

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1248

S. P. 366

In Senate, March 11, 1969

Referred to Committee on Judiciary. Sent down for concurrence and 1,000 ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Mills of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

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. 2, § 6, sub-§ 7, amended. Subsection 7 of section 6 of Title 2 of the Revised Statutes, as enacted by chapter 542 of the public laws of 1967, is amended to read as follows:

7. The salaries of the following state officials and employees to no more \$12,000:

- Commissioner of Indian Affairs;
- Deputy Adjutant General;
- Executive Director of the State Board of Nursing;
- Executive Director of the Committee on Problems of the Mentally Retarded;
- Executive ~~Secretary~~ Director of the Highway Safety Committee;
- Manager of the Maine State Ferry Service;
- Chief Inspector of Boilers and Deputy Inspector of Elevators;
- Supervising Elevator Inspector and Deputy Boiler Inspector;
- Administrative Hearing Commissioner.

Sec. 2. R. S., T. 3, § 163, sub-§ 7, amended. The last sentence of subsection 7 of section 163 of Title 3 of the Revised Statutes, as amended, is further amended to read as follows:

He (Director of Legislative Research) shall receive ~~a salary of \$14,000 per year and~~ any necessary traveling expenses;

Sec. 3. R. S., T. 3, § 163, sub-§ 15, amended. The 4th sentence of subsection 15 of section 163 of Title 3 of the Revised Statutes, as amended, is further amended to read as follows:

He (Legislative Finance Officer) shall receive ~~a salary of \$13,000 per year~~ and any necessary traveling expenses which shall be paid from the legislative appropriation.

Sec. 4. R. S., T. 5, § 81, amended. The 2nd paragraph of section 81 of Title 5 of the Revised Statutes, as amended, is further amended to read as follows:

The Secretary of State ~~shall receive an annual salary of \$13,125.~~ He and his deputy shall receive such actual traveling expenses incident to the administration of his department as shall be necessary.

Sec. 5. R. S., T. 5, § 121, amended. The 2nd paragraph of section 121 of Title 5 of the Revised Statutes, as amended, is further amended to read as follows:

The Treasurer of State ~~shall receive an annual salary of \$10,500.~~ He shall receive no other fee, emolument or perquisite **in addition to his salary.**

Sec. 6. R. S., T. 5, § 191, amended. The 6th sentence of section 191 of Title 5 of the Revised Statutes, as amended, is further amended to read as follows:

The Attorney General shall have an office in the State Capitol and shall receive an annual salary ~~of \$13,000~~ in full for all services and in lieu of all fees.

Sec. 7. R. S., T. 5, § 241, amended. The last sentence of section 241 of Title 5 of the Revised Statutes, as amended, is repealed as follows:

~~He (State Auditor) shall receive an annual salary of \$12,600~~

Sec. 8. R. S., T. 5, § 243, sub-§ 5, amended. Subsection 5 of section 243 of Title 5 of the Revised Statutes, as amended by section 4 of chapter 494 of the public laws of 1967, is further amended to read as follows:

5. Postaudit. To perform a postaudit of all accounts and other financial records of ~~the state colleges~~ the Maine Port Authority and the Maine Forestry District;

Sec. 9. R. S., T. 5, § 281, amended. The last paragraph of section 281 of Title 5 of the Revised Statutes, as repealed and replaced by section 1 of chapter 490 of the public laws of 1967, is repealed as follows:

~~He (Commissioner of Finance and Administration) shall receive a salary of \$20,436 per year.~~

Sec. 10. R. S., T. 5, § 282, amended. The 2nd paragraph of section 282 of Title 5 of the Revised Statutes, as amended, is further amended to read 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.~~

Sec. 11. R. S., T. 5, § 711, sub-§ 8, amended. Subsection 8 of section 711 of Title 5 of the Revised Statutes, as amended, is further amended to read as follows:

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

Sec. 12. R. S., T. 5, § 2301, sub-§ 1, amended. The last line of subsection 1 of section 2301 of Title 5 of the Revised Statutes is amended to read as follows:

Water and Air Environmental Improvement Commission.

Sec. 13. R. S., T. 5, § 2401, sub-§ 3, amended. Subsection 3 of section 2401 of Title 5 of the Revised Statutes, as amended, is further amended to read as follows:

3. Compensation of Hearing Commissioner. The Hearing Commissioner shall ~~receive an annual compensation of \$10,000 and shall~~ be entitled to actual and necessary expenses in the performance of his duties. He may employ necessary clerical assistance.

