. Section 7154 of Title 14 of the Revised Statutes is amended to read as follows:

§ 7154. Inventory and appraisal if no claimant

If no person claims the property after such seizure, the party seizing shall cause an inventory and appraisal thereof to be made by 3 disinterested persons, under oath, appointed by a justice of the peace in the county; ~~which shall be the rule for deciding in what court the complaint shall be filed.~~

Sec. 36. R. S., T. 14, § 7155, amended. Section 7155 of Title 14 of the Revised Statutes is amended to read as follows:

§ 7155. Libel in Superior Court; notice

~~If the value of the property seized exceeds \$20, the~~ The party seizing, within 20 days, shall file a complaint in the clerk's office of the Superior Court in the county where the offense was committed, stating the cause of seizure and praying for an order of forfeiture. The clerk shall thereupon make out a notice to all persons to appear at such court at the time appointed to show cause why such order should not be passed, which notice shall be published in some newspaper printed in the county, if any, if not, in the state paper, at least 14 days before the time of trial.

Sec. 37. R. S., T. 14, § 7158, repealed. Section 7158 of Title 14 of the Revised Statutes is repealed, as follows:

§ 7158. Appeals

~~Either party may appeal to the next Superior Court in the county recognizing as in other cases of appeal. If the appeal is not prosecuted, the court, on complaint, may affirm the decree appealed from, with costs.~~

Sec. 38. R. S., T. 15, § 2611, sub-§ 5, amended. Subsection 5 of section 2611 of Title 15 of the Revised Statutes is amended to read as follows:

5. Dispositions after return to a juvenile court. In all cases in which a juvenile is returned to a juvenile court from the Boys Training Center or the Stevens ~~Training Center School~~, the juvenile court may make any of the dispositions otherwise provided in this section.

Sec. 39. R. S., T. 17, § 3851, repealed and replaced. Section 3851 of Title 17 of the Revised Statutes, as amended by section 5 of chapter 195, chapter 235 and section 3 of chapter 391, all of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 3851. Lands appurtenant to state institutions

Whoever willfully trespasses upon lands which belong to the State and are appurtenant to the Pineland Hospital and Training Center, Men's Correctional Center, Women's Correctional Center, Stevens School, Boys Training Center or the Maine State Prison, or whoever shall unlawfully interfere with the inmates of any of said institutions, or, whoever willfully trespasses upon land or buildings of the University of Maine, and of any of the 5 state colleges, namely, Farmington State College, Gorham State College, Washington State College, Fort Kent State College and Aroostook State College, after notice from an officer of any of said institutions, the University of Maine or the state colleges

to leave said lands or buildings, remains thereon, shall be punished by a fine of not more than \$50 or by imprisonment for not more than 3 months.

Sec. 40. R. S., T. 20, § 58, repealed. Section 58 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 79 of the public laws of 1967, is repealed.

Sec. 41. R. S., T. 20, § 59, additional. Title 20 of the Revised Statutes is amended by adding a new section 59, to read as follows:

§ 59. Certification of teachers

The board shall, in accordance with such rules and regulations as it prescribes, authorize the certification of teachers and other professional personnel for service in any public school in the State, or in any nonpublic school which accepts public funds for tuition or is approved for attendance purposes under section 911. The board may, in accordance with such rules and regulations as it prescribes, authorize the certification of adult education teachers, and other teaching and professional personnel in publicly supported education programs other than those in the public schools, post-high school institutes, colleges and universities. The board may, in accordance with such rules and regulations as it prescribes, authorize the employment of teacher aides, teacher assistants or other semiprofessional personnel for service in the kinds of schools described in this section.

Sec. 42. R. S., T. 20, § 154, amended. The 3rd, 4th and 5th sentences of section 154 of Title 20 of the Revised Statutes, as repealed and replaced by section 1 of Section C of chapter 191 of the private and special laws of 1967, are repealed and the following enacted in place thereof:

Upon approval of said certificate, the superintendent so employed shall, on presentation of proper vouchers, receive monthly out of the sum appropriated for general purpose aid for the unit an amount in accordance with section 3723. Whenever a superintendent of schools serves as a supervising principal as authorized in section 151, subsection 5, the sum paid to such superintendent of schools shall not exceed the amount earned under section 3723 which is attributable to his duties as superintendent of schools.

Sec. 43. Effective date. Section 42 of this Act shall become effective July 1, 1968.

Sec. 44. R. S., T. 20, § 304, amended. The first sentence of section 304 of Title 20 of the Revised Statutes, as amended by chapter 102 and by section 2 of chapter 224, both of the public laws of 1967, is repealed and the following enacted in place thereof:

To procure funds for authorized purposes of the district, the school directors of said district are authorized to borrow funds to pay current operating expenses of the district but said loans must be repaid within one year of the date of said borrowing and must be limited to an amount reasonably required for current operating expenses.

Sec. 45. R. S., T. 20, § 1292, amended. The last sentence of the first paragraph of section 1292 of Title 20 of the Revised Statutes, as amended by section 2 of chapter 338 and repealed and replaced by chapter 229, both of the public laws of 1967, is repealed and the following enacted in place thereof:

Any administrative unit not maintaining a high school or contracting for secondary school privileges may pay tuition for any student who with parent or guardian resides in said administrative unit and who attends an approved school of secondary grade in another state or country, but such tuition payment shall not exceed the average cost per pupil in all secondary schools of the State of Maine as determined in this section; or for any student who attends an approved school of secondary grade in another state when said school specializes in the correction of physical defects and when by reason of a disability the individual requires a specialized type of training available in said school but not obtainable in any approved secondary school in the State of Maine.

Sec. 46. R. S., T. 20, § 2452, sub-§ 2, amended. The first paragraph of subsection 2 of section 2452 of Title 20 of the Revised Statutes, as amended by chapter 289 and by section 1 of chapter 456, both of the public laws of 1967, is repealed and the following enacted in place thereof:

Special subsidy shall be paid to the administrative units that have conducted driver education courses meeting standards established by the state board according to the following plan: \$10 for each pupil completing the driver education course during the preceding year; said aid to be distributed as provided for in section 3723.

Sec. 47. Effective date. Section 46 of this Act shall become effective January 2, 1969.

Sec. 48. R. S., T. 20, § 3211, amended. The first sentence of section 3211 of Title 20 of the Revised Statutes, as amended by section 3 of chapter 67 and by chapter 457, both of the public laws of 1967, is repealed and the following enacted in place thereof:

For the purposes of administering this chapter, an orphan of a veteran shall be defined as a child not under 16 years of age whose father served in the military or naval forces of the United States during World War I, World War II, the Korean Campaign or the Viet Nam War and was killed in action or died from a service-connected disability as a result of such service or who is living and is determined to have a total disability, permanent in nature, resulting from a service-connected disability as a result of such service.

Sec. 49. R. S., T. 20, § 3455, amended. The first sentence of section 3455 of Title 20 of the Revised Statutes, as amended by section 2 of Section C of chapter 191 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

All apportionments to administrative units, academies and institutes under this Title, unless specifically directed by statute, shall be made annually in the following manner: An amount not to exceed 2/3 of the estimated subsidy shall be paid on or after August 15th, or as much thereof as is available, and the balance shall be due and payable in the month of December.

Sec. 50. Effective date. Section 49 of this Act shall become effective July 1, 1968.

Sec. 51. R. S., T. 20, § 3722, amended. The 2nd paragraph of section 3722 of Title 20 of the Revised Statutes, as amended by section 3 of Section C of chapter 191 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

The average of the 2 preceding years' adjusted resident average daily membership of the pupils attending school in the unit shall be multiplied by the applicable dollar allowance in Table I below. To this amount shall be added 90% of the average expenditure for tuition and transportation made by the unit for the 2 preceding years plus the unit's average expenditure for board during the same 2-year period. The total of these items will be the total foundation program. From this total foundation program shall be subtracted the average of the 2 preceding years' school maintenance incidental receipts, not including tuition receipts, except that income received from a ministerial and school fund shall not be subtracted. A portion of the receipts from Public Law 874, 81st Congress, as amended, or any penalties applied for illegal expenditures or uncertified teachers shall be deducted from the foundation program allocation in the same proportion as the unit's local effort toward the foundation program was to the total sum of the foundation program in the previous biennium. The board may adjust the effect of the penalties if evidence is submitted that undue hardship or unusual gain would occur in the subsidy of any unit. The net cost thus obtained represents the net foundation program allowance on which state subsidy shall be computed biennially in accordance with this section.

Sec. 52. R. S., T. 20, § 3722, amended. The first sentence of the 4th paragraph of section 3722 of Title 20 of the Revised Statutes, as amended by section 4 of Section C of chapter 191 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

The per pupil allowance used in computing the foundation program shall be \$290.

Sec. 53. Effective date. Sections 51 and 52 of this Act shall become effective July 1, 1968.

