

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 1779**

H. P. 1412

House of Representatives, January 6, 1970

The Committee on Judiciary suggested.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Berman of Houlton.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
AND SEVENTY

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

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

Whereas, many Acts enacted by the 104th Legislature in regular session have created inconsistencies and technical errors; and

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

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

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

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

**Sec. 1. R. S., T. 1, § 72, sub-§ 26-A, repealed.** Subsection 26-A of section 72 of Title 1 of the Revised Statutes, as enacted by chapter 113 of the public laws of 1969, is repealed.

**Sec. 2. R. S., T. 1, § 72, sub-§ 26-B, additional.** Section 72 of Title 1 of the Revised Statutes, as amended, is further amended by adding a new subsection 26-B, to read as follows:

26-B. Unsealed instruments, when given effect of sealed instruments in any written instrument. A recital that such instrument is sealed by or bears the seal of the person signing the same or is given under the hand and seal of the person signing the same, or that such instrument is intended to take effect as a sealed instrument, shall be sufficient to give such instrument the legal effect of a sealed instrument without the addition of any seal of wax, paper or other substance or any semblance of a seal by scroll, impression or otherwise; but the foregoing shall not apply in any case where the seal of a court, public office or public officer is expressly required by the Constitution, by statute or by rule of the court to be affixed to a paper, nor shall it apply in the case of certificates of stock of corporations. The word "person" as used in this subsection shall include a corporation, association, trust or partnership.

Sec. 3. R. S., T. 4, § 153, sub-§ 18, amended. The last sentence of subsection 18 of section 153 of Title 4 of the Revised Statutes is amended to read as follows:

The District Court for Southern Oxford shall be held at ~~South~~ Paris.

Sec. 4. R. S., T. 4, § 651, amended. The first sentence of section 651 of Title 4 of the Revised Statutes, as amended by section 2 of Section D of chapter 197 of the private and special laws of 1969 and by chapter 480 of the public laws of 1969, is repealed and the following enacted in place thereof:

The Chief Justice of the Supreme Judicial Court may appoint not more than 13 Official Court Reporters to serve for a term of 7 years, who shall report the proceedings in the Supreme Judicial Court and in the Superior Court and who shall be officials of the court to which they may from time to time be assigned by the Chief Justice, and be sworn to the faithful discharge of their duties, and each of whom shall receive from the State a salary of \$12,500 per year.

Sec. 5. R. S., T. 5, § 2401, sub-§ 3, repealed and replaced. Subsection 3 of section 2401 of Title 5 of the Revised Statutes, as amended by section 13 of chapter 504 and repealed and replaced by chapter 507, both of the public laws of 1969, is repealed and the following enacted in place thereof:

3. Salary. The Administrative Hearing Commissioner shall receive an annual compensation of \$19,500. He shall be entitled to actual and necessary expenses in the performance of his duties. He may employ necessary clerical assistance.

Sec. 6. R. S., T. 6, § 3, sub-§ 20, amended. Subsection 20 of section 3 of Title 6 of the Revised Statutes is amended to read as follows:

20. Inspector. "Inspector" means the inspector of aeronautics hired by the director ~~with the approval of the commission.~~

Sec. 7. R. S., T. 6, § 201, amended. Section 201 of Title 6 of the Revised Statutes is amended to read as follows:

#### § 201. Arrests

~~The director and inspectors~~ Inspectors, when so designated by the ~~commission~~ director, shall have, in any part of the State, the same authority to

enforce and to make arrests for the violation of any provision of chapters 1 to 13 or any rule and regulation promulgated thereunder as sheriffs, policemen and constables have in their respective jurisdictions.

**Sec. 7-A. R. S., T. 8, § 502, amended.** The first sentence of the 3rd paragraph of section 502 of Title 8 of the Revised Statutes is amended to read as follows:

The license shall be further conditioned that there shall be no display of advertising of licensee's circus or traveling amusement show contrary to Title 17, section 2506, Title 23, section 1153 and Title 32, sections ~~2753 and 2754~~ **2713 and 2714**, relating to outdoor advertising, that the licensee shall at all times and at least once each week keep the commissioner informed of proposed changes in itinerary or location, and that the licensee shall conform to all lawful rules and regulations promulgated by the Insurance Commissioner relating to circuses and traveling amusement shows.

**Sec. 8. R. S., T. 9, § 443, sub-§ 2, ¶ T, repealed.** Paragraph T of subsection 2 of section 443 of Title 9 of the Revised Statutes, as enacted by section 6 of chapter 401 of the public laws of 1969, is repealed.

**Sec. 9. R. S., T. 9, § 443, sub-§ 2, ¶ U, additional.** Subsection 2 of section 443 of Title 9 of the Revised Statutes, as amended, is further amended by adding a new paragraph U, to read as follows:

**U. To employ such officers and other personnel as required, to determine the terms and conditions, compensation and fringe benefits pertaining to such employment and to make all necessary provisions therefor.**

**Sec. 10. R. S., T. 10, § 2101, amended.** The first sentence of section 2101 of Title 10 of the Revised Statutes, as amended by section 19 of chapter 504 and repealed and replaced by section 1 of chapter 508, both of the public laws of 1969, is repealed and the following enacted in place thereof:

**The Maine Mining Bureau, as heretofore established, shall consist of 7 members, one each from the State Departments of Agriculture, Forestry, Economic Development, Inland Fisheries and Game, Sea and Shore Fisheries and the Environmental Improvement Commission, plus the State Geologist.**

**Sec. 11. R. S., T. 11, § 9-404, sub-§ 1, repealed and replaced.** Subsection 1 of section 9-404 of Title 11 of the Revised Statutes, as amended by section 4 of chapter 225 and by section 2 of chapter 421, both of the public laws of 1969, is repealed and the following enacted in place thereof:

**(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must within 30 days from the date on which the foregoing first occurs send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The fee for filing and indexing such an**

assignment or statement thereof shall be \$3. If the affected secured party fails to send such a termination statement, he shall be liable to the debtor for \$100, and in addition for any loss caused to the debtor by such failure.

**Sec. 12. R. S., T. 12, § 2001, amended.** The 2nd paragraph of section 2001 of Title 12 of the Revised Statutes, as last repealed and replaced by section 23 of chapter 544 of the public laws of 1967, is amended to read as follows:

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 section 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. 13. R. S., T. 12, § 2356, amended.** The 3rd paragraph of section 2356 of Title 12 of the Revised Statutes, as enacted by chapters 1 and 112, both of the public laws of 1969, is repealed and the following paragraph enacted in place thereof:

It shall be unlawful to hunt wild hares or rabbits in the Counties of Hancock, Knox, Lincoln, Sagadahoc and Waldo with dogs during the open season on deer.

**Sec. 14. R. S., T. 12, § 2551, amended.** The 2nd sentence of section 2551 of Title 12 of the Revised Statutes, as last amended by chapter 32 and by section 58 of chapter 425, both of the public laws of 1969, is repealed and the following enacted in place thereof:

Except at Upper Dam in Richardsontown (T4 R1) at the outlet of Mooselookmeguntic Lake in Oxford County, at Middle Dam in T C at the outlet of Lower Richardson Lake in Oxford County and at East Outlet Dam in Sapling (T1 R7) in Somerset County and in Big Squaw Mountain in Piscataquis County at the outlet of Moosehead Lake, the fishway and the area within 50 feet of any part of these fishways shall be closed to fishing at all times and except at Woodland Dam and Grand Falls Powerhouse Dam on the St. Croix River in the Town of Baileyville, East Grand Lake Dam, T9 R4, Spednic Lake Dam, Vanceboro, the area within 75 feet of the mouth of the fishway shall be closed to fishing at all times and except at the so-called ice control dam on the Narraguagus River in the Town of Cherryfield, the area within 100 feet of the dam shall be closed to fishing at all times.