Sec. 14. R. S., T. 6, § 81, amended. The last sentence of section 81 of Title 6 of the Revised Statutes, as repealed and replaced by section 3 of chapter 490 of the public laws of 1967, is repealed as follows:

~~The director (Aeronautics Commission) shall receive a salary of \$13,728 per year~~

Sec. 15. R. S., T. 7, § 1, amended. The 3rd sentence of section 1 of Title 7 of the Revised Statutes, as amended, is repealed as follows:

~~He (Commissioner of Agriculture) shall receive an annual salary of \$12,600~~

Sec. 16. R. S., T. 9, § 1, amended. The last sentence of the first paragraph of section 1 of Title 9 of the Revised Statutes, as amended, is further amended to read as follows:

He (Bank Commissioner) shall receive ~~an annual salary of \$16,588 and~~ his actual traveling expenses incurred in the performance of his duties.

Sec. 17. R. S., T. 9, § 3207, amended. The last sentence of section 3207 of Title 9 of the Revised Statutes, as enacted by chapter 250 of the public laws of 1965, is amended to read as follows:

It shall be unlawful for any such corporation to begin the transaction of business until such a certificate has been granted and if the purpose of a corporation is to engage in the business of making loans of ~~\$2,500~~ \$2,000 or less, such corporation must obtain a license as provided in chapter 283.

Sec. 18. R. S., T. 10, § 401, amended. The last paragraph of section 401 of Title 10 of the Revised Statutes, as repealed and replaced by section 5 of chapter 490 of the public laws of 1967, is repealed as follows:

~~He (Commissioner of Economic Development) shall receive a salary of \$18,928 per year~~

Sec. 19. R. S., T. 10, § 2101, amended. The first sentence of section 2101 of Title 10 of the Revised Statutes is amended to read as follows:

The Maine Mining Bureau, as heretofore established, shall consist of 7 members, one each from the State Departments of Agriculture, Forestry, State, Economic Development and Inland Fisheries and Game and the Water and Air Environmental Improvement Commission, each of whom shall be appointed by the head of his respective department, plus the State Geologist.

Sec. 20. R. S., T. 12, § 501, amended. The last sentence of section 501 of Title 12 of the Revised Statutes, as last amended by section 15 of chapter 476 of the public laws of 1967, is repealed as follows:

~~He (Forest Commissioner) shall receive an annual salary of \$14,000~~

Sec. 21. R. S., T. 12, § 1951, amended. The last paragraph of section 1951 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

The commissioner (Inland Fisheries and Game) ~~shall receive an annual salary of \$13,125 and he~~ shall receive all necessary traveling expenses.

Sec. 22. R. S., T. 12, § 3501, sub-§ 4, repealed. Subsection 4 of section 3501 of Title 12 of the Revised Statutes, as repealed and replaced by section 6 of chapter 490 of the public laws of 1967, is repealed as follows:

~~4. Salary. The commissioner (Sea and Shore Fisheries) shall receive a salary of \$14,196 per year~~

Sec. 23. R. S., T. 13, § 932, amended. The last sentence of section 932 of Title 13 of the Revised Statutes, as enacted by chapter 267 of the public laws of 1965, is repealed, and the following paragraph enacted in place thereof:

Unless the instrument creating the trust prohibits, the corporation may treat 2 or more trust funds as a single fund solely for the purpose of investment.

Sec. 24. R. S., T. 14, § 4903, amended. Section 4903 of Title 14 of the Revised Statutes is amended to read as follows:

§ 4903. Certification of shares by corporate officers

The officer of the company having the care of the records or account of shares or interest of the stockholders shall, on exhibition to him of the execution, give the officer holding it a certificate of the number of shares held by the judgment debtor or of the amount of his interest ~~under the penalty provided in section 4155.~~

Sec. 25. R. S., T. 17, § 3851, amended. Section 3851 of Title 17 of the Revised Statutes, as last repealed and replaced by section 43 of chapter 544 of the public laws of 1967, is amended to read as follows:

§ 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. 26. R. S., T. 20, § 102, sub-§ 13, repealed. Subsection 13 of section 102 of Title 20 of the Revised Statutes, as amended, is repealed as follows:

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

Sec. 27. R. S., T. 20, § 2201, repealed. Section 2201 of Title 20 of the Revised Statutes is repealed, as follows:

§ 2201. Presidents of colleges; tenure

~~Presidents of colleges are removable at the pleasure of the trustees and overseers whose concurrence is necessary for their election~~

Sec. 28. R. S., T. 20, § 2218, amended. The first paragraph of section 2218 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 443 of the public laws of 1965 and as amended, is further amended to read as follows:

There shall be created a State Scholarship Board, hereinafter in this chapter called the "board," consisting of the Commissioner of Education, the ~~President~~ **Chancellor** of the University of Maine, the Chairman of the State Board of Education, one member to be appointed by the Governor from among the ~~presidents several heads of the several state colleges campuses of the University of Maine,~~ the President of the Maine Teachers Association and the Chairman of the Governor's Advisory Committee on Education.