Sec. 54. R. S., T. 20, § 3723, amended. The 4th paragraph of section 3723 of Title 20 of the Revised Statutes, as repealed and replaced by section 5 of Section C of chapter 191 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

Whenever any administrative unit's fiscal reports show that the average expenditure for foundation program items during the 2 years preceding the convening of the Legislature was less than the foundation program requirements of the same 2-year period for either elementary or secondary education programs, the unit shall have a portion of the average amount by which it failed to meet the foundation program requirements deducted from its foundation program for the 2 years of the succeeding biennium. If a unit fails to meet the elementary or secondary foundation program requirements as set out in the statutes, the percentage of the amount to be deducted shall be in the same ratio as the ratio of the unit's local contribution toward the net cost of the foundation program in the previous biennium was to the net cost of the foundation program during the same period of time.

Sec. 55. R. S., T. 20, § 3723, amended. The 7th paragraph of section 3723 of Title 20 of the Revised Statutes, as repealed and replaced by section 6 of Section C of chapter 191 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

Any administrative unit in which the elementary operating expenditure or secondary operating expenditure, not including debt retirement, capital outlay items, transportation, tuition or community services, exceeded the amount of the foundation program per pupil allowance multiplied by the adjusted pupil count of the previous biennium shall be entitled to an additional subsidy allocation on that part of its average elementary or secondary operational expenditure which exceeded the elementary or secondary foundation program amount of the previous biennium. The amount that the average elementary or secondary operational expenditure exceeded the average elementary or secondary foundation program of the previous biennium shall be multiplied by 4%. The result shall be added to the subsidy allocation.

Sec. 56. R. S., T. 20, § 3723, amended. The last paragraph of section 3723 of Title 20 of the Revised Statutes, as enacted by section 7 of Section C of chapter 191 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

The total salary paid to a superintendent of schools including state and local portions shall be used when computing the general purpose aid of a unit. From the subsidy allocation of each unit shall be deducted that portion of the subsidy that was earned because of the salary of a superintendent of schools. The amount thus deducted shall be paid to the superintendent of schools under section 154. Every unit in the State shall receive a subsidy allocation in 1968 which is no less than the amount originally allocated for the unit in 1968 by the budget document which was recommended for legislative consideration.

Sec. 57. Effective date. Sections 54, 55 and 56 of this Act shall become effective July 1, 1968.

Sec. 58. R. S., T. 22, § 10, repealed. Section 10 of Title 22 of the Revised Statutes, as enacted by chapter 356 of the public laws of 1967, is repealed.

Sec. 59. R. S., T. 22, § 11, additional. Title 22 of the Revised Statutes is amended by adding a new section 11, to read as follows:

§ 11. Municipal grants

The department is authorized to make grants to cities or towns within the State, or to nonprofit corporations organized for purposes related to public health or welfare, out of federal funds when such grants are permitted by the terms under which the federal funds are available. Such grants shall be made in conformity with applicable federal requirements and standards and with appropriate state accounting requirements, and in accordance with regulations of the department.

Sec. 60. R. S., T. 22, § 511, amended. The 3rd sentence of section 511 of Title 22 of the Revised Statutes, as amended by chapters 251 and 328, both of the public laws of 1967, is repealed and the following enacted in place thereof:

The number of medical examiners so to be appointed shall be as follows:

For the Counties of Knox, Piscataquis, Sagadahoc and Waldo, 2 each; for the Counties of Franklin, Hancock, Lincoln and Somerset, 3 each; for the County of Kennebec, 4; for the Counties of Androscoggin, Oxford, Washington and York, 5 each; for the Counties of Aroostook, Cumberland and Penobscot, 7 each; and they shall be appointed with reference to territorial distribution.

Sec. 61. R. S., T. 22, § 3403, amended. The last paragraph of section 3403 of Title 22 of the Revised Statutes, as amended by section 2 of chapter 364 of the public laws of 1965, is repealed.

Sec. 62. R. S., T. 22, § 3746, repealed. Section 3746 of Title 22 of the Revised Statutes, as amended by section 2 of chapter 228 and repealed by section 2 of chapter 459, both of the public laws of 1967, is repealed.

Sec. 63. R. S., T. 22, § 4457, amended. The first 2 sentences of section 4457 of Title 22 of the Revised Statutes are amended to read as follows:

During the period that a person is ~~supported in whole or in part by old age assistance or aid to the blind~~ receiving aid to the aged, blind or disabled, he and those who derive their settlement from him shall not acquire or lose a pauper settlement nor be in the process of acquiring or losing a pauper settlement. Upon the termination of such ~~old age assistance or aid to the blind~~ aid to the aged, blind or disabled, he shall again have the capacity to start to acquire or lose a pauper settlement, but until such time as he has acquired a new settlement or lost his old settlement, he and those who derive their settlement from him shall hold the settlement he had at the time of the receipt of such ~~old age assistance or aid to the blind~~ aid to the aged, blind or disabled.

Sec. 64. R. S., T. 22, § 4790, repealed. Section 4790 of Title 22 of the Revised Statutes, as amended by section 17-F of chapter 494 and repealed by section 2 of chapter 465, both of the public laws of 1967, is repealed.

Sec. 65. R. S., T. 22, § 4792, amended. The first sentence of section 4792 of Title 22 of the Revised Statutes, as amended by chapter 166 and by section 17-H of chapter 494, both of the public laws of 1967, is repealed and the following enacted in place thereof:

Biennially, on the even-numbered years, on the 2nd Tuesday of September, the Penobscot Indians shall hold their election for the choice of governor and lieutenant governor of said tribe, and a representative at the Legislature of this State, and a tribal council to consist of 12 members of said tribe, each of whom must be at least 21 years of age.

Sec. 66. R. S., T. 22, § 4831, repealed and replaced. Section 4831 of Title 22 of the Revised Statutes, as amended by chapter 167 and by section 17-I of chapter 494, both of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 4831. Biennial elections

Biennially on the even-numbered years, on the Tuesday following Labor Day in September, the Passamaquoddy Tribe of Indians shall hold their election for

the choice of governor and lieutenant governor of each reservation of said tribe, a representative at the Legislature of this State and a tribal council to consist of 6 members of said tribe from each reservation, all of whom must be at least 21 years of age. The representative at the Legislature of this State shall be chosen alternately between the 2 reservations. Only certified members of the tribe who are 21 years of age or older shall be eligible to vote. The governors shall preside over all meetings of the council and be a member ex officio. In the absence of the governor, the lieutenant governor shall preside. Four members of such council from each reservation shall constitute a quorum thereof for the purpose of conducting the affairs of the tribe on each reservation and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. At joint meetings of the tribal councils from both reservations, a total of 7 council members shall constitute a quorum, with at least 3 members being present from one reservation. The commissioner shall give notice of the time and place, 7 days before said day of election, by posting notices thereof in some conspicuous place on the reservations at Pleasant Point and Peter Dana Point. Said commissioner shall receive, sort and count the votes given in said election, in the presence of members of the tribe, and those elected shall be given certificates therefor. All persons so elected shall hold office for 2 years commencing on the first day of October on the even-numbered years beginning October 1, 1968, or until their successors are elected. Whenever any vacancy occurs the commissioner shall call a meeting of the tribe to fill such vacancy. Vacancies shall be filled through appointment by the respective tribal governor with the advice and consent of the respective tribal council.

Sec. 67. R. S., T. 28, § 52, amended. The last sentence of section 52 of Title 28 of the Revised Statutes, as enacted by section 4 of chapter 151 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

Neither the commission, nor any employee, shall accept directly or indirectly any samples, gratuities, favors or anything of value from a manufacturer, seller, brewer or licensee or any representative of the same.

Sec. 68. R. S., T. 28, § 451, amended. The first sentence of section 451 of Title 28 of the Revised Statutes, as amended by section F of chapter 154 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

All spirits and wines shall be sold by the commission at a price to be determined by the commission which will produce a state liquor tax of not less than 75% based on the less carload cost F.O.B., State Liquor Commission warehouse, and in addition thereto there shall be levied and imposed an excise tax of 24c per gallon on wines containing 10% to 14% alcohol by volume, 75c per gallon on wines containing 15% to 21% alcohol by volume and \$1 per gallon on sparkling wines; except that spirits and wines sold at wholesale under section 204 may be sold at wholesale prices established pursuant to the provisions thereof.

Sec. 69. R. S., T. 29, § 950, repealed. Section 950 of Title 29 of the Revised Statutes, as enacted by chapter 191 of the public laws of 1967, is repealed.

Sec. 70. R. S., T. 29, § 959, additional. Title 29 of the Revised Statutes is amended by adding a new section 959, to read as follows:

§ 959. Trucks carrying explosive or inflammable cargoes

All motor trucks used for the transportation of high explosives or poisonous or compressed inflammable gasses, or inflammable or corrosive liquids in bulk, whether loaded or empty, shall come to a full stop before crossing any railroad grade crossing, such stop to be made at a point not more than 50 feet and not less than 10 feet from the nearest rail. The operator of such vehicle failing to so stop shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$200.