**Sec. 15. R. S., T. 12, § 4209, repealed.** Section 4209 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 10 of the public laws of 1969, is repealed.

**Sec. 16. R. S., T. 12, § 4210, additional.** Title 12 of the Revised Statutes is amended by adding a new section 4210, to read as follows:

§ 4210. Taking of striped or sea bass

It shall be unlawful to fish for or catch striped or sea bass in the tidal waters of the State of Maine in any manner except by hand line, or rod and reel or by use of a spear. Spear fishing for striped or sea bass shall be limited to the hours between sunrise and sunset.

1. Definition of sunrise and sunset. For the purpose of this section "sunrise" and "sunset" is that time given for sunrise or sunset in the Maine Farmer's Almanac for the particular day involved converted to the legal standard of time in force in this State on that day.

Sec. 17. R. S., T. 13, § 2433, repealed. Section 2433 of Title 13 of the Revised Statutes, as repealed by section 11 of chapter 132 and amended by section 13 of chapter 433, both of the public laws of 1969, is repealed.

Sec. 18. R. S., T. 13, § 2604, repealed. Section 2604 of Title 13 of the Revised Statutes, as repealed by section 11 of chapter 132 and amended by section 14 of chapter 433, both of the public laws of 1969, is repealed.

Sec. 19. R. S., T. 15, § 2552, amended. The last paragraph of section 2552 of Title 15 of the Revised Statutes, as amended by chapters 52 and 368, both of the public laws of 1969, is repealed and the following enacted in place thereof:

Juvenile courts shall have no jurisdiction over offenses in which any juvenile is charged with the violation of any provision of Title 29 and Title 38, chapter 1, subchapter VI, or over any other traffic law or ordinance, if such offense is a misdemeanor, except that juvenile courts shall have exclusive, original jurisdiction over offenses in which any juvenile is charged with a violation of Title 29, sections 900, 1312, 1312-A, 1315 and 1316 and Title 12, section 1978, subsection 2, or of Title 38, section 237, subsection 2.

Sec. 20. R. S., T. 15, § 2716, amended. The first sentence of the 2nd paragraph of section 2716 of Title 15 of the Revised Statutes is amended to read as follows:

At the discretion of the superintendent, any such child, during his or her commitment, may be kept at said center or, upon prior mutual agreement, may be entrusted without indenture, for a period not exceeding the term of his or her commitment, to the care of: Any suitable person or persons; the Probation and Parole Board Division under the Bureau of Corrections; the Department of Health and Welfare, or other public or private child care agencies.

Sec. 21. R. S., T. 18, § 2501 amended. Section 2501 of Title 18 of the Revised Statutes is amended to read as follows:

§ 2501. Actions which survive

No personal action or cause of action shall be lost by the death of either party, but the same shall survive for and against the executor or administrator of the deceased, except that actions or causes of action for the recovery of penalties and forfeitures of money under penal statutes and proceedings in

~~bastardy cases~~ shall not survive the death of the defendant. An executor or administrator may seek relief from a judgment in an action to which the deceased was a party to the same extent that the deceased might have done so.

**Sec. 22. R. S., T. 18, § 3635, amended.** The first paragraph of section 3635 of Title 18 of the Revised Statutes, as enacted by chapter 265 of the public laws of 1969, is amended to read as follows:

Whenever a mentally retarded minor has been admitted to the Pineland Hospital and Training Center or to any other state-operated institution or residence facility for the mentally retarded, and has not been discharged therefrom, the head thereof shall, within 6 months prior to the ~~21st~~ 20th birthday of such mentally retarded person, cause him to be examined to ascertain whether such person will, by reason of mental retardation, be in need of guardianship on attainment of his majority. If, in the opinion of the examiner such need will exist, the institutional or residence facility head may advise in writing the parent, next of kin, or guardian of such minor of the need to institute proceedings for appointment of a guardian. In the event no guardian has been appointed, or no guardianship proceedings are pending when such minor has attained age ~~21~~ 20, or the institutional or residence facility head shall have determined that nomination of the public guardian is advisable in lieu of petition for guardianship by any of such persons, such institutional or residence facility head shall nominate the public guardian to serve as guardian of such mentally retarded person as provided in this subchapter.

**Sec. 23. R. S., T. 19, § 486, amended.** The first sentence of the 2nd paragraph of section 486 of Title 19 of the Revised Statutes is amended to read as follows:

If the court shall be satisfied by information or evidence under oath that at any time during the period in which the payments were ordered pursuant to ~~sections 484 and 485~~ section 481 the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original complaint or indictment, or sentence him under the original conviction, or enforce the original sentence, as the case may be.

**Sec. 24. R. S., T. 19, § 531, repealed and replaced.** Section 531 of Title 19 of the Revised Statutes, as amended by chapters 294 and 328 and by section 35 of chapter 433, all of the public laws of 1969, is repealed and the following enacted in place thereof:

**§ 531. Persons who may adopt**

Any unmarried inhabitant of the State, or any husband and wife jointly, may petition the judge of probate for their county, or the county where the placing agency to whom the person was duly surrendered and released is located, for leave to adopt a person, regardless of age, and for a change of his or her name. Any unmarried inhabitant of another state, or any non-resident husband and wife jointly, may present such petition in the probate court of the county where such person lives, or to the probate court of the county where the placing agency, to whom the person was duly surrendered

and released, is located. The court shall be deemed to have jurisdiction hereunder if such person seeking the adoption shall have been continuously within the State or a United States military reservation herein for a period of at least 3 months prior to the date of the petition. The consent of the natural parents shall not be required for the adoption of a person who has reached the age of 20 years or over.

**Sec. 25. R. S., T. 20, § 225, amended.** The first paragraph of section 225 of Title 20 of the Revised Statutes, as last amended by section 1 of chapter 162 and by section 2-B of chapter 440, both of the public laws of 1969, is repealed and the following enacted in place thereof:

When it is necessary to hold a district meeting to approve the issuance of bonds or notes for capital outlay purposes, to approve a change in the selection of a school building site, to approve a change in the method of sharing costs among the member municipalities, to approve an agreement to add another municipality or municipalities to the School Administrative District, to approve an agreement to merge with another School Administrative District, or to approve a proposed lease agreement with the Maine School Building Authority, or to authorize the school directors to contract for the schooling of secondary pupils, or to authorize the school directors to dispose of real property, or to accept or reject a prospective gift, the school directors shall be authorized to call such meeting as follows:

**Sec. 26. R. S., T. 20, § 225, sub-§ 3, ¶ F, repealed.** Paragraph F of subsection 3 of section 225 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 162 of the public laws of 1969, is repealed.

**Sec. 27. R. S., T. 20, § 225, sub-§ 3, ¶ G, additional.** Subsection 3 of section 225 of Title 20 of the Revised Statutes, as amended, is further amended by adding a new paragraph G, to read as follows:

**G.** When a meeting is called for the purposes of accepting or rejecting a prospective gift, the Article to be inserted in all warrants shall be as follows:

“Shall the school directors of School Administrative District No.     be authorized to accept a prospective gift under the following conditions:

(set forth terms and conditions)

Yes [    ]                   No [    ]”

**Sec. 27-A. R. S., T. 20, § 804, amended.** The first sentence of section 804 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is further amended to read as follows:

School bus shelters for school children, when approved by the school committee of the town in which they are located may, notwithstanding the 50 feet from the nearer line of the traveled way provision of Title 32, section ~~2758~~ 2716, be placed or maintained outside the right-of-way and at least 33 feet from the center line of any highway and carry not more than 2 panels on the sides thereof for the identification of sponsors.



