

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
104TH LEGISLATURE

COMMITTEE AMENDMENT "A" to S.P. 366, L.D. 1248, Bill, "AN ACT to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by inserting after section 3 the following sections (same in L.D.):

'Sec. 3-A. R. S., T. 4, § 562, amended. The last paragraph of section 562 of Title 4 of the Revised Statutes, as amended by section 6 of chapter 544 of the public laws of 1967 and by chapter 56 of the public laws of 1969, is further amended to read as follows:

Whenever a clerk is absent or temporarily unable to perform his duties as clerk, the Chief Justice of the Supreme Judicial Court may appoint a clerk pro tempore who shall be sworn and give such bond as said Chief Justice directs. Whenever the office of clerk shall be vacant by reason of death, resignation, removal from the county or any other reason, the Chief Justice of the Supreme Judicial Court may appoint a clerk pro tempore who shall be sworn and give such bond as the Chief Justice directs ~~and who shall serve until an appointment is made by the Chief Justice under section 551 and said appointee has qualified.~~

Sec. 3-B. Effective date. Section 3-A of this Act shall become effective 91 days after the adjournment of the Legislature.

Sec. 3-C. R. S., T. 5, §9, repealed. Section 9 of Title 5 of the Revised Statutes is repealed.'

Further amend said Bill by inserting after section 5 the following sections (same in L.D.)

'Sec. 5-A. R.S., T. 5, § 128, repealed. Section 128 of Title 5 of the Revised Statutes is repealed.

Sec. 5-B. R.S., T. 5, §129, amended. Section 129 of Title 5 of the Revised Statutes is amended to read as follows:

§129. Inventory

~~When such commissioner is appointed~~ the deputy treasurer of state assumes the office of Treasurer of State under section 121, the State Auditor shall, as soon as practicable, after notice to the sureties of the late Treasurer of State or of the Treasurer of State to be superseded, take a true account and inventory of all moneys, notes, books of account and other property belonging to the State which were in the hands of such Treasurer of State or of any of his agents, and deliver it to such commissioner the new Treasurer of State, he giving a receipt therefor, which shall be lodged in the office of the State Auditor.'

Further amend said Bill by striking out all of section 10 and inserting in place thereof the following:(same in L.D.)

'Sec. 10. R. S., T. 5, §282, amended. The 2nd paragraph of section 282 of Title 5 of the Revised Statutes, as amended, is repealed as follows:

~~The salaries of the bureau chiefs shall be fixed by the commissioner, with the approval of the Governor, except that the salary of the State Tax Assessor shall be \$17,420 per year.'~~

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Further amend said Bill by inserting after section 11 the following section (same in L.D.):

'Sec. 11-A. R. S., T. 5, §1001, sub-§10, amended. The first sentence of subsection 10 of section 1001 of Title 5 of the Revised Statutes, as amended, is further amended to read as follows: "Employee" shall mean any regular classified or unclassified officer or employee in a department, including ~~teachers-in-the-state-colleges~~ and, for the purposes of this chapter, teachers in the public schools, but shall not include any Justice of the Superior Court or Supreme Judicial Court who is now or may be later entitled to retirement benefits under Title 4, section 5, and Title 4, section 103, nor shall it include any Judge of the District Court who is now or may be later entitled to retirement benefits under Title 4, chapter 5, nor shall it include any member of the State Police who is now entitled to retirement benefits under Title 25, chapter 195.'

Further amend said Bill by inserting after section 24 the following sections (same in L.D.)"

'Sec. 24-A. R. S., T. 17, § 3204, amended. The first paragraph of section 3204 of Title 17 of the Revised Statutes, as amended by section 3 of chapter 236 of the public laws of 1969, is further amended to read as follows:

No person, firm or corporation shall, on the Lord's Day, Memorial Day, the 4th last Monday of May, July 4th, Labor Day, the first Monday of September, Veterans Day, the 4th Monday of October, Christmas Day and Thanksgiving Day as proclaimed by the Governor, keep open a place of business to the public except for works of necessity, emergency or charity.

Sec. 24-B. Effective date. Section 24-A of this Act shall become effective 91 days after the adjournment of the Legislature.'

Further amend said Bill by striking out all of that part designated "§ 3851" of section 25 and inserting in place thereof the following (same in L.D.):

'§ 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-ef-any-ef-the-5-state-colleges,-namely,-Farmington-State-College,-Gerham-State-College,-Washington-State-College,-Fort-Kent-State-College-and-Aroostook-State-College~~ after notice from an officer of any of said institutions, or 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.'

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Amend said Bill in section 34 by striking out all of the 2nd and 3rd sentences from the end and inserting in place thereof the following: 'A portion of the receipts from Public Law 874, 81st Congress, as amended, and any penalties applied for illegal expenditures and 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 these deductions if evidence is submitted that undue hardship or unusual gain would occur in the subsidy of any unit.'

Further amend said Bill by inserting after section 34, a new section, as follows:

'Sec. 34-A. R. S., T. 21, §1184, sub-§1-A, repealed. Sub-section 1-A of section 1184 of Title 21 of the Revised Statutes, as enacted by chapter 93 of the public laws of 1969, is repealed and shall not be printed as part of the session laws of 1969.'