Sec. 71. R. S., T. 29, § 956, repealed. Section 956 of Title 29 of the Revised Statutes, as enacted by chapter 66 of the public laws of 1967, is repealed.

Sec. 72. R. S., T. 29, § 960, additional. Section 960 of Title 29 of the Revised Statutes is amended by adding a new section 960 to read as follows:

§ 960. Riding on motorcycles

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle, unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for 2 persons, or upon another seat firmly attached to the rear or side of the operator, and provided with foot rests or in a sidecar attached to the motorcycle.

Sec. 73. R. S., T. 29, § 1312, amended. The 7th sentence of section 1312 of Title 29 of the Revised Statutes, as amended by section 2 of chapter 408 of the public laws of 1967, is further amended to read as follows:

All such tests made to determine the weight of alcohol in the blood shall be paid for from the ~~District Court~~ General Fund.

Sec. 74. Effective date. Section 73 of this Act shall become effective July 1, 1969.

Sec. 75. R. S., T. 29, § 1371, repealed. Section 1371 of Title 29 of the Revised Statutes, as enacted by section 22 of chapter 245 of the public laws of 1967, is repealed.

Sec. 76. R. S., T. 29, § 1372, additional. Title 29 of the Revised Statutes is amended by adding a new section 1372 to read as follows:

§ 1372. Obstruction to driver's view or driving mechanism

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding 3, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

Sec. 77. R. S., T. 29, § 1371, repealed. Section 1371 of Title 29 of the Revised Statutes, as enacted by chapter 267 of the public laws of 1967, is repealed.

Sec. 78. R. S., T. 29, § 1373, additional. Title 29 of the Revised Statutes is amended by adding a new section 1373, to read as follows:

§ 1373. Protective headgear for motorcycle riders

Every person operating a motorcycle or motor driven cycle, or riding as a passenger on a motorcycle or motor driven cycle or in a sidecar attached to a motorcycle or motor driven cycle shall wear protective headgear conforming with such minimum standards of construction and performance as the Secretary of State may prescribe.

Sec. 79. R. S., T. 30, § 4958, sub-§ 2, amended. The 2nd sentence of subsection 2 of section 4958 of Title 30 of the Revised Statutes, as enacted by chapter 433 of the public laws of 1967, is amended to read as follows:

After ~~the effective date of this Act~~ **October 7, 1967** such ordinance or amendments thereto may be enacted only after the planning board has conducted a careful investigation of any proposed district or change therein, has held a public hearing thereon after public notice which shall include written notice to the owners of all properties to be included in such district or changed district as they appear on the municipality's official assessment record, ~~to be included in such proposed district or change~~ and has reported its recommendations at a meeting of the legislative body held not less than 10 days after the date of the hearing.

Sec. 80. R. S., T. 32, § 579, sub-§ 2, amended. Subsection 2 of section 579 of Title 32 of the Revised Statutes, as last amended by section 25 of chapter 494 of the public laws of 1967, is further amended to read as follows:

2. Filing of appeal. The filing of an appeal from an order of the commissioner rejecting an application for a license by a collection agency engaged in business as of January 1, 1966, or rejecting an application for the renewal of a license, or ~~suspension~~ **suspending** or revoking a license within 60 days after the date of such order, shall operate as a stay of such order which shall continue pending final determination of such appeal.

Sec. 81. R. S., T. 32, § 873, sub-§ 4, amended. Subsection 4 of section 873 of Title 32 of the Revised Statutes, as enacted by section 10 of chapter 484 of the public laws of 1967, is amended to read as follows:

4. Federal savings and loan, federal credit union. Any security issued by and representing an interest in, or a debt of, or guaranteed by, any federal savings and loan association or federal credit union authorized to do business in this State, savings and loan associations, or industrial ~~bank~~ **loan companies**, credit union or similar organization organized under the laws of this State and authorized to do business in this State;

Sec. 82. R. S., T. 32, c. 14, repealed. Chapter 14 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 291 of the public laws of 1967, is repealed.

Sec. 83. R. S., T. 32, c. 16, additional. Title 32 of the Revised Statutes is amended by adding a new chapter 16, to read as follows:

CHAPTER 16.
DENTISTS AND DENTAL HYGIENISTS
SUBCHAPTER I
GENERAL PROVISIONS

§ 1061. Change of address

Every licensed dentist or dental hygienist, upon changing his place of business, shall within 30 days thereafter furnish the secretary-treasurer of the board with his new address. Failure to comply with this section within the period specified shall be punished by a fine of \$5.

§ 1062. Injunction; procedure

When it appears to the board that any person is violating any of the provisions of this chapter, the board may in its own name bring an action in a court of competent jurisdiction for an injunction, and courts of this State may enjoin any person from violation of this chapter, regardless of whether proceedings have been or may be instituted before the Administrative Hearing Commissioner or whether criminal proceedings have been or may be instituted.

SUBCHAPTER II
BOARD OF DENTAL EXAMINERS

§ 1071. Membership; appointment; vacancies; removal; nominations; compensation

The Board of Dental Examiners, as heretofore established and hereinafter 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. They shall be graduates of a reputable dental college and shall have been in the actual practice of dentistry in this State for at least 10 years immediately preceding the appointment. One member shall be appointed annually, as the terms of the present members expire, to hold office for 5 years from the 1st day of January and until his successor is appointed. No person shall be eligible for appointment to the board who has been convicted of a violation of any of the provisions of this or any other prior Dental Practice Act or who has been convicted of a felony. No person shall be eligible to appointment on said board who shall have served 10 years or more on a dental examining board in this State. All appointments to said board shall be made in the following manner: The Maine Dental Association may at its annual meeting each year nominate 6 members of said association who fulfill all the foregoing requirements, whose names shall be forthwith certified to the Governor by the president and secretary of said association, and if said list is so submitted in any year, the Governor shall, until the date of the next annual meeting of said association, appoint as dental examiner one of those men whose names appear on said list. Any vacancy in said board shall be filled by the appointment of a person qualified as aforesaid, to hold office during the unexpired term of the member whose place he

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

The members of the board, except the secretary, shall each receive as compensation for their services \$50 a day for the time actually spent and their necessary expenses incurred in the discharge of their duties, to be certified by the secretary of the board.

§ 1072. Elections; quorum; reports; records; treasurer; expenses

The board shall, at its annual meeting, elect from its members a president, vice-president and a secretary-treasurer. Three members shall constitute a quorum. The board shall have a common seal. The board shall hold one regular meeting each year at a time and place to be fixed by the board, and special meetings at such other times and places as may be necessary. The board shall at least annually give examinations for applicants to practice dentistry in the State of Maine at such time and place as may be designated by the board. They may make such rules, not contrary to law, as they may deem necessary for the performance of their duties and shall conduct theoretical and clinical examinations upon such subjects pertaining to dentistry as the board shall designate. They shall annually make a report of their proceedings to the Governor, and shall furnish to the Secretary of State a list of persons to whom certificates have been granted during the year. A record of proceedings kept by the secretary of the board shall be open for public inspection at reasonable times.

The secretary-treasurer shall receive all fees, charges and assessments payable to the board and account for and pay over the same according to law. The secretary shall receive an annual salary to be fixed by the board not to exceed \$1,200, which shall be received by him in lieu of a per diem compensation. The secretary shall be paid his necessary expenses incurred in the discharge of his official duties, including clerical and stenographic assistance, printing and postage. Such salary and allowance for expenses shall be certified by the president of the board.

§ 1073. Complaints

Each member of the board is constituted an agent, who shall have authority to investigate all complaints and all cases of noncompliance with or violation of the provisions of laws relating to dentists. The board is authorized to:

1. Employees; attorney. Employ such persons as it may deem necessary to assist it in carrying out its duties in the administration and enforcement of this chapter, and to provide offices, furniture, fixtures, supplies, printing or secretarial service, and may expend such funds as may be deemed necessary therefor and may, with the approval of the Attorney General, appoint an attorney to advise and assist in the carrying out and enforcing this chapter.

2. Investigations. Investigate violations of this chapter that may come to the knowledge of the board, and to institute or cause to be instituted appropriate proceedings in connection herewith.

3. Rules and regulations. Adopt rules and regulations to carry out and make effective this chapter and to modify or repeal said rules and regulations whenever in the discretion of the board it is deemed necessary.

§ 1074. Affiliation with American Association of Dental Examiners

The board may affiliate with the American Association of Dental Examiners as an active member and pay regular dues to said association and may send one or more delegates to the meetings of the said American Association of Dental Examiners. Such delegates shall receive compensation provided for in section 1071.