**Sec. 28. R. S., T. 20, § 1054, repealed and replaced.** Section 1054 of Title 20 of the Revised Statutes, as last amended by chapter 161 and by section 8 of chapter 440, both of the public laws of 1969, is repealed and the following enacted in place thereof:

**§ 1054. Treasurer of State as custodian**

The Treasurer of State is designated custodian of all moneys received by the State from the Federal Government for establishment, maintenance, operation and expansion of food service programs and he shall receive and provide for the proper custody of such moneys and disburse such moneys on requisition of the commissioner to school committees and boards of directors of public schools and to administrative officers of service institutions as defined in Public Law 90-302.

**Sec. 29. R. S., T. 20, § 1391, repealed and replaced.** Section 1391 of Title 20 of the Revised Statutes, as amended by section 38 of chapter 433, section 12 of chapter 440 and by section 2 of chapter 485, all of the public laws of 1969, is repealed and the following enacted in place thereof:

**§ 1391. Attendance at public schools**

Any child between the ages of 5 and 20 who resides at a private tax-exempt institution within this State shall have the right to attend the public schools in the administrative unit in which such institution is located under the same conditions as pupils residing in such administrative unit, and shall for the purposes of this section be classed as resident pupils and the administrative unit shall be paid from the appropriation for general-purpose aid the net local cost of educating such children at each elementary or secondary school attended by them. Any child between the ages of 5 and 20 committed or otherwise legally admitted to any state-operated institution shall have the right to attend the public schools in the administrative unit in which such institution is located, or in an adjoining administrative unit, upon enrollment therein by the head of such institution under the same conditions as pupils residing in such administrative unit, and shall for the purposes of this section be classed as resident pupils, and the net local cost of educating any such child shall be paid in accordance with this section. The net local cost of educating such children shall include only those school operating expenses paid by the administrative unit on account of such children enumerated in section 3721, subsection 2, and shall be computed for each school on the basis of financial reports and school enrollment figures required by and filed with the commissioner during each school year ending June 30th. Payments shall be made to each administrative unit based on the average net local per pupil cost of education during the 2 previous fiscal years. The payment shall be added to the general-purpose aid of the administrative unit.

**Sec. 30. R. S., T. 20, § 2803, repealed and replaced.** Section 2803 of Title 20 of the Revised Statutes, as repealed and replaced by section 4 of chapter 456 and amended by section 31 of chapter 504, both of the public laws of 1969, is repealed and the following enacted in place thereof:

**§ 2803. Board established**

Of the 8 members who shall represent the State of Maine, one shall be the Chancellor of the University of Maine ex officio in office at the time being

and one shall be the Commissioner of Education ex officio in office at the time being, 4 shall be named by the Governor, with the advice and consent of the Council, for 2-year terms, one shall be a member of the Senate appointed by the President of the Senate and one shall be a member of the House of Representatives appointed by the Speaker of the House. All members shall receive their actual expenses incurred in the performance of their official duties.

Sec. 31. R. S., T. 20, § 3722, repealed. Section 3722 of Title 20 of the Revised Statutes, as repealed by section 1 of chapter 496 and amended by section 34 of chapter 504, both of the public laws of 1969, is repealed.

Sec. 32. R. S., T. 20, § 3724, repealed. Section 3724 of Title 20 of the Revised Statutes, as enacted by chapter 532 of the public laws of 1967 and amended by section 42 of chapter 433 of the public laws of 1969 and repealed by section 17 of chapter 440 and by section 1 of chapter 496, both of the public laws of 1969, is repealed.

Sec. 33. R. S., T. 20, § 3726, repealed. Section 3726 of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 308 of the public laws of 1969, is repealed.

Sec. 34. R. S., T. 20, § 3735, additional. Title 20 of the Revised Statutes is amended by adding a new section 3735, to read as follows:

§ 3735. Apportionment for 6 months of 1970

Notwithstanding any other provision of this Title, the apportionment of State aid for the period beginning January 1, 1970 and ending June 30, 1970, shall be  $\frac{1}{2}$  of the apportionment computed for the first year of the biennium. Said apportionment shall be distributed in 6 payments beginning the last Friday in January and ending in June, 1970.

Sec. 34-A. R. S., T. 22, § 3792, amended. The 4th sentence of the 2nd paragraph of section 3792 of Title 22 of the Revised Statutes, as repealed and replaced by section 1 of chapter 159 of the public laws of 1967, is amended to read as follows:

Pending hearing on any such petition, the court may order said child committed into the custody of the department or into the custody of any suitable person approved by the court, ~~without regard to section 3794 as to bond~~ and direct such department or person to make such provision for the child's care as may be necessary pending hearing.

Sec. 35. R. S., T. 22, § 3793, amended. The first sentence of section 3793 of Title 22 of the Revised Statutes is amended to read as follows:

Orders and decrees provided for in sections 3791 and 3792 shall have the same effect to divest the parent or parents of all legal rights in respect to said child as specified in Title 19, section 535, but shall not relieve the parent or parents of liability for the support of such child or from the penalties for failure to support which are provided in Title 19, sections 481 ~~to~~, 483 and 486.

Sec. 36. R. S., T. 22, § 4792, amended. The first sentence of section 4792 of Title 22 of the Revised Statutes, as amended by chapter 249 and by sec-

tion 54 of chapter 433, both of the public laws of 1969, 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 members of a tribal council, each of whom must be at least 20 years of age.**

**Sec. 37. R. S., T. 22, § 4792, amended.** The first sentence of the 3rd paragraph of section 4792 of Title 22 of the Revised Statutes, as amended by chapter 249 and by section 55 of chapter 433 of the public laws of 1969, is repealed and the following enacted in place thereof:

**Only certified members of the tribe who are 20 years of age or older shall be eligible to vote.**

**Sec. 38. R. S., T. 23, § 1005, amended.** The last paragraph of section 1005 of Title 23 of the Revised Statutes, as enacted by chapter 54 of the public laws of 1969, is repealed and the following paragraph enacted in place thereof:

**“Valuation” shall mean the assessed valuation certified and filed biennially by the State Tax Assessor and for the purpose of reimbursement such valuation filed before the first day of February of the year of the regular session of the Legislature shall prevail for 2 winter seasons commencing after the fall season of said legislative year.**

**Sec. 39. R. S., T. 24, § 2301, sub-§ 1, repealed and replaced.** Subsection 1 of section 2301 of Title 24 of the Revised Statutes, as amended by section 5 of chapter 132 and repealed and replaced by section 1 of chapter 419, both of the public laws of 1969, is repealed and the following enacted in place thereof:

**1. Nonprofit hospital service plans.** To establish, maintain and operate nonprofit hospital service plans, whereby hospital care may be provided by hospitals or groups of hospitals with which such corporation has a contract for such purpose, to such persons or groups of persons as become subscribers to said plan under a contract which entitles each subscriber to certain hospital care, and the hospital or hospitals so contracting with such corporation shall be governed by this section and shall be exempt from all other provisions of the insurance laws of this State, unless otherwise specifically provided in this chapter.

**Sec. 40. R. S., T. 24, § 2301, sub-§ 7, amended.** Subsection 7 of section 2301 of Title 24 of the Revised Statutes, as enacted by section 1 of chapter 419 of the public laws of 1969, is amended to read as follows:

**7. Right to contract.** The State, any county, city, town or other quasi-municipal corporation shall have the same right to contract with any corporation subject to this chapter as it may have under **Title 24-A**, section 4501 with respect to insurers.

