

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 1594

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S. P. 479

In Senate, March 17, 1971

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

---

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

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

Sec. 1. R. S., T. 1, §§ 811-813, repealed. Sections 811 to 813 of Title 1 of the Revised Statutes are repealed as follows:

§ 811. ~~Real property or interest therein may be taken~~

~~The taking of real estate or of any interest therein for the use of the State by right of eminent domain may be effected as provided in sections 812 and 813.~~

§ 812. ~~Manner of taking~~

~~Whenever the public exigencies require it, the Governor and Council may adopt an order of taking which shall contain a description of the land taken, sufficiently accurate for its identification, and shall state the interest therein taken and the purpose for which such property is taken.~~

§ 813. ~~Procedure~~

~~All proceedings under sections 811 and 812 shall be in accordance with Title 35, chapter 263.~~

Sec. 2. R. S., T. 1, § 814, amended. Section 814 of Title 1 of the Revised Statutes, as repealed and replaced by chapter 380 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 814. Purchase of real estate

Whenever the Governor and Council determine that public exigencies re-

quire the construction of additional buildings, structures, parking spaces or other facilities for the expansion of State Government in the Capitol Area, it may purchase or take by eminent domain real estate in Augusta. The Capitol Area is as defined in the following description. Beginning at the intersection of the easterly line of Florence Street with the northerly line of Capitol Street; thence easterly along said northerly line of Capitol Street to a point of 150 feet westerly of the intersection of the westerly line of Federal Street projected northerly across said Capitol Street and said northerly line of Capitol Street; thence southerly and parallel to said westerly line of Federal Street about 800 feet to Kennedy Brook; thence following the thread of the stream generally easterly to its intersection with the northerly property line of land of the State of Maine, being part of the Motor Vehicle premises; thence westerly about 60 feet along said property line; thence southerly along said property line about 155 feet; thence easterly along said property line about 140 feet; thence southerly along said property line about 120 feet to the northerly line of Manley Street; thence diagonally and southwesterly across Manley Street to its intersection with the northwesterly corner of other land of the State of Maine, thence southerly along said property line extended to the northerly line of Glenwood Street; thence along said Glenwood Street easterly to the westerly line of State Street; thence northerly along said State Street about 150 feet to a point opposite the northerly line of Britt Street; thence across State Street and along the northerly line of said Britt Street easterly to its intersection with property of Augusta Sanitary District; thence northerly and easterly as said property line may run to its intersection with the westerly right-of-way line of the Maine Central Railroad Company; thence along said railroad line northerly as the same may run to its intersection with the southerly line of highway Route 201; thence southwestwardly along said highway line, as the same may run, to its intersection with the northerly line of Powhattan Street; thence diagonally across State Street to the intersection of the westerly line of State Street and the northerly line of Hichborn Street; thence westerly along said Hichborn Street to the intersection of its northerly line extended with the westerly line of Higgins Street; thence southerly and westerly along Higgins Street to the intersection of its northerly line extended with the westerly line of Grove Street; thence southerly along Grove Street to its intersection with the northerly line of Wade Street; thence westerly about 400 feet in a straight line along Wade Street and its northerly line extended to the easterly line of Sewall Street; thence southerly along Sewall Street to a point opposite the northerly line of Wade Street; thence across Sewall Street and continuing westerly along the northerly line of Wade Street, and thence continuing in a straight line westerly and parallel to Capitol Street to the easterly line of Florence Street; thence southerly along Florence Street to the point of beginning.

All proceedings under this section shall be in accordance with Title 35, chapter 263.

Sec. 3. R. S., T. 4, § 157, amended. The last sentence of section 157 of Title 4 of the Revised Statutes is amended to read as follows:

Sections 103 and 104, as heretofore or hereafter amended, now applicable to

Justices of the Superior Court, are made applicable to Judges of the District Court.