SUBCHAPTER III

DENTISTS

§ 1081. Definitions; persons excepted

1. Practicing dentistry. Any person shall be deemed to be practicing dentistry who performs, or attempts or professes to perform, any dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money or other remuneration paid, or to be paid directly or indirectly, to himself or to any other person or agency who is a proprietor of a place where dental operations, oral surgery or dental services are performed; or who directly or indirectly, by any means or method, takes impressions of the human tooth, teeth, jaws or performs any phase of any operation incident to the replacement of a part of a tooth; or supplies artificial substitutes for the natural teeth, or who furnishes, supplies, constructs, reproduces or repairs any prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth, except on the written prescription of a duly licensed and registered dentist; or who places such appliance or structure in the human mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to any person other than the dentist upon whose prescription the work was performed; or who professes to the public by any method to furnish, supply, construct, reproduce or repair any prosthetic denture, bridge, appliance or other structure to be worn in the human mouth, or who diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat, disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structure, or who extracts or attempts to extract human teeth, or corrects or attempts to correct malformations of teeth or of the jaws; or who repairs or fills cavities in the human teeth; or who diagnoses, makes and adjusts appliances to artificial casts or malposed teeth for treatment of the malposed teeth in the human mouth, with or without instruction; or who uses a roentgen or x-ray machine for the purpose of taking dental x-rays or roentgenograms, or who gives or professes to give interpretations or reading of dental x-rays or roentgenograms; or who administers an anaesthetic of any nature in connection with a dental operation, or who uses the words dentist, dental surgeon, oral surgeon or the letters D.D.S., D.M.D. or any other words, letters, title or descriptive matter which in any way represents him as being able to diagnose, treat, prescribe or operate for any disease, pain, deformity, deficiency, injury or physical condition of the teeth or jaws or adjacent structures; or who states,

or professes or permits to be stated or professed by any means or method whatsoever that he or she can perform or will attempt to perform dental operations or render a diagnosis connected therewith.

2. Exemptions. Nothing in this chapter shall apply to the following practices, acts and operations:

A. The practice of his profession by a physician or surgeon licensed as such under the laws of this State, unless he practices dentistry as a specialty;

B. The giving by a qualified anaesthetist or registered nurse of an anaesthetic for a dental operation under the direct supervision of a licensed dentist or physician; the removing of sutures, the dressing of wounds, the application of dressings and bandages and injection of drugs subcutaneously or intravenously by a registered nurse under the direct supervision of a licensed dentist or physician;

C. The practice of dentistry in the discharge of their official duties by graduate dentists or dental surgeons in the United States Army, Navy, Public Health Service, Coast Guard or Veterans Bureau;

D. The practice of dentistry by a licensed dentist of other states or countries at meetings of the Maine State Dental Association or components thereof or other like dental organizations approved by the board, while appearing as clinicians;

E. The filling of prescriptions of a licensed and registered dentist by any person or persons, association, corporation or other entity, for the construction, reproduction or repair of prosthetic dentures, bridges, plates or appliances to be used or worn as substitutes for natural teeth, provided that such person or persons, association, corporation or other entity shall not solicit nor advertise, directly or indirectly, by mail, card, newspaper, pamphlet, radio or otherwise, to the general public to construct, reproduce or repair prosthetic dentures, bridges, plates or other appliances to be used or worn as substitutes for natural teeth; and

F. The use of roentgen or x-ray machines or other rays for making radiograms or similar records of dental or oral tissue under the supervision of a licensed dentist or physician. Such service shall not be advertised by any name whatever as an aid or inducement to secure dental patronage, and no person shall advertise that he has, leases, owns or operates a roentgen or x-ray machine for the purpose of making dental radiograms of the human teeth or tissues or the oral cavity or administering treatment thereto for any disease thereof.

3. Proprietor. The term proprietor, as used in this chapter, shall be deemed to include any person who:

A. Employs dentists or dental hygienists in the operation of a dental office; or

B. Places in possession of a dentist or dental hygienist or other agent such dental material or equipment as may be necessary for the management of a

dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment or offices; or

C. Retains the ownership or control of dental equipment or material or office and makes the same available in any manner for the use by dentists or dental hygienists or other agents, provided that nothing in this subsection shall apply to bona fide sales of dental equipment or material secured by a chattel mortgage or retain title agreement. A licensee of dentistry who enters into any of these arrangements with an unlicensed proprietor may have his license certificate suspended or revoked.

4. Corporations; names. No corporation shall practice, offer or undertake to practice or hold itself out as practicing dentistry. Every person practicing dentistry as an employee of another shall cause his name to be conspicuously displayed and kept in a conspicuous place at the entrance of the place where such practice is conducted. This subsection shall not prohibit a licensed dentist from practicing dentistry as the employee of another licensed dentist in this State, or from practicing dentistry as the employee of any state hospital or state institution where his only remuneration is from the State or from any corporation which provides dental service for its employees at no profit to the corporation.

§ 1082. Qualifications

All persons applying for examination and a certificate to practice dentistry in this State shall be at least 21 years of age, of good moral character, citizens of the United States and shall be graduates of and have a diploma from a reputable dental college, school or dental department of a reputable university approved by the board.

§ 1083. Application for examination; subjects; reexamination

Not less than 10 days prior to the date upon which an examination is held, each applicant for certificate to practice dentistry shall file an application for examination and pay to the secretary of the board a fee of \$50 and present himself for examination at the first regular meeting of the board after such application is filed. Such fee may be refunded to the applicant by the board for good cause shown. The examination may be clinical or theoretical, or both. The theoretical examination may be written or oral, or both, at the option of said board, and may include such subjects as the board may deem appropriate. The board may, at its discretion, recognize a certificate granted by the National Board of Dental Examiners in lieu of, or subject to, such examination as may be required. The board shall require as part of the examination a clinical demonstration of the candidate's skill in dentistry. An applicant who fails to pass the first examination to the satisfaction of the board shall be entitled to one reexamination with a charge of \$25 and the fee for any subsequent examination shall be \$50.

§ 1084. Certificates; fees; registration cards

The board shall issue under its seal, to all persons who shall successfully pass said examination, its certificate of ability to practice dentistry in this State, signed by its president and secretary. Whenever requested by a member or au-

thorized agent of the board, a dentist shall exhibit his license. Said certificate shall be considered a license to practice dentistry in this State, except that it shall be unlawful for any person to practice dentistry in this State in any year after the year in which said certificate is issued to him, unless he shall pay to the treasurer of the board on or before January 1st of said year a fee of \$10 for which he shall receive a registration card, which card shall be placed beside or attached to the certificate. Practitioners who shall not have paid as provided shall be reinstated and licensed for the balance of the current year upon payment of a fee of \$20 if paid before March 1st. A license to practice is automatically suspended on March 1st for nonpayment of registration fee and may be reinstated on payment of fee of \$25. New applicants having paid the examination fee shall not be subject to the \$10 annual license fee for the calendar year in which they were licensed.

§ 1085. Reciprocity with other states; fees

The board is authorized, at its discretion, without the examination as provided, to issue its certificate to any applicant therefor who shall furnish proof, satisfactory to the board, that he has been duly licensed to practice dentistry in another state after full compliance with the requirements of its dental laws. If licensed to practice dentistry in said other state after the first day of January, 1913, his professional education shall not be less than is required in this State, and such applicant shall have been at least 5 years in actual practice in the state in which said license was granted. No license shall be issued under this section unless the state, territory or district from which the applicant comes shall accord equal rights to dentists of Maine holding a license from the Maine Board of Dental Examiners. Every license so given shall state upon its face the grounds upon which it is granted, and the applicant may be required to furnish his proof upon affidavit. The fee for such license shall be \$50.

§ 1086. Permits for internship; revocation; suspension

The board shall have the authority, upon presentation of satisfactory credentials and under such rules and regulations as the board may prescribe, to issue a permit to a graduate of an approved dental school or college who has not been licensed or registered to practice dentistry in this State, and who has not failed to pass an examination for license in this State, to serve as a dental intern for a period of one year, provided that such hospitals maintain a recognized staff of one or more licensed dentists. Such intern shall function under the supervision and direction of the dental staff of such hospitals, his work to be limited to the patients confined to the hospital in which he serves, and shall receive no fee or compensation other than that received in salary or other remuneration from such hospitals. The board shall have the power to revoke the permit of any such intern at any time within the year for which it is issued upon the recommendation of such procedure by the executive officer of the resident dental staff of the hospital in which he serves or for any other reason which the board may deem justifiable. Such limited permits granted for the purpose of internships shall automatically expire at the end of one year and may be subject to renewal.

Special permits shall be issued by the State Board of Dental Examiners to dentists of good standing and morality practicing outside the State when the

request for such dentists comes from some charitable or social organization within the State and when the intention of such charitable or social organization is to provide free dental care for the public when no resident dental service is available. Such permit shall be issued for one year and shall not be subject to renewal.

§ 1087. Fee for duplicate certificate

An applicant for a duplicate certificate granted upon proof of loss of the original shall pay a fee of \$10.

§ 1088. Lawful practitioners

Only those persons who were in the lawful practice of dentistry on the 13th day of March, 1913, and those who have received certificates, as provided for by law since such date, shall be deemed lawful practitioners of dentistry in this State.