**Sec. 41. R. S., T. 24, § 2301, sub-§ 5, repealed.** Subsection 5 of section 2301 of Title 24 of the Revised Statutes, as enacted by section 6 of chapter 132 of the public laws of 1969, is repealed.

**Sec. 42. R. S., T. 24, § 2301, sub-§ 8, additional.** Section 2301 of Title 24 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 419 of the public laws of 1969, is amended by adding a new subsection 8, to read as follows:

**8. "Commissioner" defined.** As used in this chapter "commissioner" means the Insurance Commissioner of this State.

**Sec. 43. R. S., T. 24-A, § 4129, amended.** The 3rd sentence of the last paragraph of section 4129 of Title 24-A of the Revised Statutes, as enacted by section 1 of chapter 132 of the public laws of 1969, is amended to read as follows:

When legal process against a society is served upon the commissioner, he shall ~~worthwith~~ **forthwith** forward one of the duplicate copies by registered mail, prepaid, directed to the secretary or corresponding officer.

**Sec. 44. R. S., T. 26, § 664, amended.** The last sentence of the first paragraph of section 664 of Title 26 of the Revised Statutes, as amended by chapter 184 and repealed and replaced by chapter 356, both of the public laws of 1969, is repealed and the following enacted in place thereof:

The overtime provision of this section shall not apply to seamen, the canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of herring as sardines, of perishable foods, of agricultural produce, and meat and fish products, nor to the canning of perishable goods, nor to hotels, motels, restaurants and other eating establishments.

**Sec. 45. R. S., T. 28, § 2, sub-§ 9, repealed and replaced.** Subsection 9 of section 2 of Title 28 of the Revised Statutes, as repealed and replaced by section 1 of chapter 165 and amended by section 3 of chapter 500, both of the public laws of 1969, is repealed and the following enacted in place thereof:

**9. Hotel.** "Hotel" shall mean any reputable place operated by responsible persons of good reputation, where the public, for a consideration obtains sleeping accommodations and where meals may be served, whether or not under one roof. If meals are served, at least 10% of the total volume of business shall be from the sale of food. Each hotel shall be equipped with at least 14 adequate sleeping rooms when it is located in a municipality of 3,000 or less, 20 such sleeping rooms when located in a municipality having population of from 3,000 to 7,500 and 30 such sleeping rooms when located in municipalities having more than 7,500 population. All such rooms shall be in addition to rooms used by the owner or his employees. Increase in population as shown by the 1960 and any subsequent Federal Census shall not affect the eligibility for license of premises licensed prior to any such census.

**Sec. 46. R. S., T. 28, § 101, amended.** The 5th paragraph from the end of section 101 of Title 28 of the Revised Statutes, as amended by section 3 of chapter 183 and by section 8 of chapter 360, both of the public laws of 1969, is repealed and the following enacted in place thereof:

Where a city or town has voted in favor of accepting or not accepting questions 1, 2, 3, 4, 5, 6, 6-A, 7, 8, 9, 10 and 11, said vote shall be effective until repealed in the manner hereinafter provided.

**Sec. 47. Effective date.** Section 46 of this Act shall become effective January 2, 1971.

**Sec. 48. R. S., T. 28, § 204, repealed and replaced.** Section 204 of Title 28 of the Revised Statutes, as amended by chapter 311 and by section 10 of chapter 360, both of the public laws of 1969, is repealed and the following enacted in place thereof:

**§ 204. Liquor bought from commission; sale to government agencies**

All persons, except public service corporations operating interstate, licensed to sell spirituous or vinous liquor, except table wine, shall purchase all such liquor from the commission. The commission shall sell to such licensees spirituous and vinous liquor, except table wine, for a price of 10% less than the retail price in state retail stores provided that such discount shall not apply to federal taxes levied on and after November 1, 1941. The commission may sell spirituous and vinous liquor, except table wine to approved government instrumentalities within the State at a price to be set by the commission which shall be approved by the Governor and Council. The commission may sell spirituous and vinous liquor not for consumption within the State to airlines at a price to be set by the commission which shall be approved by the Governor and Council.

The Liquor Commission shall have the power to adopt such rules and regulations as it shall deem necessary or advisable to effectuate the purposes of this section.

**Sec. 49. Effective date.** Section 48 of this Act shall become effective January 2, 1971.

**Sec. 50. R. S., T. 28, § 303, amended.** The 2nd sentence of the 2nd paragraph of section 303 of Title 28 of the Revised Statutes, as amended by section 11 of chapter 360 and by section 70 of chapter 433, both of the public laws of 1969, is repealed and the following enacted in place thereof:

No licensee, by himself, clerk, servant or agent entitled to sell malt liquor or table wine not to be consumed on the premises shall sell, furnish, give or deliver such malt liquor or table wine to any person visibly intoxicated, to any mentally ill person, to a known habitual drunkard, to any pauper, to persons of known intemperate habits or to any minor under the age of 20 years.

**Sec. 51. Effective date.** Section 50 of this Act shall take effect January 2, 1971.

**Sec. 52. R. S., T. 28, § 303, amended.** The last paragraph of section 303 of Title 28 of the Revised Statutes, as amended by chapter 224 and by section 70 of chapter 433, both of the public laws of 1969, is repealed and the following enacted in place thereof:

Any person under the age of 20 years who purchases any intoxicating liquor or any person under the age of 20 years who consumes any intoxicating liquor in any on-sale premises, or who presents or offers to any licensee, his agent or employee, any written or oral evidence of age which is false,

fraudulent or not actually his own, for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any intoxicating liquor, or who has any intoxicating liquor in his possession except in the scope of his or her employment on any street or highway, or in any public place or in any automobile, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100 for the first offense, not less than \$50 nor more than \$100 for the 2nd offense and \$100 for the 3rd and subsequent offenses. If a minor is charged with illegal possession under this section he may not be charged with illegal transportation. No minor shall be charged with more than one offense under this section in any given instance wherein the same set of facts is involved.

**Sec. 53. R. S., T. 28, § 604, amended.** The last sentence of the first paragraph of section 604 of Title 28 of the Revised Statutes, as amended by chapter 323 and by section 20 of chapter 360, both of the public laws of 1969, is repealed and the following enacted in place thereof:

The fee therefor shall be \$500 per year for malt liquor only and \$300 for table wine only, which sum shall accompany the application for such certificate.

**Sec. 54. Effective date.** Section 53 of this Act shall take effect January 2, 1971.

**Sec. 55. R. S., T. 28, § 751-A, repealed and replaced.** Section 751-A of Title 28 of the Revised Statutes, as enacted by chapter 91 of the public laws of 1967 and as last amended by section 25 of chapter 360, section 71 of chapter 433 and by sections 10 and 18 of chapter 500, all of the public laws of 1969, is repealed and the following enacted in place thereof:

#### § 751-A. Payment for sales in retail stores

For the purpose of receiving payment at the check-out counters for the sale of malt liquor or table wine in retail stores, the age of such employee receiving the payment shall not be under 17 years of age for malt liquor and 18 years for table wine, provided that an employee who is 20 years of age or older is present in the retail store in a supervisory capacity.