**Sec. 4. R. S., T. 4, § 554, amended.** The 3rd sentence of the 2nd paragraph of section 554 of Title 4 of the Revised Statutes is repealed as follows:

~~The sum provided for the clerk in Lincoln County shall be in full for all such services and in full for services as clerk of Lincoln municipal court, except as provided in section 54.~~

**Sec. 5. R. S., T. 5, § 139, amended.** The first paragraph of section 139 of Title 5 of the Revised Statutes is amended to read as follows:

The Treasurer of State, with the approval of the Commissioner of Finance and Administration, the Bank Commissioner and the Commissioner of Education, shall invest and reinvest the principal of all funds derived or that may be derived from the sale and lease of lands reserved for public uses in accordance with the laws of the State governing the investment of funds of savings banks, as enumerated in Title 9, sections ~~591 to 600 and section 603, subsection + 621 to 631.~~

**Sec. 6. R. S., T. 5, § 285, sub-§ 2, amended.** The first sentence of subsection 2 of section 285 of Title 5 of the Revised Statutes, as enacted by chapter 543 of the public laws of 1967, is amended to read as follows:

Each state employee to whom this section applies shall be eligible for group accident and sickness or health insurance as provided in Title ~~24~~ **24-A**, sections ~~806 and 2301~~ **2802 to 2812**, including major medical benefits.

**Sec. 7. R. S., T. 5, § 297, amended.** Section 297 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 458 of the public laws of 1967, is amended to read as follows:

#### § 297. Declaration of policy

The Legislature, in view of the need for effective planning to accommodate the governmental agencies of the State of Maine located ~~at the seat of government~~ in Augusta, and the possibility that a continuing increase in these needs may eventually make the construction of additional buildings and the enlargement of the state capitol grounds necessary, declares that it is the policy of the State of Maine that the development of the Capitol Area shall proceed with economy, careful planning, aesthetic consideration and with due regard to the public interests involved.

**Sec. 8. R. S., T. 5, § 1719, amended.** Section 1719 of Title 5 of the Revised Statutes, as enacted by section 2 of chapter 514 of the public laws of 1965, is amended to read as follows:

#### § 1719. Payments; amount

Commencing with the fiscal year beginning July 1, 1966 payments to the fund shall come from the biennial appropriations for full coverage fire premiums and shall be in an amount equal to the difference between the full coverage fire premium appropriated for the biennium and a fire insurance deductible coverage plan for the biennium recommended by the Maine In-

surance Advisory Board and approved by the Governor and added to any reduction in premium resulting from open competitive bidding ~~on~~ or negotiation.

**Sec. 9. R. S., T. 6, § 161, amended.** The last sentence of section 161 of Title 6 of the Revised Statutes is amended to read as follows:

Cities, towns and counties are authorized to appropriate or cause to be raised by taxation or otherwise in such cities, towns or counties sums sufficient to carry out sections 5 to 7, ~~43 to 45~~ 13, 14, 15, 122, 161 to 163, 202, 203 and 241 to 246.

**Sec. 10. R. S., T. 6, § 201, amended.** Section 201 of Title 6 of the Revised Statutes, as amended by section 7 of chapter 590 of the public laws of 1969, is further amended to read as follows:

**§ 201. Arrests**

~~Inspectors, when so designated by the directors~~ **The director and inspectors** 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. 11. R. S., T. 7, § 523, sub-§ 3, amended.** Subsection 3 of section 523 of Title 7 of the Revised Statutes, as enacted by chapter 325 of the public laws of 1969, is amended to read as follows:

**3. Consumer commodity.** "Consumer commodity," except as specifically provided by this subchapter, means any food, as defined by the Maine Food Law, Title 22, ~~section 2151, et. seq.~~ **chapter 551, subchapter I**, and any other article, product or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use.

**Sec. 12. R. S., T. 7, §§ 2911-2923, repealed.** Sections 2911 to 2923 of Title 7 of the Revised Statutes, as enacted by chapter 296 of the public laws of 1969, are repealed.

**Sec. 13. R. S., T. 9, § 3920, sub-§ 3, amended.** Subsection 3 of section 3920 of Title 9 of the Revised Statutes, as enacted by section 35 of chapter 423 of the public laws of 1969, is amended to read as follows:

**3.** If a creditor receives a purchase order by mail or telephone without personal solicitation, and the cash price and the deferred payment price and the terms of financing, including the annual percentage rate, are set forth in the creditor's catalog or other printed material distributed to the public, then the disclosures required under ~~section~~ **subsection 1** may be made at any time not later than the date the first payment is due.