Sec. 29. R. S., T. 20, §§ 2301 - 2306, repealed. Sections 2301 to 2306 of Title 20 of the Revised Statutes, as amended, are repealed.

Sec. 30. R. S., T. 20, § 2402, repealed. Section 2402 of Title 20 of the Revised Statutes, as amended by section 13 of chapter 425 of the public laws of 1967, is repealed.

Sec. 31. R. S., T. 20, § 2803, sub-§ 1, amended. Subsection 1 of section 2803 of Title 20 of the Revised Statutes is amended to read as follows:

1. **Chancellor of University of Maine.** The ~~President~~ **Chancellor** of the University of Maine, ex officio, in office at the time being;

Sec. 32. R. S., T. 20, § 3119, repealed. Section 3119 of Title 20 of the Revised Statutes, as amended by section 31 of chapter 513 of the public laws of 1965, is repealed.

Sec. 33. R. S., T. 20, § 3213, amended. Section 3213 of Title 20 of the Revised Statutes, as amended by section 32 of chapter 513 of the public laws of 1965, is further amended to read as follows:

§ 3213. Free tuition

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

Sec. 34. 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 chapter 429 of the public laws of 1965 and by section 3 of Section C of chapter 191 of the private and special laws of 1967 and by section 14 of chapter 540 of the public 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. 35. R. S., T. 22, § 1, amended. The last sentence of the 2nd paragraph of section 1 of Title 22 of the Revised Statutes, as repealed and replaced by section 7 of chapter 490 of the public laws of 1967, is repealed as follows: ~~He (Commissioner of Health and Welfare) shall receive a salary of \$19,656 per year~~

Sec. 36. R. S., T. 22, § 511, repealed. Section 511 of Title 22 of the Revised Statutes, as repealed by section 1 of chapter 534 and amended by section 57 of chapter 544, both of the public laws of 1967, is repealed.

Sec. 37. R. S., T. 23, § 51, amended. The 3rd sentence of section 51 of Title 23 of the Revised Statutes, as amended, is further amended to read as follows:

One member shall be appointed by the Governor as chairman (Highway Commissioner) who shall devote each full working day to his duties ~~and whose salary shall be \$20,436 per year.~~

Sec. 38. R. S., T. 23, § 51, amended. The 5th sentence of section 51 of Title 23 of the Revised Statutes is amended to read as follows:

The other members of the commission shall ~~receive \$5,000 per year and shall~~ be appointed for a term of 3 years and any vacancies shall be filled for the unexpired term.

Sec. 39. R. S., T. 23, c. 13, sub-c. X, additional. Chapter 13 of Title 23 of the Revised Statutes is amended by adding a new subchapter X, to read as follows:

SUBCHAPTER X

PERAMBULATION OF BOUNDARY LINE

§ 1111. Perambulation

The boundary line between the State of New Hampshire and the State of Maine, as established and marked in 1927, 1928 and 1929 under the public laws of 1927, chapter 21, shall be perambulated once in 7 years forever and the line marked and bounds renewed whenever necessary. The Governor, with the advice and consent of the Council, shall appoint a surveyor from the State Highway Department who shall, in conjunction with a duly authorized representative of the State of New Hampshire, perambulate the boundary line from Bryant's Rock at East Pond to the Canadian Line.

§ 1112. Notice

The Governor, with the advice and consent of the Council, shall authorize the State Highway Commission to notify and make such arrangements with the proper authorities of the State of New Hampshire as may be necessary to carry out this subchapter.

§ 1113. Return

A return of the perambulation shall be made, describing the marks and monuments of such line and particularly describing any change of location or resetting of any monument as authorized in this subchapter, and such return shall be signed by the duly authorized representatives of both states and a copy filed with the Secretary of State.

§ 1114. Preservation of existing monuments

No person shall willfully or maliciously disturb or injure, or, except as otherwise provided in this subchapter, remove, obliterate, deface or cover up any monument or mark designating this boundary line of the State. Any persons desirous of removing and replacing any such monument or mark may apply in writing to the State Highway Commission, who may grant permission therefor under its supervision, first making provision for preserving the exact location of the original boundary or mark, and giving notice to the State of New Hampshire of the time and place at which proposed action is to be taken. The monument shall be reset in the identical location from which it was removed, or at a convenient distance therefrom upon the boundary line. A full description of any change in such monument or mark, signed by

the representatives of both states, shall be recorded with the Secretary of State.

§ 1115. Penalty

Any person violating section 1114 shall be punished by a fine of not more than \$50, or by imprisonment for not more than 6 months, or by both.

§ 1116. No expenses to be incurred until enactment of similar legislation by State of New Hampshire

No work shall be done or money expended under this subchapter until similar legislation has been enacted by the State of New Hampshire.