**Sec. 56. Effective date.** Section 55 of this Act shall take effect January 2, 1971.

**Sec. 57. R. S., T. 28, § 756, amended.** The first paragraph of section 756 of Title 28 of the Revised Statutes, as amended by chapter 270 and by section 27 of chapter 360, both of the public laws of 1969, is repealed and the following enacted in place thereof:

It shall be unlawful for any wholesale or retail licensee of malt liquor or table wine, either directly or indirectly, by any agent or employee, to go from town to town, or from place to place in the same town, selling, bartering or carrying for sale or exposing for sale any malt liquor or table wine from any vehicle, except all sales of such malt liquor or table wine where transportation and delivery are required shall be made only upon orders actually received at the principal place of business or warehouse or distributing center,

if licensed, of the seller prior to shipment thereof, and an invoice stating the names of the purchaser and the seller and the kind and quantity of malt liquor or table wine ordered by the sale, together with the date of the sale, shall be carried by the driver or any other employee of the seller; and except that a wholesale licensee, his agent or employee, may go from town to town or from place to place in the same town selling, or carrying for sale or exposing for sale malt liquor or table wine from its vehicle, provided the licensee, his agent or employee has in his possession on said vehicle a manifest bearing a detailed description of the total amount of malt liquor or table wine on the vehicle, and invoices as required as well as invoices drawn up at the time of delivery. Sales or deliveries must only be made to licensees of the Maine State Liquor Commission.

**Sec. 58. Effective date.** Section 57 of this Act shall become effective January 2, 1971.

**Sec. 59. R. S., T. 28, § 852, amended.** The first paragraph of section 852 of Title 28 of the Revised Statutes, as amended by section 72 of chapter 433 and by section 15 of chapter 500, both of the public laws of 1969, is repealed and the following enacted in place thereof:

No licensee for the sale of liquor to be consumed on licensed premises, except in Class A restaurants, clubs and hotel dining rooms, shall employ any person under the age of 20 years in the direct handling or selling of liquor on the premises where such liquor is sold. No licensee for the sale of liquor to be consumed on the licensed premises of Class A restaurants, clubs and hotel dining rooms shall employ any person under the age of 19 years in the direct handling or selling of liquor on the premises where such liquor is sold, provided that an employee who is 20 years of age or older is present in a supervisory capacity.

**Sec. 60. R. S., T. 29, § 333, repealed and replaced.** Section 333 of Title 29 of the Revised Statutes, as amended by section 3 of chapter 400 and by section 75 of chapter 433, both of the public laws of 1969, is repealed and the following enacted in place thereof:

**§ 333. No certificate for minors**

No person under the age of 20 years shall be issued a certificate or plate under this subchapter.

**Sec. 61. R. S., T. 30, § 2, amended.** Those parts of section 2 of Title 30 of the Revised Statutes which relate to Hancock and Washington Counties, as last amended by section 1 of chapter 441, chapter 473 and chapter 484, all of the public laws of 1969, are repealed and the following enacted in place thereof:

**Hancock County:** County commissioners, \$1,600; chairman, \$1,900; clerk of courts, \$4,750; deputy clerk of courts, \$3,100; county attorney, \$7,500; assistant county attorney, \$4,500; county treasurer, \$3,500; sheriff, \$5,700; register of deeds, \$4,750; judge of probate, \$4,750; register of probate, \$4,750.

**Washington County:** County commissioners, \$1,800; chairman, \$2,100; clerk of courts, \$4,700; county attorney, \$8,500; assistant county attorney,

\$4,500; county treasurer, \$4,200; sheriff, \$5,750; register of deeds, \$4,700; judge of probate, \$5,200; register of probate, \$4,700.

**Sec. 62. R. S., T. 30, § 407, amended.** The last sentence of section 407 of Title 30 of the Revised Statutes is amended to read as follows:

The county commissioners of each and every ~~other~~ county may without obtaining the consent of their county raise by temporary loans to be paid within one year from the time when the same is contracted out of money raised during the current year by taxes not exceeding  $\frac{1}{5}$  of 1% of the assessed valuation of their respective counties.

**Sec. 63. R. S., T. 30, § 1051, sub-§ 15, amended.** Subsection 15 of section 1051 of Title 30 of the Revised Statutes, as amended, is further amended to read as follows:

**15. Attendance upon Supreme Judicial and Superior Courts.** Every deputy sheriff and court messenger, while in actual attendance upon a session of the Supreme Judicial Court or the Superior Court in their respective counties ~~except as provided in Title 4, section 56~~ shall receive \$15 a day, plus actual travel at 16¢ a mile from their place of residence for each day's attendance.

**Sec. 64. R. S., T. 30, § 2055, repealed and replaced.** Section 2055 of Title 30 of the Revised Statutes, as amended by section 1 of chapter 369 and by section 3 of chapter 438, both of the public laws of 1969, is repealed and the following enacted in place thereof:

**§ 2055. Annual meeting**

Each town shall hold an annual meeting, at which time the following town officials shall be elected by ballot: Moderator, selectmen and school committee. A town may, at a meeting held at least 60 days prior to the annual meeting, designate other town officials to be elected by ballot. The election of officials at the last annual town meeting shall be deemed such a designation until the town otherwise designates. A town official may not be elected on a motion to cast one ballot.

**Sec. 65. Effective date.** Section 64 of this Act shall become effective January 2, 1970.

**Sec. 65-A. R. S., T. 30, § 4601-A, sub-§ 1, ¶ F, amended.** Paragraph F of subsection 1 of section 4601-A of Title 30 of the Revised Statutes, as enacted by section 7 of chapter 470 of the public laws of 1969, is amended to read as follows:

**F.** Act as the public agency of the State of Maine for the purpose of accepting federal funds or other assistance in relation to housing activity in those areas and for those projects duly authorized under section ~~4552, subsection 4~~ **4651, subsection 2** and other relevant provisions of this statute;

**Sec. 65-B. R. S., T. 30, § 4602, sub-§ 2, ¶ C, amended.** The 2nd sentence of paragraph C of subsection 2 of section 4602 of Title 30 of the Revised Statutes, as enacted by section 8 of chapter 470 of the public laws of 1969, is amended to read as follows:



The powers and duties of the state authority, except those enumerated in subsection + 2, paragraph B, shall be vested solely in the director of the state authority.

**Sec. 66. R. S., T. 32, c. 2, repealed.** Chapter 2 of Title 32 of the Revised Statutes, as enacted by chapter 359 of the public laws of 1969, is repealed.

**Sec. 67. R. S., T. 32, c. 2-A, additional.** Title 32 of the Revised Statutes is amended by adding a new chapter 2-A, to read as follows:

## CHAPTER 2 - A

### AMBULANCE SERVICE

#### § 71. Requirement for license

No ambulance service shall operate after June 30, 1970 unless it has been duly licensed by the Department of Health and Welfare pursuant to this chapter.

#### § 72. Definitions

1. **Ambulance.** "Ambulance" means any vehicle that is specially designed or constructed and equipped, and is intended to be used for and is maintained or operated for the transportation of patients. The licensing of such vehicles is in addition to the licensing by the Secretary of State.

2. **Ambulance equipment.** "Ambulance equipment" means those materials and devices which are carried in an ambulance to provide for emergency care.

3. **Ambulance personnel.** "Ambulance personnel" means individuals responsible for the protection of the patient in preparation for and during transportation, except that ambulance personnel shall not include those persons whose exclusive function is to drive an ambulance. For emergency cases one trained licensed individual or physician, or an osteopathic physician or a registered or licensed nurse must be present in the vehicle either as driver or attendant.

4. **Ambulance service.** "Ambulance service" means any organization or any person or persons setting themselves forth as providing transportation for ill or injured persons.