**Sec. 14. R. S., T. 10, § 551, sub-§ 4, amended.** Subsection 4 of section

551 of Title 10 of the Revised Statutes, as amended by section 7 of chapter 442 of the public laws of 1969, is amended to read as follows:

**4. Assistance.** Assist the Division of Promotion in the publication and providing of written publicity material as set forth in section ~~601~~ 611.

**Sec. 15. R. S., T. 10, § 2101-B, amended.** The first paragraph of section 2101-B of Title 10 of the Revised Statutes, as enacted by section 2 of chapter 508 of the public laws of 1969, is amended to read as follows:

As used in this ~~chapter~~ **subchapter**, unless the context otherwise indicates, the following words shall have the following meanings:

**Sec. 16. R. S., T. 10, § 2203, amended.** The last sentence of section 2203 of Title 10 of the Revised Statutes, as enacted by chapter 472 of the public laws of 1969, is amended to read as follows:

The director shall employ, pursuant to the Personnel Law, such personnel as may be necessary to properly administer this ~~subchapter~~ **chapter**, including mining engineers and persons experienced in land management and reclamation.

**Sec. 17. R. S., T. 10, § 2210, sub-§ 1, amended.** Subsection 1 of section 2210 of Title 10 of the Revised Statutes, as enacted by chapter 472 of the public laws of 1969, is amended to read as follows:

**1. Cooperation.** The commission shall cooperate with the federal, state and local governments, with natural resource and conservation organizations and with any public or private entities having interests in any subject within the purview of this ~~subchapter~~ **chapter**.

**Sec. 18. R. S., T. 10, § 2210, amended.** The 2nd and 3rd paragraphs of section 2210 of Title 10 of the Revised Statutes, as enacted by chapter 472 of the public laws of 1969, are amended to read as follows:

The commission is designated the public agency of the State of Maine for the purpose of cooperating with appropriate departments and agencies of the Federal Government concerning reclamation of lands in connection with development and mining of minerals in the State, and for the purpose of cooperating and consulting with federal agencies in carrying out this ~~subchapter~~ **chapter**. For these purposes the commission may accept federal funds which may be made available pursuant to federal law, and may accept such technical and financial assistance from the Federal Government as the commission deems advisable and proper for purposes of this ~~subchapter~~ **chapter**.

The commission is further designated the public agency of the State of Maine for the purpose of meeting requirements of the Federal Government with respect to the administration of such federal funds, not inconsistent with this ~~subchapter~~ **chapter**.

**Sec. 19. R. S., T. 11, § 9-404, sub-§ (1), ¶ (a), amended.** The next to the last sentence of paragraph (a) of sub-§ (1) of section 9-404 of Title 11 of the

Revised Statutes, as last repealed and replaced by section 3 of chapter 582 of the public laws of 1969, is amended to read as follows:

The fee for filing and indexing such an assignment or statement thereof shall be \$3 ~~unless on a form conforming to standards prescribed by the Secretary of State in which case the fee shall be \$2.~~

**Sec. 20. R. S., T. 12, § 1601, amended.** The 2nd sentence of section 1601 of Title 12 of the Revised Statutes, as enacted by chapter 533 of the public laws of 1969, is repealed as follows:

~~Such tax shall be increased by one mill on the dollar assessed only for the year 1970 upon all the property in the unorganized territory located within the Maine Forestry District, including rights in public reserved lots, to be used by the Forestry Department for spruce budworm control.~~

**Sec. 21. R. S., T. 12, § 2358, sub-§ 10, additional.** Section 2358 of Title 12 of the Revised Statutes, as amended, is further amended by adding a new subsection 10, to read as follows:

10. Foxes and skunks. It shall be lawful to dig out foxes and skunks at any time and to hunt foxes and skunks at any time, except Sunday and in the nighttime. It shall be lawful to trap foxes and skunks or to cause to have foxes and skunks trapped at any time on one's own land, within a distance of 100 yards from a shelter or range where poultry is raised or kept.

There shall be an open season for the trapping of foxes from October 21st to February 15th in the next following year.