§ 1089. Drugs or medicines prescribed

A dentist or dental surgeon shall have the right to prescribe drugs or medicine, perform such surgical operations, administer general and local anaesthetics and use such appliances as may be necessary for proper dental treatment.

§ 1090. Prescription required for dental laboratory

1. Prescription. Any dentist who shall use the services of any person, which word when used in this section shall include all legal entities, not licensed to practice dentistry in this State, to construct, alter, repair or duplicate any denture, plate, partial plate, bridge, splint, orthodontic or prosthetic appliance, shall first furnish such unlicensed person with a written prescription, on forms prescribed by the board, which shall contain:

- A. The name and address of such unlicensed person;
- B. The patient's name or number. In the event such number is used, the name of the patient shall be written upon the duplicate copy of such prescription retained by the dentist;
- C. The date on which it was written;
- D. A prescription of the work to be done, with diagrams if necessary;
- E. A specification of the type and quality of materials to be used;
- F. The signature of the dentist and the number of his Maine license.

Such unlicensed person shall retain the original prescription and the dentist shall retain a duplicate copy thereof for inspection by the board or its agent for 2 years.

§ 1091. Revocation of license

1. Causes. The Administrative Hearing Commissioner may revoke, suspend, or refuse to renew the license of any dentist for any of the following causes:

- A. Conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction or a copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence.
- B. Renting or lending to any person his license or diploma to be used as a license or diploma, or illegally or fraudulently obtaining a license from the board.
- C. Proof of incompetence or unskillfulness.
- D. Failure or refusal to comply with the lawful orders of the board.
- E. Addiction to a drug habit.
- F. Chronic alcoholism.
- G. Physical or mental disability, or other condition to the extent that continued practice would be dangerous to patients or to the public.
- H. Unprofessional or immoral conduct, which includes, but is not limited to, the following acts:

(1) Advertising for dental patronage by means of circulars, handbills posters, cards, stationery, stereopticon slides, radio, newspapers, telephone directory, television, motion pictures or public address systems; making use of any advertising statements of a character tending to deceive or mislead the public; advertising professional superiority or the performance of professional service in a superior manner; advertising to use drugs, patents, nostrums or proprietary medicines; placing the name of his dental hygienist on his door, cards or letter heads; advertising prices for professional services; advertising credit or terms of credit; advertising by means of electric sign, illuminated sign, sign that sets forth more than the name, profession, title, such as D.M.D. or D.D.S., and office hours of the dentist; sign where lettering is more than 7 inches in height, or whose signs altogether total more than 600 square inches; use of signs located other than within the professional office or offices, or upon the doors or windows thereof, or on the door or within or upon the building or premises in or on which such office or offices are located; advertising by means of a sign or display that contains or is a representation or reproduction of a tooth, bridgework or any portion of the human head; advertising free dental work or free examination; or advertising to guarantee any dental service or to perform any dental operation or act painlessly; or employing or making use of advertising solicitors or free publicity press agents.

(2) Using the telephone directory for more than 2 listings, one in the "white" and one in the "yellow" section; using other than regularly used small type, no large or bold-face type or multi-colored, or set in a border of any kind; using more than the name, title, address and telephone number in the yellow section; when practice is limited, using terms other than "Practice limited to (the one specialty)"; using or permitting the listing

of his name or address under any separate limitation of practice or specialty heading.

(3) Obtaining any fee by fraud or misrepresentation; splitting fees; willfully violating the confidence of the dentist-patient relationship.

I. Permitting any dental hygienists operating under his supervision to perform any operation other than that permitted under section 1095.

§ 1092. Unlawful practice

Whoever practices dentistry without obtaining the certificate and subsequently the registration card required by law, or whoever practices dentistry under a false or assumed name, or under the license or registration of another person of the same name, or under the name of a corporation, company, association, parlor or trade name, or whoever, being manager, proprietor, operator or conductor of a place for performing dental operations, employs a person who is not a lawful practitioner of dentistry of this State to do dental operations as defined in section 1081, or permits such persons to practice dentistry under a false name, or assumes a title or appends or prefixes to his name the letters which falsely represent him as having a degree from a dental college, or who impersonates another at an examination held by the board or who knowingly makes a false application or false representation in connection with such examination shall be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment for not more than 30 days, or by both. Each act constituting a violation of any of the provisions of this chapter shall be held to be a separate offense and on each day on which any such violation shall continue a separate offense within the meaning of this law shall be held to be committed. A subsequent conviction shall be punished by the maximum penalties prescribed in this section, and the offender be required to furnish a recognizance conditioned to refrain from further unlawful practice.

§ 1093. Fraudulent sale or alteration of diplomas

Whoever sells or offers to sell a diploma conferring a dental degree or a certificate granted pursuant to the laws of this State, or who procures such certificate or diploma with intent that it shall be used as evidence of the right to practice dentistry by a person other than the one upon whom the diploma or certificate was conferred, or who with fraudulent intent alters such diploma or certificate, or uses or attempts to use the same when altered, or whoever attempts to bribe a member of the board by the offer or use of money or other pecuniary reward or by other undue influence shall be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment for not less than 30 days nor more than 60 days, or by both. A subsequent conviction shall be punished by by the maximum penalties prescribed in this section.

§ 1094. Penalties

Whoever violates any provision of this chapter, for the violation of which no penalty has been prescribed, shall be punished by a fine of not less than \$50 nor more than \$500; or by imprisonment for not less than 10 days nor more than 30 days, or by both. A subsequent conviction shall be punished by the

maximum penalties prescribed in this section. The several prosecuting officers of this State, on notice from any member of the board, shall institute prosecutions for offenses under this chapter.

SUBCHAPTER IV DENTAL HYGIENISTS

§ 1095. Definition

Dental hygiene shall mean the treatment of human teeth by scaling, polishing, planing and removing therefrom calcareous deposits, and by removing accumulated accretion from directly beneath the free margins of the gums; the making of x-ray exposures of teeth and surrounding tissues; the clinical examination of the teeth and surrounding tissues for carious lesions, periodontal pockets and other abnormal condition; the obtaining and recording of basic medical and dental histories and information; the instruction of patients in proper tooth care; the application of fluorides or other substances beneficial in the control of caries; the application of desensitizing agents; the polishing and smoothing of rough edges of restorations, and the cementing of facings and pontics outside of a patient's mouth; provided that nothing in the Maine Revised Statutes shall be so construed as to affect the practice of medicine or dentistry nor to prevent students of a dental college, university or school of dental hygiene from practicing dental hygiene under the supervision of their instructors; and, provided that nothing in the Revised Statutes shall be construed to authorize any dental hygienist to perform any operation in a patient's mouth without general supervision of a dentist within a dentist's office, a public or private institution, or for the Department of Health and Welfare.

§ 1096. Qualifications

Any person of good moral character over 19 years of age who is a citizen of the United States of America and has successfully completed 2 years of training in a school of dental hygiene that is approved by the Board of Dental Examiners shall be eligible to take the examination for the practice of dental hygiene.

§ 1097. Application and fee

Any eligible person desiring to practice dental hygiene shall make written application to the Board of Dental Examiners to take the examination. Such application shall be accompanied by an examination fee of \$25. Any applicant failing to pass said examination shall be entitled to one additional examination for which the fee will be \$10. The fee for each reexamination after the first shall be \$25. All examinations may be given by the full board or by a subcommittee of said board which it may appoint.

§ 1098. Certificate; annual fee

The board shall issue certificates of ability to practice as dental hygienists in this State to those who have passed said examination, which certificate shall be exhibited whenever requested by a member or authorized agent of the board.

Said certificate shall be considered a license to practice as a dental hygienist in this State for the year in which it is issued. Thereafter, and on or before January first of each year, said dental hygienist shall pay to the secretary of the board an annual registration fee of \$5. A registration card for that year will then be issued, which card is to be placed beside or attached to the certificate. Failure to be properly registered by January first of each year will result in automatic suspension of license to practice dental hygiene. Reinstatement may be made by payment of \$10 to the secretary of the board.

§ 1099. Reciprocity

The board may at its discretion, without examination, issue its certificate to any applicant to practice dental hygiene who shall furnish proof satisfactory to said board that said dental hygienist has been duly licensed to practice in another state after full compliance with the requirements of its dental laws, provided that the professional education shall not be less than required in this State. The board may require letters of reference as to ability and moral character. Every certificate so given shall state upon its face that it was granted on the basis of reciprocity. The fee for such certificate shall be \$25.

§ 1100. Use of former employers' lists; revocation or suspension of license

The Administrative Hearing Commissioner shall revoke or suspend the license of any registered and licensed dental hygienist who is found guilty of using or attempting to use in any manner whatsoever any prophylactic lists, call lists, records, reprints or copies of same, or information gathered therefrom, of the names of patients whom he might have served in the office of a prior employer, unless such names appear upon the bona fide call or prophylactic list of his present employer and were caused to so appear through the legitimate practice of dentistry as provided for in this chapter. The Administrative Hearing Commissioner shall suspend or revoke the license of any licensed dentist who is found guilty of aiding or abetting or encouraging a dental hygienist employed by him to make use of a so-called prophylactic call list, or the calling by telephone or by use of written letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist formerly employing such hygienist.