5. **Board.** "Board" means the advisory board to the Department of Health and Welfare for licensure of ambulance services, vehicles or ambulances, and ambulance personnel.

#### § 73. Powers and duties

1. **Advisory board.** There shall be an advisory board to the Department of Health and Welfare for licensure of ambulance services, vehicles and personnel, consisting of 7 members appointed by the Governor. Two members shall be physicians, one licensed to practice medicine and one licensed to practice osteopathy. One member shall be a hospital administrator. One member shall be a representative of a recognized state safety association. Three members, at least one of whom shall be from a rural area, shall be

representatives of an accredited ambulance service with not less than 3 years of such active experience.

2. Terms. The term of office of the members shall be 3 years, provided that of the members first appointed, 2 shall be appointed for terms of one year, 2 for terms of 2 years and 3 for terms of 3 years. A member shall not be appointed for more than 2 consecutive full terms. Each member of the board shall receive \$20 per day for the time spent in the performance of his official duties and shall be reimbursed for all appropriate travel and incidental expenses in carrying out his official duties.

3. Meetings. The board shall meet at least once each year and at such other times as may be provided by resolution of the board, or at the call of its chairman or the Commissioner of the Department of Health and Welfare.

4. Chairman; rules and regulations. The board shall elect a chairman and shall adopt and amend rules and regulations for the conduct of its business.

5. Duties. The board shall advise the Commissioner of Health and Welfare on: Standards and procedures for the licensing of the operation of ambulance services, requirements for the training, experience and qualifications of ambulance personnel and procedures for the licensing of such personnel, standards and procedures for the licensing of ambulance vehicles, and standards and procedures for the issuance, revocation and suspension of licenses and for the investigation of complaints filed with the Department of Health and Welfare and establishment of licensure fees. In advising on and setting said standards the board and commissioner shall, among other factors, take into consideration the various economic conditions existing in the diverse areas of the State of Maine.

6. Procedures. The Department of Health and Welfare shall adopt such forms, rules, regulations, procedures and records as may be necessary to fulfill the purposes of this chapter. Licenses shall be annual licenses based on the date of issuance, except that the department may issue conditional licenses for lesser periods of time.

#### § 74. Appeals

Any person who is aggrieved by the decision of the Department of Health and Welfare in refusing to issue or renew a license may file a statement of complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307.

Sec. 68. R. S., T. 32, § 1082, repealed and replaced. Section 1082 of Title 32 of the Revised Statutes, as repealed and replaced by section 1 of chapter 197 and amended by section 79 of chapter 433, both of the public laws of 1969, is repealed and the following enacted in place thereof:

#### § 1082. Qualifications

Before receiving a certificate to practice dentistry in this State, a person shall be at least 20 years of age, of good moral character and shall be a

graduate of or have a diploma from an acceptable dental college, school or dental department of a university approved by the board.

**Sec. 68-A. R. S., T. 32, § 2606, additional.** Title 32 of the Revised Statutes Statutes is amended by adding a new section 2606, to read as follows :

**§ 2606. Treatment of minors**

Any person licensed under this chapter who, in the exercise of due care, renders medical care to a minor for treatment of venereal disease is under no obligation to obtain the consent of a parent or a guardian, as applicable, or to inform such parent or guardian of such treatment.

**Sec. 69. R. S., T. 32, § 3153, repealed.** Section 3153 of Title 32 of the Revised Statutes, as enacted by chapter 297 of the public laws of 1969, is repealed.

**Sec. 70. R. S., T. 32, § 3154, additional.** Title 32 of the Revised Statutes is amended by adding a new section 3154, to read as follows :

**§ 3154. Treatment of minors**

Any person licensed under this chapter who, in the exercise of due care, renders medical care to a minor for treatment of venereal disease is under no obligation to obtain the consent of a parent or a guardian, as applicable, or to inform such parent or guardian of such treatment.

**Sec. 71. R. S., T. 32, § 4102-A, amended.** Section 4102-A of Title 32 of the Revised Statutes, as enacted by section 3 of chapter 312 of the public laws of 1969, is amended to read as follows :

**§ 4102-A. Temporary license in case of death**

In the event of the death of a licensed broker, who is the sole proprietor of a real estate business, the commission shall, upon application by his legal representative, issue, without examination, a temporary license to such legal representative, or to an individual designated by him and approved by the commission and the payment of the prescribed fee of \$15, which shall authorize such temporary licensee to continue to transact said business for a period not to exceed one year from the date of death subject to all other provisions of sections 4001 to 4119, except that such temporary license shall not be renewed.

**Sec. 72. R. S., T. 32, c. 62, repealed.** Chapter 62 of Title 32 of the Revised Statutes, as enacted by chapter 282 of the public laws of 1969, is repealed.

**Sec. 73. R. S., T. 32, c. 62-A, additional.** Title 32 of the Revised Statutes is amended by adding a new chapter 62-A, to read as follows :

CHAPTER 62-A  
SOCIAL WORKERS  
SUBCHAPTER I  
GENERAL PROVISIONS

§ 4183. Definitions

As used in this chapter, unless a different meaning clearly appears from the context, the following definitions shall apply:

1. Board. "Board" shall mean the State Board of Social Worker Registration.

2. Registered or associate social worker. A "registered or associate social worker" is a person who presents himself to the public with any title including the term or words "registered" or "associate social worker" or any abbreviation thereof or the letters "R.S.W." or "A.S.W." and under such title or description gives or offers to give social work services to individuals, groups, agencies or corporations.

3. Social work. "Social work" means engaging in the practice of social casework, social group work, community organization, administration of a social work program, social work education, social work research or any combination of these, in accordance with social work principles and methods. The purpose of social work is to help individuals, families, groups and communities to present or resolve problems caused by social or emotional stress.

§ 4184. Violations

Any person who shall represent himself to the public as a registered or associate social worker without being registered with and holding a current certificate from the board shall, upon conviction, be punished by a fine of not less than \$50 nor more than \$500 for each such offense.

§ 4185. Exemptions

Nothing in this chapter prevents any person from engaging in the practice of social work so long as he does not represent himself as or use the titles of "registered social worker" or "associate social worker."

SUBCHAPTER II

STATE BOARD OF SOCIAL WORKER REGISTRATION

§ 4186. State Board of Social Worker Registration created

There is created a State Board of Social Worker Registration which shall administer this chapter. The board shall consist of 7 members who shall be appointed by the Governor. The terms of office shall be for 3 years, except that in the appointment of the initial board 2 members shall be appointed for one year, 2 members for 2 years, and 3 members for 3 years. All members shall hold office until their successors are appointed and qualified.

### § 4187. Qualifications

Members of the board shall be residents of this State, of good moral character and shall have been engaged in the active practice of social work as registered or associate social workers for not less than 5 years prior to appointment. Appointees to the initial board shall have been engaged in the active practice of social work for not less than 5 years prior to appointment and shall be qualified for certification as registered or associate social workers. No members of the board shall serve more than 2 terms as a board member. The Governor may remove any member for cause.

### § 4188. Compensation and expenses

No member of the board shall receive any compensation for his services as a member of the board, but shall be reimbursed for all actual travelling and incidental expenses necessarily incurred in carrying out this chapter.

### § 4189. Organization and meetings

The board shall annually elect a chairman, vice-chairman and secretary-treasurer from its membership. The secretary-treasurer shall keep full and complete records of its proceedings and accounts, which shall be open to public inspection at all reasonable times.

The board shall hold at least 2 regular meetings each year at such times and places as the board may prescribe. Special meetings may be held upon call of the chairman and any 2 members. Four members of the board shall constitute a quorum for the transaction of business.