Sec. 40. R. S., T. 24, § 51, amended. The 5th sentence of the 3rd paragraph of section 51 of Title 24 of the Revised Statutes, as amended by section 18 of chapter 476 of the public laws of 1967, is repealed as follows:

~~He (Insurance Commissioner) shall receive an annual salary of \$14,000~~

Sec. 41. R. S., T. 25, § 712, amended. The 9th paragraph of section 712 of Title 25 of the Revised Statutes, as amended, is further amended to read as follows:

The Adjutant General ~~shall receive an annual salary of \$13,500. He~~ shall receive no other fee, emolument or perquisite **in addition to his salary.**

Sec. 42. R. S., T. 26, § 41, amended. The 5th sentence of section 41 of Title 26 of the Revised Statutes, as amended, is further amended to read as follows:

The commissioner (Labor and Industry) shall receive an annual salary ~~of \$11,000~~, and in addition ~~\$1,000~~ **a salary** annually for his services as a member of the Industrial Accident Commission and his actual, necessary cash expenses while away from his office on official business of the Industrial Accident Commission.

Sec. 43. R. S., T. 26, § 664, amended. The last paragraph of section 664 of Title 26 of the Revised Statutes, as enacted by section 5 of chapter 466 of the public laws of 1967, is amended to read as follows:

Employees who are under the age of 19 and are ~~regularly~~ **regularly** enrolled in an educational institution or are on vacation therefrom may be paid a rate of not less than 75% of the applicable minimum wage rate required for other employees in the same occupation.

Sec. 44. R. S., T. 26, § 1081, sub-§ 2, repealed and replaced. Subsection 2 of section 1081 of Title 26 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

2. Salaries. The chairman and members of the commission (Employment Security) shall receive a fixed weekly salary and shall be paid from the Employment Security Administration Fund.

Sec. 45. R. S., T. 29, § 1653, amended. The next to the last sentence of section 1653 of Title 29 of the Revised Statutes is amended to read as follows:

Such police officer may summons the owner or driver of such vehicle, or he may arrest the driver forthwith ~~in which case Title 15, section 802, shall apply.~~

Sec. 46. R. S., T. 30, § 2151, sub-§ 4, ¶ C, sub-¶ (5), div. (a), amended. The 2nd sentence of division (a) of subparagraph (5) of paragraph C of subsection 4 of section 2151 of Title 30 of the Revised Statutes is amended to read as follows:

They may permit a ~~variation~~ **variance** from the terms of an ordinance where necessary to ~~void~~ **avoid** undue hardship, provided there is no substantial departure from the intent of the ordinance.

Sec. 47. R. S., T. 34, § 1, amended. The 3rd sentence of the 2nd paragraph of section 1 of Title 34 of the Revised Statutes, as repealed and replaced by section 9 of chapter 490 of the public laws of 1967, is repealed as follows:

~~He (Commissioner of Mental Health and Corrections) shall receive a salary of \$17,316 per year~~

Sec. 48. R. S., T. 35, § 1, amended. The first and 2nd sentences of the last paragraph of section 1 of Title 35 of the Revised Statutes, as amended, are further amended to read as follows:

~~The chairman (Public Utilities Commission) shall receive a salary of \$13,650 per year, and the other commissioners a salary of \$12,600 each per year. The salary of the clerk, the director of transportation and the general counsel Secretary shall be left to the discretion of the commission, subject to the approval of the Governor and Council.~~

Sec. 49. R. S., T. 36, § 3025-A, amended. The last sentence of section 3025-A of Title 36 of the Revised Statutes, as enacted by section 3 of chapter 198 of the public laws of 1965, is amended to read as follows:

Such credit shall lapse at the end of the last quarter of the year following that in which the credit arose; ~~provided that any credit to which any user is entitled as of September 30, 1965, on the basis of existing rulings of the State Tax Assessor, shall not lapse until December 31, 1966.~~

Sec. 50. R. S., T. 36, § 4366, amended. The 2nd sentence of section 4366 of Title 36 of the Revised Statutes, as last 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. 51. R. S., T. 38, § 532, amended. The 2nd sentence of section 532 of Title 38 of the Revised Statutes is amended to read as follows:

One commissioner shall be the Commissioner of the Department of Health and Welfare and one the Chairman of the Maine Water and Air Environmental Improvement Commission.

Sec. 52. R. S., T. 39, § 91, amended. The first sentence of the 3rd paragraph of section 91 of Title 39 of the Revised Statutes, as amended, is repealed as follows:

~~The chairman (of the Industrial Accident Commission) shall receive a salary of \$12,075 per year, and the other commissioners a salary of \$10,500 each per year~~

Sec. 53. P. L., 1927, c. 21, repealed. Chapter 21 of the public laws of 1927 is repealed.

Sec. 54. P. L., 1937, c. 179, repealed. Chapter 179 of the public laws of 1937 is repealed.