**Sec. 22. R. S., T. 12, § 2360, amended.** The last paragraph of section 2360 of Title 12 of the Revised Statutes, as enacted by chapter 46 of the public laws of 1969, is repealed as follows:

~~There shall be an open season for the trapping of foxes from October 21st to February 15th in the next following year.~~

**Sec. 23. R. S., T. 12, § 2361, repealed.** Section 2361 of Title 12 of the Revised Statutes, as amended, is repealed as follows:

**§ 2361. Digging out foxes and skunks**

~~It shall be lawful to dig out foxes and skunks at any time and to hunt foxes and skunks at any time, except Sunday and in the nighttime. It shall be lawful to trap foxes and skunks or to cause to have foxes and skunks trapped at any time on one's own land, within a distance of 100 yards from a shelter or range where poultry is raised or kept.~~

**Sec. 24. R. S., T. 13, § 903, amended.** The last sentence of section 903 of Title 13 of the Revised Statutes, as amended by section 10 of chapter 225 of the public laws of 1969, is further amended to read as follows:

No fee shall be required by the Attorney General but the Secretary of State shall receive for filing such certificate a fee of \$5, in advance, and registers of deeds shall receive for recording such certificate the fee of \$2.

**Sec. 25. R. S., T. 13, § 934, amended.** The last sentence of section 934 of Title 13 of the Revised Statutes, as enacted by section 13 of chapter 225 of the public laws of 1969, is amended to read as follows:

The Secretary of State shall be paid a fee of \$5, **in advance**, for filing a change of purpose.

**Sec. 26. R. S., T. 13, § 961, amended.** The last sentence of section 961 of Title 13 of the Revised Statutes, as enacted by section 14 of chapter 225 of the public laws of 1969, is amended to read as follows:

A fee of \$5 shall be paid, **in advance**, to the Secretary of State for the filing of the agreement of consolidation.

**Sec. 27. R. S., T. 13, § 3169, amended.** The first sentence of section 3169 of Title 13 of the Revised Statutes, as amended by section 15 of chapter 494 of the public laws of 1967, is further amended to read as follows:

The ministerial and school funds now held in trust by any town or by a corporation existing under section 3162 may be turned over to the Treasurer of State to be administered in accordance with the terms and provisions of such trust and which shall be invested by him in the same manner as provided for investments in securities enumerated in Title 9, sections ~~597 to 600~~ and section 603, ~~subsection 621 to 631~~.

**Sec. 28. R. S., T. 14, § 553, repealed and replaced.** Section 553 of Title 14 of the Revised Statutes is repealed and the following enacted in place thereof:

#### § 553. Action commenced when complaint filed

An action is commenced when the summons and complaint are served or when the complaint is filed with the court.

**Sec. 29. R. S., T. 14, § 5948, amended.** The first sentence of section 5948 of Title 14 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 287 of the public laws of 1969, is amended to read as follows:

Nothing in this chapter shall be deemed to repeal or amend Title 26, chapter ~~10~~, entitled "~~Fire Fighters Arbitration Law~~" 9-A, entitled "**Municipal Public Employees Labor Relations Law.**"

**Sec. 30. R. S., T. 14, § 6453, amended.** Section 6453 of Title 14 of the Revised Statutes is amended to read as follows:

#### § 6453. Notice to Attorney General

Notice of said complaint shall be given to the Attorney General by causing an attested copy of the same to be served upon him by an officer qualified to serve civil process, ~~at least 14 days prior to the first day of the term of court at which said complaint is entered~~ and the Attorney General may appear and be heard thereon.

**Sec. 31. R. S., T. 15, § 701, sub-§ 1, amended.** Subsection 1 of section 701 of Title 15 of the Revised Statutes is amended to read as follows:



**1. Information.** When prosecutions by information are expressly authorized by ~~statute~~ rule of court.

**Sec. 32. R. S., T. 15, § 810, amended.** The 5th sentence of section 810 of Title 15 of the Revised Statutes, as enacted by section 1 of chapter 352 of the public laws of 1965, is amended to read as follows:

The District Court shall order reasonable compensation to be paid to counsel ~~out of~~ by the District Court ~~Fund~~ for such services in the District Court.

**Sec. 33. R. S., T. 15, § 2552, amended.** The last paragraph of section 2552 of Title 15 of the Revised Statutes, as repealed and replaced by section 19 of chapter 590 of the public laws of 1969, is amended to read as follows:

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 I, 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, section 900, 1312, ~~1312-A~~ 1315 and 1316 and Title 12, section 1978, subsection 2, or of Title 38, section 237, subsection 2.