The board shall adopt a seal for its use which shall remain in the custody of the secretary-treasurer.

### § 4190. Powers

The board shall have the authority to make such rules and regulations as are necessary to carry out its duties in accordance with this chapter.

## SUBCHAPTER III

### REGISTRATION

#### § 4191. Registration required

In order to safeguard the life, health and welfare of the people of this State, any person practicing or offering to practice as a registered or associate social worker shall be required to submit evidence that he is qualified to so practice and shall be registered as provided.

#### § 4192. Qualifications

To be eligible for certification as a registered social worker or an associate social worker, an applicant must be at least 21 years of age, of good moral character and a resident of this State, and shall satisfactorily pass such examination as the board may prescribe by its rules and regulations.

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration and certification as a registered or associate social worker, respectively:

1. Registered social worker. As a registered social worker:

A. Registration by endorsement. A person holding a certificate of registration as a registered social worker under the laws of another state, territory or possession of the United States, the District of Columbia or of any foreign country, who, in the opinion of the board, meets the requirements of this chapter, based upon verified evidence, may, upon application, be registered without further examination.

B. Graduation and examination. Applicants shall have received at least a master's degree in social work from a school of social work accredited by the Council on Social Work Education, and shall have passed the written examination prescribed by the board.

2. Associate social worker. As an associate social worker:

A. Graduation and examination. Applicants shall have at least a bachelor's degree from a recognized college or university, have been employed in social work for not less than 2 years, and have passed the written examination prescribed by the board.

Any person having the necessary qualifications prescribed in this chapter to entitle him to registration as a registered or associate social worker shall be eligible for such registration though he may not be practicing his profession at the time of making the application.

§ 4193. Registration without examination

Any person who within 6 months after the effective date of this chapter submits his application to the board on the prescribed form, pays the necessary fee and furnishes satisfactory evidence to the board that he is 21 years of age or over, of good moral character, a resident of this State, is employed as a social worker or was so employed for 2 years out of the preceding 5 years, shall be registered by the board and certified as a registered or associate social worker without examination. Any person in the Armed Forces of the United States on the effective date of this chapter, who was employed as a social worker prior to entrance into the Armed Forces, shall be certified as a registered or associate social worker without examination, provided he makes application for registration within 3 months after separation, or release from the Armed Forces and provided he otherwise qualifies as set forth in this section.

§ 4194. Application; fees

Application for registration and certification as a registered or associate social worker shall be on a form prescribed and furnished by the board.

The registration fee for a registered social worker shall be established by the board in an amount not to exceed \$50, which fee shall accompany the application.

The registration fee for an associate social worker shall be established by the board in an amount not to exceed \$25, which fee shall accompany the application.

Should the board deny the issuance of a certificate of registration to any applicant, the fee shall be retained as an application fee.

#### § 4195. Examinations

Written examinations shall be held at such times and places as the board shall determine and shall be based on fundamental social work subjects as determined by the board.

The passing grade on any examination shall be not less than 70%. A candidate failing any examination may apply for reexamination, which shall be granted upon payment of a fee established by the board in an amount not in excess of the original application fee. Any candidate for registration having an average grade of less than 50% in his written examination may not apply for reexamination for one year.

#### § 4196. Certificates

The board shall issue a certificate of registration to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter.

#### § 4197. Revocation and reissuance

The board shall have the power to revoke the registration of a registered or associate social worker for any of the following reasons:

1. Felony conviction. Conviction of a violation of a law by any court of competent jurisdiction which if committed within this State would constitute a felony under the laws of this State; or
2. Fraud or deceit. The practice of fraud or deceit in obtaining a certificate of registration under this chapter or in connection with service rendered as a registered or associate social worker; or
3. Addiction. Addiction to the use of alcohol, morphine, opium, cocaine or other drugs having similar effect; or
4. Mental incompetency. A medical finding of mental incompetency; or
5. Aiding and abetting misrepresentation. Aiding or abetting a person, not duly certified as a registered or associate social worker, in representing himself as a registered or associate social worker in this State; or
6. Unprofessional conduct or negligence. Any gross negligence, incompetency or misconduct in the practice of professional social work.

Any person may prefer charges against any registered or associate social worker. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within 3 months after the date on which they have been preferred. The time and place for said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or sent by certified mail to the last known address of such registrant, at least 30 days before the date set for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him and to produce evidence and witnesses in his own defense.

If, after each hearing, 4 or more members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such registered or associate social worker.

The board, for reasons it may deem sufficient, may reissue a certificate of registration as a registered or associate social worker to any person whose certificate of registration has been revoked, provided 3 or more members of the board vote in favor of such reissuance. A new certificate of registration as a registered or associate social worker, to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the board, and a charge of \$3 shall be made for such issuance.

#### § 4198. Expiration and renewals

Certificates of registration shall expire on the last day of December following their issuance or renewal and shall become invalid on that date unless renewed. Annual fee for renewal of registration shall be set by the board in an amount not to exceed \$10, and shall be due and payable each year on or before the first day of January. The failure of any registrant to renew his certificate annually on or before the first day of January shall not deprive such person of the right of renewal, but the fee to be paid for the renewal certificate after January 31st shall be increased 10% for each month or fraction thereof that payment for renewal is delayed. The maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

Any person who fails to renew his registration for a period of 3 years or more shall be stricken from the rolls and his registration may be renewed only after meeting the requirements of this chapter.

A person registered under this chapter may, upon request, be placed in an inactive status category without fees, and may be reinstated to active status by paying the fees for the current year.

#### § 4199. Receipts and disbursements

The secretary-treasurer of the board shall receive and account for all moneys derived under this chapter and shall pay the same to the Treasurer of the State of Maine, who shall keep such moneys in a separate fund to be known as the "Registered and Associate Social Workers' Fund." The board may authorize such expenditures from said fund as are necessary for the purpose of administering and enforcing this chapter. The expenditures of



the board shall not in any year exceed the amount of fees collected by the board for that year.

**Sec. 74. R. S., T. 34, § 525, amended.** Section 525 of Title 34 of the Revised Statutes, as enacted by chapter 20 of the public laws of 1967, is amended to read as follows:

**§ 525. Establishment; purposes**

The Bureau of Corrections, as heretofore established within the department, shall be responsible for the direction and general administrative supervision of the correctional programs within the Maine State Prison, the ~~Reformatories for Men and Women~~ **Men's Correctional Center, the Women's Correctional Center** and the Juvenile Training Centers.

**Sec. 74-A. R. S., T. 34, § 1502, sub-§ 7, amended.** Subsection 7 of section 1502 of Title 34 of the Revised Statutes is amended to read as follows:

**7. Arrest violators.** To arrest and return probation and parole violators ~~on warrants issued by the appropriate authorities.~~

**Sec. 74-B. R. S., T. 34, § 1503, amended.** Section 1503 of Title 34 of the Revised Statutes is amended to read as follows:

**§ 1503. Abetting violations**

Any person over the age of 17 who willfully obstructs, intimidates or otherwise abets a probationer or parolee under the supervision and control of the ~~State Probation and Parole Board~~ **Division of Probation and Parole** and thereby contributes or causes said probationer or parolee to violate the terms and conditions of his probation or parole, after having been warned in writing by the ~~State Probation and Parole Board~~ **Division of Probation and Parole** to cease and desist in said relationship or association with the probationer or parolee, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

This section shall apply in those instances where the probationer or parolee is under the supervision and control of the ~~State Probation and Parole Board~~ **Division of Probation and Parole** at the request of other states under terms of the Uniform Act for Out-of-State Parolee Supervision.