Sec. 84. R. S., T. 32, c. 58, repealed. Chapter 58 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 321 of the public laws of 1967, is repealed.

Sec. 85. R. S., T. 32, c. 56, additional. Title 32 of the Revised Statutes is amended by adding a new chapter 56, to read as follows:

CHAPTER 56. PSYCHOLOGISTS SUBCHAPTER I GENERAL PROVISIONS

§ 3811. Definition of practice of psychology

Two levels of psychological practice are defined for the purpose of this chap-

ter. Such levels shall be known and referred to as “psychological examiner” and “psychologist”.

1. **Psychological examiner.** A person practices as a “psychological examiner” within the meaning of this chapter when he holds himself out to be a psychological examiner, or renders to individuals or to the public for remuneration services involving the application of recognized principles, methods and procedures of the science and profession of psychology, but limited to interviewing or administering and interpreting tests of mental abilities, aptitudes, interests and personality characteristics, for such purposes as psychological evaluation or for educational or vocational selection, guidance or placement.

2. **Psychologist.** A person practices as a “psychologist” within the meaning of this chapter when he holds himself out to be a psychologist, or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods and procedures of the science and profession of psychology, such as interviewing or administering and interpreting tests of mental abilities, aptitudes, interests and personality characteristics, for such purposes as psychological evaluation or for educational or vocational selection, guidance or placement, or for such purposes as overall personality appraisal or classification, personality counseling, psychotherapy or personality readjustment.

3. **Limitation.** Nothing in this chapter shall be construed as permitting the practice of medicine as defined in section 3251 by psychological examiners or psychologists.

§ 3812. Unlawful practice

It is specifically prohibited that any individual or organization shall present himself or be presented to the public by any title incorporating the name “psychological,” “psychologist” or “psychology,” other than those so licensed by this chapter, except that any psychological scientist employed by a recognized research laboratory, college, university or state or federal agency may represent himself by the title conferred upon him by the administration of such or equivalent laboratory, college, university or state or federal agency. Nothing in this section shall be construed as permitting such persons to offer their service to any other persons or organizations as consultants or to accept remuneration for any psychological services other than that of their institutional salaries unless they have been licensed under this chapter. Visiting lecturers from recognized laboratories, colleges or universities are exempt from this section and may utilize their academic research title when presenting lectures to similar institutions or organizations. Students of psychology, psychological interns and other persons preparing for the profession of psychological examiner or psychologist under qualified supervision in recognized training institutions or facilities may be designated by such titles as “psychological intern”, “psychological trainee” or others clearly indicating such training status.

The use of occasional services of qualified consultant psychologists from without the State or the use of the services of organizations from without the

State employing qualified psychologists shall not constitute the unlawful practice of psychology.

§ 3813. Limitations

Nothing in this chapter shall be construed to limit the professional pursuits of teachers and counselors in recognized public and private schools. Students of psychology, psychological interns and other persons preparing for the profession of psychological examiner or psychologist may perform as a part of their training the functions specified in section 3811, but only under the supervision of a licensed psychologist. No industrial or business firm or corporation may sell or offer to the public or to other firms or corporations for remuneration any psychological services as specified in section 3811, unless such services are performed or supervised by individuals duly and appropriately licensed under this chapter as "psychologist".

§ 3814. Penalties

If any person shall hold himself out to the public as a psychologist or psychological examiner or who engages in psychological practice as defined in section 3811 and shall not then possess in full force and virtue a valid license to practice as psychological examiner or psychologist under this chapter, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$100 nor more than \$500 for each offense or by imprisonment for 3 months, or by both.

§ 3815. Privileged communications

A person has a privilege to refuse to disclose, and to prevent a witness from disclosing, a communication between himself and a psychologist or psychological examiner if he claims the privilege.

§ 3816. Code of ethics

The board of examiners shall adopt a code of ethics in keeping with those standards established by the American Psychological Association to govern appropriate practices or behavior as referred to in this chapter, and shall file such code with the Secretary of State within 30 days prior to the effective date of such code.

SUBCHAPTER II

BOARD OF EXAMINERS

§ 3821. Membership; terms; vacancies

There is created a State Board of Examiners of psychologists, hereinafter in this chapter called the "board," to consist of 5 members who shall be appointed by the Governor. Within 30 days after October 7, 1967, the Maine Psychological Association shall submit to the Governor their recommendation of the members to be appointed, and the Governor shall act promptly by making said appointments for the terms set forth. Selection shall be from recommendation by the association which shall name 10 members eligible for licensing under

this chapter, from which 5 members shall be appointed. All vacancies occurring on the board shall be filled by the Governor for the unexpired term from said list of qualified members, within a reasonable time after the vacancy occurs. The members first appointed on the board shall be designated as serving from one to 5-year terms respectively, in order to provide staggered terms for service on said board, and thereafter all appointments shall be for 5-year terms. On or before the date when a member's term expires, the association shall make its recommendations to the Governor for a successor appointee and such successor appointee shall be named by the Governor on or before the expiration date of the terms so expiring.

§ 3822. Meetings; organizations; powers and duties

Within 30 days after their appointment, the board shall meet and organize by electing a chairman, secretary and treasurer. Each member shall receive all ordinary expenses incident to holding meetings, provided that such expense shall not exceed the fees collected by said board. The board shall hold at least one regular meeting each year. Called meetings may be held at the discretion of the chairman or at the written request of any 2 members of the board. Said board shall adopt a seal, which must be affixed to all licenses issued by the board. The board shall from time to time adopt such rules and regulations as they may deem necessary for the performance of their duties, and shall examine and pass upon the qualifications of the applicants for the practice of psychology. Three members of the board shall at all times constitute a quorum. The board shall be empowered to hire such assistants as is necessary to carry on its activities, within the limits of funds available to the board, and shall be empowered to accept grants from foundations or institutions.

§ 3823. Disposal of fees

All fees charged and collected by the board, as well as all moneys credited to the previous board, shall be deposited by it in the State Treasury to the credit of the board. All such moneys are appropriated to be used by the board in carrying out this chapter. The expenditures of the board may be paid only from such moneys.

SUBCHAPTER III

REGISTRATION

§ 3831. Registration; qualifications

1. Psychological examiner. Any person wishing to obtain the right to practice as a psychological examiner, who has not heretofore been licensed to do so, shall, before it shall be lawful for him to practice as a psychological examiner, make application to the Board of Examiners of Psychologists through the chairman, upon such form and in such manner as shall be adopted and prescribed by the board, and obtain from the board a license to do so. Unless such a person has obtained a license, it shall be unlawful for him to practice, and if he shall practice as a psychological examiner without first having obtained such a license he shall be deemed to have violated this chapter. A candidate for such

license shall furnish the board with satisfactory evidence that he is of good moral character, has had a master's degree from an accredited educational institution recognized by the board as maintaining satisfactory standards, or its academic equivalent in the opinion of the board, has had at least one year of full-time supervised experience in psychology of a type considered by the board to be qualifying in nature, is competent as a psychological examiner as shown by passing such examinations, written or oral, or both, as the board deems necessary, is not considered by the board to be engaged in unethical practice, and has not within the preceding 6 months failed an examination given by the board. The board may in its discretion refuse to grant a license to an applicant who is not an American citizen.

2. Psychologist. Any person wishing to obtain the right to practice as a psychologist, who has not heretofore been licensed to do so, shall, before it shall be lawful for him to practice psychology, make application to the Board of Examiners of Psychologists through the chairman, upon such form and in such manner as shall be adopted and prescribed by the board, and obtain from the board a license to do so. Unless such a person has obtained a license, it shall be unlawful for him to practice, and if he shall practice psychology without first having obtained a license, he shall be deemed to have violated this chapter. A candidate for such license shall furnish the board with satisfactory evidence that he is of good moral character, has received a doctorate degree in psychology from an accredited institution recognized by the board as maintaining satisfactory standards, at the time the degree was granted, or, in lieu of degree, a doctorate degree in a closely allied field, if it is the opinion of the board that the training required therefor is substantially similar, has had at least 2 years of experience in psychology of a type considered by the board to be qualifying in nature, is competent in psychology, as shown by passing such examinations, written or oral, or both, as the board deems necessary, is not considered by the board to be engaged in unethical practice, and has not within the preceding 6 months failed an examination given by the board. The board may in its discretion refuse to grant a license to an applicant who is not an American citizen.

§ 3832. Examination

Examination of applicants for a license to practice psychology or as psychological examiner shall be made by the Board of Examiners of Psychologists at least once a year according to methods and in such subject fields as may be deemed by the board to be the most practical and expeditious to test the applicant's qualifications. Such examinations shall include the basic psychological sciences. The board shall require the examinations to be written or oral, or both, provided that in any written examination such applicant shall be designated by a number instead of his name so that his identity shall not be disclosed to the members of the board until the examination papers have been graded. The board shall grade the written examinations returned by the candidate and shall keep them for at least 3 years. A candidate shall be held to have passed the examination upon the affirmative vote of 3 or more members of the board. Any unsuccessful candidate may, upon written request to the board, see his graded paper.