**Sec. 34. R. S., T. 17, § 1624, amended.** Section 1624 of Title 17 of the Revised Statutes, as enacted by section 2 of chapter 405 of the public laws of 1969, is amended by adding a new first paragraph to read as follows:

**As used in sections 1624 to 1635, unless the context otherwise indicates, the following words shall have the following meanings:**

**Sec. 35. R. S., T. 18, § 3628, amended.** The 4th sentence of section 3628 of Title 18 of the Revised Statutes, as enacted by chapter 265 of the public laws of 1969, is amended to read as follows:

Any placement, if in a facility described in Title 22, sections 5, 1811, 3797 or Title 30, **chapter 215**, subchapter V, article 2, shall only be made if such facility is properly licensed.

**Sec. 36. R. S., T. 18, § 3652, amended.** The first sentence of section 3652 of Title 18 of the Revised Statutes, as amended by section 22-A of chapter 590 of the public laws of 1969, is further amended to read as follows:

No settlement of any action brought in behalf of an infant by next friend or defended on his behalf by guardian or guardian ad litem shall be valid unless approved by the court in which the action is pending, or affirmed by an entry ~~of~~ of judgment.

**Sec. 37. R. S., T. 19, § 483, amended.** Section 483 of Title 19 of the Revised Statutes is amended to read as follows:

#### **§ 483. Earnings of persons sentenced**

When any person is sentenced to hard labor and actually employed in such labor in a county jail or any other county correctional institution or reformatory on account of any sentence imposed under sections 481 ~~482~~ and 486, the keeper of said jail or other institution or reformatory shall certify at the

end of each week to the county commissioners the number of days during which such person shall have been actually employed in said jail, and the county commissioners shall thereupon draw their order upon the county treasurer for a sum equal to 50¢ for each day's hard labor so performed by such person, and the same shall thereupon be paid forthwith by the county treasurer to the wife of such person or to the guardian or custodian of his or her minor child or children, or to any organization or individual as trustee which shall be approved by the court imposing such sentence.

**Sec. 38. R. S., T. 20, § 2606, repealed.** Section 2606 of Title 20 of the Revised Statutes is repealed as follows:

~~§ 2606. Political and governmental activities prohibited; penalty~~

~~None of the facilities, plant or personnel of any educational television system which is supported in whole or in part by state funds shall be used directly or indirectly for the promotion, advertisement or advancement of any political candidate for any municipal, county, state or federal office or for the purpose of advocating or opposing any specific program, existing or proposed, of governmental action which shall include, but shall not be limited to, constitutional amendments, tax referendums or bond issues. Any person convicted of a violation of any provision of this section shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 11 months, or by both.~~

**Sec. 39. R. S., T. 22, § 2889, repealed.** Section 2889 of Title 22 of the Revised Statutes is repealed.

**Sec. 40. R. S., T. 24-A, § 416, sub-§ 2, amended.** The first sentence of subsection 2 of section 416 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:

Except in case of insolvency or impairment of required capital or surplus, or suspension or revocation by another state as referred to in **subsection 1**, paragraph D, the commissioner shall give the insurer at least 20 days' notice in advance of any such refusal, suspension or revocation under this section, and of the particulars of the reasons therefor.

**Sec. 41. R. S., T. 27, §§ 88 and 89, additional.** Title 27 of the Revised Statutes is amended by adding 2 new sections to read as follows:

**§ 88. Federal funds**

The museum through its commission and director may be an official agency of the State to receive and disburse any funds made available by the Federal Government for programs related to the purposes of the museum.

**§ 89. Publication fund**

1. **Revolving fund.** There is established within the Maine State Museum a revolving fund for the use of the museum to cover printing and distribution costs for scientific, historical and educational literature and services offered by the museum for which a charge is made.

2. **Price and rates.** The director is authorized to fix the price and rates at which publications, services or related items may be sold and delivered. The museum shall receive without charge 15% of all such publications for complimentary distribution.