**Sec. 74-C. R. S., T. 34, § 1592, sub-§ 4, amended.** The first sentence of subsection 4 of section 1592 of Title 34 of the Revised Statutes, as repealed and replaced by section 4 of chapter 319 of the public laws of 1969, is amended to read as follows:

Make recommendations to the ~~board~~ **division** in cases of violation of the conditions of parole, issue warrants for the arrest of parole violators ~~when so instructed by the board~~; notify the superintendents of the institutions of determinations made by the board.

**Sec. 74-D. R. S., T. 34, § 1632, amended.** The 2nd sentence of section 1632 of Title 34 of the Revised Statutes is amended to read as follows:

When a person is placed on probation, he shall be committed by the court to the custody and control of the ~~State Probation and Parole Board~~ **Division of Probation and Parole**.

**Sec. 74-E. R. S., T. 34, § 1633, amended.** The first sentence of section 1633 of Title 34 of the Revised Statutes is amended to read as follows:

When the ~~State Probation and Parole Board~~ **Division of Probation and Parole** charges a probationer with violation of a condition of his probation the ~~board~~ **division** shall forthwith report the alleged violation to the court, or to a justice of the court in vacation, which may order the probationer returned.

**Sec. 74-F. R. S., T. 34, § 1633, amended.** The first sentence of the last paragraph of section 1633 of Title 34 of the Revised Statutes, as enacted by section 2 of chapter 45 of the public laws of 1965, is amended to read as follows:

The ~~State Probation and Parole Board~~ **Division of Probation and Parole** may in its discretion report the alleged violation to any Superior Court.

**Sec. 74-G. R. S., T. 34, § 1634, sub-§ 1, amended.** Subsection 1 of section 1634 of Title 34 of the Revised Statutes is amended to read as follows:

1. **Probationer no longer needs supervision.** When it appears to the ~~State Probation and Parole Board~~ **Division of Probation and Parole** that a probationer is no longer in need of supervision, the ~~board~~ **division** may so report to the court, or to a justice of the court in vacation, which may order the probationer returned. After hearing, the court or justice may terminate his probation and allow him to go without day.

**Sec. 75. R. S., T. 36, § 383, repealed and replaced.** Section 383 of Title 36 of the Revised Statutes, as amended by section 1 of chapter 343 and by section 6 of chapter 502, both of the public laws of 1969, is repealed and the following enacted in place thereof:

**§ 383. Town assessor's annual return to State Tax Assessor**

The assessors of each town shall, on or before the first day of August, annually, and at such other times as the State Tax Assessor may require, make and return on blank lists which shall be seasonably furnished by the said State Tax Assessor for that purpose, all such information as to the assessment of property and collection of taxes as may be needed in the work of the State Tax Assessor, including annually aggregates of polls, the land value, exclusive of buildings and all other improvements, and the valuation of each and every class of property assessed in their respective towns, with the total valuation and percentage of taxation, together with a statement to the best of their knowledge and belief of the ratio, or percentage of current just value, upon which the assessment is based, and itemized lists of property upon which the town has voted to affix a value for taxation purposes.

**Sec. 76. Effective date.** Section 75 of this Act shall become effective January 2, 1970.

**Sec. 77. R. S., T. 36, § 653, sub-§ 1, ¶ D-1, amended.** The last sentence of paragraph D-1 of subsection 1 of section 653 of Title 36 of the Revised Statutes, as enacted by chapter 144 of the public laws of 1967 and as amended by chapters 110 and 341, both of the public laws of 1969, is repealed as follows:

~~A veteran, or unmarried widow of a veteran, receiving exemption under this paragraph shall not receive exemption under paragraphs C or D~~

**Sec. 78. R. S., T. 36, § 1421, amended.** The first sentence of section 1421 of Title 36 of the Revised Statutes, as amended by chapter 3 and by section 99 of chapter 433 of the public laws of 1969, is repealed and the following enacted in place thereof:

It shall be the duty of the State Tax Assessor through agents to procure annually, on or as of April 1st, a return enumerating all persons, male or female, 20 years of age and upwards, who are residents of the various unorganized units, government reservations excepted, of the unorganized territory as defined in Title 20, section 1451, and he shall give a certificate of residence to all such residents as shall make written application therefor upon the form provided by him.

**Sec. 79. R. S., T. 36, § 1760, sub-§ 25, amended.** Subsection 25 of section 1760 of Title 36 of the Revised Statutes, as last amended by chapter 24 of the public laws of 1969, is further amended to read as follows:

**25. Boats sold to nonresidents.** Sales in this State to nonresidents of yachts and other pleasure boats and commercial vessels and boats actually registered for numbering, enrolled or documented under federal or foreign law in the appropriate customhouses or registry offices for location thereof or home ports therefor outside the State, when such craft are either delivered outside the State or delivered in the State to be sailed or transported outside the State immediately upon delivery by the seller; and any sales to ~~nonresident~~ nonresidents, under contracts for the construction of any such craft to be so delivered, of materials to be incorporated therein; and any sales to nonresidents for the repair, alteration, refitting, reconstruction, overhaul or restoration of any such craft to be so delivered, of materials to be incorporated therein.

**Sec. 80. R. S., T. 36, § 2912, repealed and replaced.** Section 2912 of Title 36 of the Revised Statutes, as amended by chapter 351 and repealed and replaced by section 18 of chapter 498, both of the public laws of 1969, is repealed and the following enacted in place thereof:

**§ 2912. Records and reports regarding sales of fuels for aeronautical purposes**

Every distributor of internal combustion fuels shall keep a record of sales of such fuels as are sold to be used for aeronautical purposes and shall render a report thereof as provided in section 2906. The tax received by the State on internal combustion engine fuels which are sold to be used for aeronautical purposes shall accrue to the General Fund. The necessary expenses of the

collection of the tax on such fuels to be used for aeronautical purposes shall be deducted.

**Sec. 81. R. S., T. 38, § 237, sub-§ 7, repealed.** Subsection 7 of section 237 of Title 38 of the Revised Statutes, as enacted by section 7 of chapter 123 of the public laws of 1969, is repealed.

**Sec. 82. R. S., T. 38, § 237, sub-§ 8, additional.** Section 237 of Title 38 of the Revised Statutes, as amended, is further amended by adding a new subsection 8, to read as follows:

8. **Mufflers.** It shall be unlawful to operate a motorboat on the waters of this State unless it shall be equipped at all times with an effective and suitable muffling device on the engine or engines thereof to effectively deaden or muffle the noise of the exhaust, provided that motorboats which are operating in a regatta or race approved by the bureau under section 238, subsection 2 may use cut outs for such motorboats while on trial runs, or competing in speed events, not to exceed 48 hours immediately preceding or following such an authorized event.

**Sec. 83. R. S., T. 38, § 451, amended.** The first sentence of the 3rd paragraph of section 451 of Title 38 of the Revised Statutes, as enacted by section 6 of chapter 431 of the public laws of 1969, is amended to read as follows:

In determining the extent of any mixing zone to be by it established under this section, the commission shall solicit and receive testimony concerning the nature and rate of the discharge; the nature and rate of existing discharges to the waterway and their effect upon the ability of the waterway to achieve its classification standards; the size of the waterway and the rate of flow therein; any seasonal, climatic, tidal and natural variations in such size, flow, nature and rate and the effect of such variations upon the ability of the waterway to achieve ~~is~~ its classification standards; the uses of the waterways in the vicinity of the discharge, and such other and further evidence as in the commission's judgment will enable it to establish a reasonable mixing zone for such discharge.