§ 3833. Fees

There shall be paid to the board chairman by each applicant for a permanent

license a fee of \$35. No part of this fee shall be returnable under any circumstances other than failure of the board to hold examinations at the time originally announced, whereupon the entire fee may be returned at the option of the candidate.

§ 3834. Issuance of license

Said board shall be the sole agency empowered to examine concerning competence in the practice of psychology, and to grant license for the practice of psychology at the appropriate level. Such license shall be signed by the chairman of the Board of Examiners of Psychologists attested by the secretary under the board's adopted seal, whereupon a proper license shall be issued.

§ 3835. Biennial registration

The board shall have authority to adopt and enforce rules and regulations requiring every person having a license to practice, which is granted by said board, to pay a biennial registration fee of \$5. Said fee shall become due on a date fixed by the board.

Failure to pay the biennial registration fee 30 days from the time stated shall automatically suspend the right of any licentiate to practice his or her profession while delinquent.

If any licentiate fails within one year of due date to pay said fee, it shall be the duty of the board, without hearing or notice, to cancel his or her license, subject to reinstatement. If application for reinstatement is made the board shall consider the moral character and professional qualifications of the applicant, as in the case of an original application.

§ 3836. Licensure under special conditions

For a period of one year from October 7, 1967 the board shall grant, upon payment of the regular fee, a license as Psychologist to any applicant presently holding a valid certificate in psychology issued by the Maine Board of Examiners of Psychologists. The board may, at any time at its discretion, grant a certificate without an assembled examination to any person residing or employed in the State who at the time of application is licensed or certified by a similar board of another state whose standards, in the opinion of the board, are not lower than those required by this chapter. The board, at its discretion, may issue a temporary license, at the appropriate level, to applicants for a permanent license upon payment of a fee, to be established by the board, such license to be valid for no more than one year from date of issue.

§ 3837. Suspension, refusal or revocation of license

The Board of Examiners of Psychologists may refuse to grant a license, or may recommend suspension of any such license for a period to be determined by the board, on the following grounds: The employment of fraud or deception in applying for a license or in passing the examination provided for in this chapter; conviction of a felony involving moral turpitude; the practice of psychology under a false or assumed name or the impersonation of another practitioner of a

like or different name; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of his duties; an incapacitating mental illness; violation of the medical practices act; practice of a level of psychology inappropriate to the particular license held by the licentiate; upon recommendation of the ethics committee of the Maine Psychological Association or of the American Psychological Association; or negligence or wrongful actions in the performance of his duties. Said board may, upon satisfactory proof that any applicant or licentiate has been guilty of any of the above offenses, refuse to grant a license to said applicant upon a vote of at least 3 members of the board or the Administrative Hearing Commissioner, as designated in Title 5, chapters 301 to 307, may suspend or revoke a license of said licentiate. An application for reinstatement may be made to the board, and it may, upon favorable action by 3 of its members, reinstate the applicant.

§ 3838. Hearing on refusal, revocation, suspension

The board may not refuse to issue or to renew any license for any cause listed, unless the person accused has been given at least 20 days' notice in writing by registered mail, with return receipt demanded, of the charges against him and a public hearing by the board. The written notice shall be mailed to the person's last known address, but the nonappearance of the person shall not prevent such a hearing. Upon such a hearing, the board may administer oaths and procure by its subpoenas the attendance of witnesses and the production of relevant books and papers.

§ 3839. Review of board's ruling

Any action of, or ruling or order made or entered by the board declining to issue a certificate or declining to recommend licensure, shall be subject to review by the courts of this State in the same manner, and subject to the same powers and conditions as now provided by law in regard to rulings, orders and findings of other quasi-judicial bodies in Maine, where not otherwise specifically provided.

Sec. 86. R. S., T. 34, § 252, amended. The first paragraph of section 252 of Title 34 of the Revised Statutes, as enacted by section 1 of chapter 489 of the public laws of 1967, is amended to read as follows:

The commissioner may appoint a Coordinator of Youth Activities, which person will be selected, not primarily on the basis of professional training, but rather on the basis of high moral standards, outstanding character, one who has exhibited outstanding traits of leadership and who has ~~appealed~~ **appeal** to the youth of our State. Emphasis should be given to a person who has had some experience in dealing with youth and their problems and who has demonstrated effectiveness either in sports or other youth-oriented activities.

Sec. 87, R. S., T. 34, § 252, amended. The last paragraph of section 252 of Title 34 of the Revised Statutes, as enacted by section 1 of chapter 489 of the public laws of 1967, is amended to read as follows:

The coordinator shall cooperate, and assist when warranted, ~~with the problems of the State Committee on Children and Youth~~ with the various communities of the State, with the Division of Probation and Parole, with the after-

care organization of our juvenile centers, with the committed population of the juvenile centers, and with any and all other agencies which are desirous of receiving assistance in this effort to stimulate preventive measures in our various communities.

Sec. 88. R. S., T. 34, § 851, sub-§ 2, amended. Subsection 2 of section 851 of Title 34 of the Revised Statutes, as repealed and replaced by section 15 of chapter 391 of the public laws of 1967, is amended to read as follows:

2. **Females over 15 years of age.** Females over the age of 15 years determined in accordance with Title 15, section 2717, to be incorrigible while under commitment to Stevens ~~Training Center School~~;

Sec. 89. R. S., T. 34, § 851-A, sub-§ 2, amended. Subsection 2 of section 851-A of Title 34 of the Revised Statutes, as enacted by section 16 of chapter 391 of the public laws of 1967, is amended to read as follows:

2. **Inmate.** "Inmate" as used in this chapter shall mean any female sentenced and committed to the center, and shall include females adjudicated to have committed juvenile offenses, and females confined therein after being determined in accordance with Title 15, section 2717 to be incorrigible while under commitment to the Stevens ~~Training Center School~~;

Sec. 90. R. S., T. 34, § 864, amended. The last sentence of the first paragraph of section 864 of Title 34 of the Revised Statutes, as enacted by section 72 of chapter 513 of the public laws of 1965 and as repealed and replaced by section 24 of chapter 391 of the public laws of 1967 is amended to read as follows:

Incorrigibles from the Stevens ~~Training Center School~~ confined at the center may be authorized by the superintendent to participate in said program.

Sec. 91. R. S., T. 34, § 1007, sub-§ 1, amended. The first paragraph of subsection 1 of section 1007 of Title 34 of the Revised Statutes, as enacted by chapter 150 of the public laws of 1967, is amended to read as follows:

Any person sentenced **or committed** to a county jail for crime, nonpayment of a fine or forfeiture **or court order**, or **criminal or civil** contempt of court, may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

Sec. 92. R. S., T. 34, § 1007, sub-§ 2, amended. Subsection 2 of section 1007 of Title 34 of the Revised Statutes, as enacted by chapter 150 of the public laws of 1967, is amended to read as follows:

2. **Petition; withdrawal.** Unless such privilege is expressly granted by the court the prisoner is sentenced to ordinary confinement. The court may grant such privilege at the time of sentence **or commitment** or thereafter. The court may withdraw the privilege at any time by order entered with or without notice or hearing.

Sec. 93. R. S., T. 35, § 2301, amended. The first paragraph of section 2301 of Title 35 of the Revised Statutes, as amended by section 1 of chapter

279, repealed and replaced by section 1 of chapter 382 and amended by section 2 of chapter 416, all of the public laws of 1967, is repealed and the following enacted in place thereof:

Corporations for the operation of telegraphs or telephones, and corporations for the operation of both telegraphs and telephones, and corporations for the purpose of making, generating, selling, distributing and supplying gas or electricity, or both, for lighting, heating, manufacturing or mechanical purposes, in any city or town, or 2 or more adjoining cities or towns, within the State, or for either or any of such purposes, may be organized under Title 13, sections 71 to 79. No corporation for either or any of such purposes, whether organized or authorized to do business under this section or by special Act of the Legislature, or any person, association or cooperative organized under chapters 221 to 227 shall have authority without the consent of the Public Utilities Commission to furnish its service in or to any city or town in or to which another corporation, person, association or cooperative is furnishing or is authorized to furnish a similar service. No consent from said commission shall be required for any corporation, person, association or cooperative to furnish service in any city or town in which such corporation, person, association or cooperative is furnishing service on October 8, 1967. Any corporation authorized to make, generate, sell, distribute and supply electricity may sell and distribute electricity to any other corporation similarly authorized.

Sec. 94. R. S., T. 36, § 1811, amended. The first paragraph of section 1811 of Title 36 of the Revised Statutes, as last amended by section 1 of Section D of chapter 191 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

A tax is imposed at the rate of $4\frac{1}{2}\%$ on the value of all tangible personal property and telephone and telegraph service sold at retail in this State, and upon the rental charged for living quarters in hotels, rooming houses, tourist or trailer camps, measured by the sale price, except as in chapters 211 to 225 provided. Retailers shall pay such tax at the time and in the manner provided, and it shall be in addition to all other taxes.