3. **Certain materials.** The director is authorized to purchase, establish the price and sell through the museum sales program pertinent handcraft, educational or publication materials procured from outside sources. Proceeds from such sales shall be utilized to restock materials for resale and support of the publications program as defined in subsection 1.

4. **Income.** Income from sale of publications shall be credited to the revolving fund, to be used as a continuing carrying account to carry out the purposes of subsection 1, or as excepted by the conditions of subsection 3.

**Sec. 42. R. S., T. 27, §§ 363 and 364, repealed.** Sections 363 and 364 of Title 27 of the Revised Statutes, as enacted by chapter 407 of the public laws of 1969, are repealed.

**Sec. 43. R. S., T. 28, § 4, amended.** The 5th paragraph of section 4 of Title 28 of the Revised Statutes, as enacted by section 4-A of chapter 500 of the public laws of 1969, is repealed as follows:

~~The foregoing state-wide special election shall be held on November 4, 1969, if there is no referendum under Article IV, Part Third, Section 17 of the Constitution of Maine; if there is a referendum under the above provisions of the Constitution, which referendum ratifies this Act, the state-wide special election shall be held at the general election in November, 1970.~~

**Sec. 44. R. S., T. 28, § 204, amended.** The last sentence of the first paragraph of section 204 of Title 28 of the Revised Statutes, as last repealed and replaced by section 44 of chapter 590 of the public laws of 1969, is repealed and the following enacted in place thereof:

**The commission may sell spirituous and vinous liquor not for consumption within the State to airlines and ferry services or their agents as authorized by the Liquor Commission at a price to be set by the commission which shall be approved by the Governor and Council.**

**Sec. 45. R. S., T. 28, § 501, amended.** The 3rd paragraph from the end of section 501 of Title 28 of the Revised Statutes is repealed and the following enacted in place thereof:

**No license shall be granted to a manufacturer under this section until the applicant therefor has filed with the commission a bond to the State of Maine. Such bond shall have as surety, a duly authorized surety company or 2 individuals to be approved by the commission. All such bonds shall be conditioned for the faithful observance of all the laws relating to spirituous, vinous and malt liquors. Such bonds shall be filed with and retained by the commission upon the revocation, for a one-year period or more, of the license of any licensee in this subchapter mentioned, the Attorney General shall bring a civil action in any county in the State, upon the bond given by such licensee, to recover the penal sum thereof as liquidated damages. The penal**

sum of bonds filed by applicants for distillers' licenses shall be \$5,000 and applicants for all other classes of manufacturers licenses shall file a bond in the penal sum of \$2,500.

**Sec. 46. 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 amended, 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, \$8,500; 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. 47. R. S., T. 30, § 1915, sub-§ 4, amended.** The first sentence of subsection 4 of section 1915 of Title 30 of the Revised Statutes, as enacted by chapter 563 of the public laws of 1969, is amended to read as follows:

If a majority of the ballots cast on any question under ~~subsection~~ subsections 1 or 2 favor acceptance, the new charter, charter revision or charter amendment becomes effective as provided below, provided the total number of votes cast for and against the question equals or exceeds 30% of the total votes cast in the municipality at the next previous gubernatorial election.

**Sec. 48. R. S., T. 30, § 2319, sub-§ 1, amended.** Subsection 1 of section 2319 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 438 of the public laws of 1969, is amended to read as follows:

1. **Agreement.** Any 2 or more towns may enter into an agreement, not inconsistent with this subchapter, ~~with another~~ for the purpose of employing and sharing a manager.

**Sec. 49. 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 and as amended, is repealed.

**Sec. 50. 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 December 31, 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 nurse or licensed practical 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 10 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; one a representative of rescue units; one a representative of municipalities operating ambulance and rescue units; one a representative of the public. 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. 51. R. S., T. 32, § 1658-D, repealed. Section 1658-D of Title 32 of the Revised Statutes, as enacted by chapter 320 and as amended by section 81 of chapter 433, both of the public laws of 1969, is repealed.

Sec. 52. R. S., T. 32, § 2701, amended. The 3rd sentence of section 2701 of Title 32 of the Revised Statutes, as amended by section 84 of chapter 433 of the public laws of 1969, is further amended to read as follows:

Each applicant must be at least 20 years of age and shall present a diploma from a high school, academy, ~~state normal school~~ college or university, or otherwise satisfy the members of the board of sufficient prior academic education.