Further amend said Bill by inserting after section 40, the following sections:

'Sec. 40-A. R. S., T. 24-A, §§2180, 2181, 2182, additional. Title 24-A of the Revised Statutes, as enacted by section 1 of chapter 132 of the public laws of 1969, is amended by adding 3 new sections, to read as follows:

§ 2180. Unfair and coercive insurance requirements

No officer or employee of this State, or of any political subdivision or quasi-municipal corporations, or of any public authority, and no person acting or purporting to act on behalf of such officer, employee or public agency or authority, except a public agency or authority created pursuant to agreement or compact with another state, shall, with respect to any public building or construction contract which is about to be or which has been competitively bid, require the bidder to make application to, or furnish financial data to, or to obtain or procure any surety bond or contract of insurance specified in connection with such contract, or specified by any law, ordinance or regulation, from a particular surety or insurance company, agent or broker. No such officer or employee, or person, firm or corporation acting or purporting to act on behalf of such officer or employee, shall negotiate, make application for, obtain or procure any such surety bond or contract of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be obtained or procured by the bidder, contractor or subcontractor.

The same prohibition shall extend to and include any and all construction projects which are wholly or in part financed by federal, state or municipal funds.

This section shall not apply to any project under design or construction on January 3, 1970, by or on behalf of a public agency or authority if such agency or authority was then engaged in insurance activity with respect to such project that otherwise would be prohibited by this section.

§ 2181. Exceptions

This section shall not prevent the exercise by such officer or employee on behalf of the State or such public agency or public authority of the right to approve the form, sufficiency or manner of execution of the surety bonds or contracts of insurance furnished by the surety or insurance company selected by the bidder to underwrite

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said bonds or contracts of insurance.

§ 2182. Application

All provisions in any invitation for bids, or in any of the contract documents, in conflict with sections 2180 and 2181 are declared to be contrary to the public policy of this State.

Sec. 40-B. Effective date. Section 40-A of this Act shall become effective January 3, 1970.'

Further amend said Bill by inserting after section 44, the following sections:

'Sec. 44-A. R. S., T. 28, §4, amended. The first sentence of section 4 of Title 28 of the Revised Statutes, as last amended by section 1 of chapter 284 of the public laws of 1969, is further amended to read as follows:

No liquor shall be sold in this State on Sundays except as hereinafter provided, and no licensee by himself, clerk, servant or agent shall, between the hours of midnight and 6 a.m., sell or deliver any liquors, except no liquors shall be sold or delivered on Saturdays after 11:45 p.m. and except that in restaurants, class A restaurants, class A taverns, hotels and clubs liquor may, except as provided, be sold to 1 a.m.

Sec. 44-B. Effective date. Section 44-A of this Act shall become effective 92 days after adjournment of the Legislature.'

Sec. 44-C. R. S., T. 28, §53, amended. The first sentence of section 53 of Title 28 of the Revised Statutes, as amended, is further amended to read as follows:

~~The salary of the chairman of the commission shall be \$11,000 per year and the salary of each of the other members, other than the~~ chairman, shall be \$5,625 per year, and in addition each member shall be allowed his reasonable expense incurred in the performance of his duties.'

Further amend said Bill by inserting after section 50, the following sections:

'Sec. 50-A. R. S., T. 38, §237, sub-§§8-9, repealed. Subsections 8 and 9 of section 237 of Title 38 of the Revised Statutes, as enacted by section 7 of chapter 123 of the public laws of 1969 are repealed and shall not be printed as part of the session laws of 1969.

Sec. 50-B. Effective date. Section 50-A of this Act shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill by adding after section 54, the following sections:

'Sec. 55. P. L., 1969, c. 177, §63-A, additional. Chapter 177 of the public laws of 1969 is amended by adding a new section 63-A, to read as follows:

Sec. 63-A. Effective date. Section 63 of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 56. P. L., 1969, c. 177, §64, amended. Section 64 of chapter 177 of the public laws of 1969 is amended to read as follows:

Sec. 64. Effective date. This Act, except section 63, shall become effective January 2, 1970.'

Further amend said Bill by inserting after section 21, the following sections.

'Sec. 21-A. R. S., T. 12, §§3002-3004, repealed and replaced Sections 3002 to 3004 of Title 12 of the Revised Statutes, as amended by chapters 196 and 342, both of the public laws of 1969, are repealed and the following enacted in place thereof: *(Filing No. §-317)*

§ 3002. No duty to keep premises safe or give warning

An owner, lessee or occupant of premises owes no duty to keep the premises safe for entry or use by others for hunting, fishing, trapping, camping, hiking, sight-seeing, operation of snow traveling vehicles or recreational activities, or to give warning of any hazardous condition or use of or structure or activity on such premises to persons entering for such purposes, except as provided in section 3004.

§ 3003. Permission as affecting liability

An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, hike, sight-see, operate a snow traveling vehicle or participate in recreational activities upon such premises does not thereby extend any assurance that the premises are safe for such purpose, or constitute the person to whom permission is granted an invitee to whom a duty of care is owed, or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted, except as provided in section 3004.

§ 3004. Liability

This chapter does not limit the liability which would otherwise exist for willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity; or for injury suffered in any case where permission to hunt, fish, trap, camp, hike, sight-see, operate a snow traveling vehicle or participate in recreational activities was granted for a consideration other than the consideration, if any, paid to said landowner by the State; or for injury caused by acts of persons to whom permission to hunt, fish, trap, camp, hike, sight-see, operate a snow traveling vehicle or participate in recreational activities was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

Sec. 21-B. Effective date. Section 21-A of this Act shall become effective 91 days after adjournment of the Legislature.'

Reported by the Committee on Judiciary.

Reproduced and distributed pursuant to Senate Rule No. 11A.

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