Sec. 95. R. S., T. 36, § 1812, amended. The first 2 paragraphs of section 1812 of Title 36 of the Revised Statutes, as repealed and replaced by section 2 of Section D of chapter 191 of the private and special laws of 1967, are repealed and the following enacted in place thereof:

Every retailer shall add the sales tax imposed by chapters 211 to 225, or the average equivalent of said tax, to his sale price, except as otherwise provided, and when added the tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price. When the sale price shall involve a fraction of a dollar, the tax shall be added to the sale price upon the following schedules:

Amount of Sale Price	Amount of Tax
\$0.01 to \$0.10, inclusive	0c
.11 to .22, inclusive	1c

.23 to .44, inclusive	2c
.45 to .66, inclusive	3c
.67 to .88, inclusive	4c
.89 to 1.10, inclusive	5c
1.11 to 1.32, inclusive	6c
1.33 to 1.54, inclusive	7c
1.55 to 1.76, inclusive	8c
1.77 to 1.99, inclusive	9c

When the sale price exceeds \$1.99, the tax to be added to the price shall be 9c for each unit of \$2, plus the amount indicated above for each fractional part of \$2.

Sec. 96. R. S., T. 36, § 1861, amended. The first sentence of section 1861 of Title 36 of the Revised Statutes, as amended by section 3 of Section D of chapter 191 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

A tax is imposed on the storage, use or other consumption in this State of tangible personal property purchased at retail sale, at the rate of 4 $\frac{1}{2}$ % of the sale price.

Sec. 97. R. S., T. 36, § 2906, amended. The 6th sentence of section 2906 of Title 36 of the Revised Statutes, as amended by chapter 28 and by section 8 of chapter 94, both of the public laws of 1967, is repealed and the following enacted in place thereof:

Each certificate holder shall, within 15 days after demand made on him by the State Tax Assessor, pay a tax of 7c per gallon upon each gallon of such fuel upon which the tax has not been paid, which upon an audit the State Tax Assessor may find to have been received into the State during all or any part of the preceding 2 calendar years by the certificate holder and not properly accounted for in a report or in accordance with law, provided such demand is made within one year of the close of the period covered by such audit.

Sec. 98. R. S., T. 36, § 4365, amended. The first sentence of section 4365 of Title 36 of the Revised Statutes, as last amended by section 1 of Section E of chapter 191 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

A tax imposed on all cigarettes held in this State by any person for sale, said tax to be at the rate of 5 mills for each cigarette and the payment thereof to be evidenced by the affixing of stamps to the packages containing the cigarettes.

Sec. 99. R. S., T. 36, § 4365, amended. The next to the last sentence of section 4365 of Title 36 of the Revised Statutes, as last amended by section 2 of Section E of chapter 191 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

The Tax Assessor thereupon shall notify the unclassified importer of the amount of the tax due thereon, which shall be at the rate of 5 mills per cigarette.

Sec. 100. R. S., T. 36, § 4366, amended. The 2nd sentence of section 4366 of Title 36 of the Revised Statutes, as amended by section 3 of Section E of chapter 191 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

To licensed distributors he shall sell such cigarette stamps at a discount of 2¼% of their face value.

Sec. 101. R. S., T. 36, c. 712, repealed and replaced. Chapter 712 of Title 36 of the Revised Statutes, as enacted by section 1 of Section H of chapter 154 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

CHAPTER 712

REAL ESTATE TRANSFERS

§ 4641. Definitions

1. **Consideration.** "Consideration" means the total price or amount paid, or required to be paid, for real property valued in money, whether received in money or otherwise; and shall include the amount of any mortgages, liens or encumbrances thereon.

2. **Deed.** "Deed" means a written instrument whereby the grantor conveys to the grantee title in whole or in part to real property.

§ 4642. Rate of tax.

There is imposed a tax upon the transfer of title to real property, at the rate of \$1 for consideration between \$251 and \$500 and 55c for each \$500 or fraction thereof above \$500. The grantee shall be liable for payment of such tax.

§ 4643. Collection

When any deed is offered for recordation, the register of deeds shall ascertain and compute the amount of tax due thereon and shall collect such amount as prerequisite to the acceptance of the deed for recordation.

The amount of tax shall be computed on the consideration for the deed and shall be stamped by the register on the deed.

Each register of deeds shall, on or before the 10th day of each month, pay over to the Treasurer of State 90% of tax collected during the previous month. The remaining 10% shall be retained for the county by the register of deeds and accounted for to the county treasurer as reimbursement for services rendered by the county in collecting the tax.

§ 4644. Exemptions

1. **Exemptions.** The following deeds shall be exempt from the tax imposed by this chapter:

A. Deeds to property acquired by or from the United States of America, the State of Maine or any of their instrumentalities, agencies or subdivisions;

B. Mortgage deeds and discharges of mortgage deeds;

C. Deeds of partition;

D. Deeds made pursuant to mergers of corporations;

E. Deeds made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock.

Sec. 102. R. S., T. 38, § 242, repealed. Section 242 of Title 38 of the Revised Statutes, as enacted by chapter 76 of the public laws of 1967, is repealed.

Sec. 103. R. S., T. 38, § 244, additional. Title 38 of the Revised Statutes is amended by adding a new section 244, to read as follows:

§ 244. Eagle Lake and Jordan Pond; use of power boats

No person, except officers empowered to enforce this subchapter, shall operate a motorboat having more than 10 horsepower on Eagle Lake and Jordan Pond, Mt. Desert Island, Hancock County.

Sec. 104. P. L., 1967, c. 263, § 6-A, additional. Chapter 263 of the public laws of 1967 is amended by adding a new section 6-A, to read as follows:

Sec. 6-A. Effective date. Sections 1 to 6 shall become effective on January 1, 1969.

Sec. 105. P. L., 1967, c. 263, § 8, repealed. Section 8 of chapter 263 of the public laws of 1967 is repealed.

Sec. 106. P. L., 1967, c. 325, § 3, repealed and replaced. Section 3 of chapter 325 of the public laws of 1967 is repealed and the following enacted in place thereof:

Sec. 3. Operation. This Act shall apply to all cases of birth out of wedlock where an action to determine paternity is commenced after October 7, 1967.

Sec. 107. P. L., 1967, c. 452, § 2, amended. Section 2 of chapter 452 of the public laws of 1967 is amended to read as follows:

Sec. 2. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund to the ~~Education Commission of the States~~ **Maine Education Council** the sum of \$8,000 for the fiscal year ending June 30, 1968 and the sum of \$8,000 for the fiscal year ending June 30, 1969, to carry out the purposes of this Act **including, but not limited to, the payment of that part of the annual budget of the Education Commission of the States which is apportioned to this State on the basis of the apportionment formula developed and used by the commission for such purpose.**

Sec. 108. P. L., 1967, c. 452, § 3, additional. Chapter 452 of the public laws of 1967 is amended by adding a new section 3, to read as follows:

Sec. 3. Expenditures by State Department of Education validated. The appropriation for the fiscal year ending June 30, 1968 provided under this chapter

having been assigned by the Bureau of the Budget to the Department of Education for administration, all expenditures made from the said appropriation by authority of the Department of Education prior to the effective date of this Act on the basis of allotments approved by the Governor and Council and supported by a work program submitted by the Department of Education, are ratified, confirmed and validated; and the said expenditures shall be considered as if they had been made directly by, and under the authority of, the Maine Education Council.

Sec. 109. P. & S. L., 1967, c. 126, repealed. Chapter 126 of the private and special laws of 1967 is repealed.

Sec. 110. P. & S. L., 1967, c. 151, & 4, repealed. Section 4 of chapter 151 of the private and special laws of 1967 is repealed.

Sec. 111. P. & S. L., 1967, c. 154, Section D, repealed. Section D of chapter 154 of the private and special laws of 1967 is repealed.

Sec. 112. P. & S. L., 1967, c. 154, Section E, repealed. Section E of chapter 154 of the private and special laws of 1967 is repealed.

Sec. 113. P. & S. L., 1967, c. 154, Section F, repealed. Section F, of chapter 154 of the private and special laws of 1967 is repealed.

Sec. 114. P. & S. L., 1967, c. 154, Section G, repealed. Section G of chapter 154 of the private and special laws of 1967 is repealed.

Sec. 115. P. & S. L., 1967, c. 154, Section H, repealed. Section H of chapter 154 of the private and special laws of 1967 is repealed.

Sec. 116. P. & S. L., 1967, c. 191, Section C, repealed. Section C of chapter 191 of the private and special laws of 1967 is repealed.

Sec. 117. P. & S. L., 1967, c. 191, Section D, repealed. Section D of chapter 191 of the private and special laws of 1967 is repealed.