Sec. 53. R. S., T. 32, § 3302, repealed and replaced. Section 3302 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

#### § 3302. Exceptions

Regular employees of public utilities as defined in Title 35, section 15, when working as such, or regular employees of owners or lessees of real property, when working as such, or any oil burner man duly licensed under chapter 33, insofar as work covered by said license is involved, or persons whose occupation is the doing of miscellaneous jobs of manual labor in the course of which some incidental plumbing repairs or alterations are made by

them, shall be subject only to subchapter II dealing with regulations and to section 3304, only insofar as it relates to violation of said regulations.

**Sec. 54. R. S., T. 32, § 3985, amended.** The first paragraph of section 3985 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 344 of the public laws of 1967 and as amended by section 89 of chapter 433 of the public laws of 1969, is repealed as follows:

~~Any person who is a resident of this State, or has a place of business therein and who has attained the age of 20 years, and who is of good moral character and who meets the requirements of subsection 1, 2 or 3 may register with the board as a public accountant on or before the 30th day of June, 1969.~~

**Sec. 55. R. S., T. 32, § 4193, amended.** The first sentence of section 4193 of Title 32 of the Revised Statutes, as enacted by section 65 of chapter 590 of the public laws of 1969, is amended to read as follows:

Any person who within 6 months after the effective date of this chapter ~~October 1, 1969~~ submits his application to the board on the prescribed form, pays the necessary fee and furnishes satisfactory evidence to the board that he is ~~27~~ 20 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.

**Sec. 56. R. S., T. 36, § 52, amended.** The 2nd sentence of section 52 of Title 36 of the Revised Statutes is repealed as follows:

~~He shall have an office in the State House which shall be open for the transaction of business every secular day.~~

**Sec. 57. R. S., T. 36, § 383, repealed and replaced.** Section 383 of Title 36 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

#### § 383. Town assessors' 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. 58. R. S., T. 36, § 1141, amended.** The 2nd sentence of the 2nd paragraph of section 1141 of Title 36 of the Revised Statutes, as amended by

section 9 of chapter 502 of the public laws of 1969, is further amended to read as follows:

The valuation as determined by the State Tax Assessor and set forth in the statement filed by ~~it~~ him as provided by section 381 or section 381-A shall be the basis for the computation and apportionment of the tax assessed.

**Sec. 59. R. S., T. 36, § 1421, amended.** The first paragraph of section 1421 of Title 36 of the Revised Statutes, as amended, 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. 60. R. S., T. 38, § 245, repealed.** Section 245 of Title 38 of the Revised Statutes, as enacted by chapter 67 of the public laws of 1971, is repealed.

**Sec. 61. R. S., T. 38, § 246, additional.** Title 38 of the Revised Statutes is amended by adding a new section 246 to read as follows:

**§ 246. Long Pond, Oxford County**

No person, except officers empowered to enforce this subchapter, shall operate a motorboat having more than 6 horsepower on Long Pond, Town of Denmark, Oxford County.

**Sec. 62. Effective date.** Sections 60 and 61 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 63. R. S., T. 38, § 549, amended.** The 2nd sentence of section 549 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 572 of the public laws of 1969, is repealed and the following enacted in place thereof:

The commission, subject to the Personnel Law, may employ such personnel as may be necessary to carry out the purposes of this subchapter, and shall prescribe the duties of such employees.

**Sec. 64. R. S., T. 39, § 93, sub-§ 4, repealed.** Subsection 4 of section 93 of Title 39 of the Revised Statutes, as enacted by chapter 53 of the public laws of 1971, is repealed.

**Sec. 65. R. S., T. 39, § 93, sub-§ 5, additional.** Section 93 of Title 39 of the Revised Statutes, as amended, is further amended by adding a new subsection 5 to read as follows:

5. **Contempts before Industrial Accident Commission.** A person shall not, in proceedings before the Industrial Accident Commission or a single commissioner: Disobey or resist any lawful order, process or writ; misbehave during a hearing or so near the place thereof as to obstruct the same; neglect to produce, after having been ordered to do so, any pertinent



document; or refuse to appear after having been subpoenaed or, upon appearing, refuse to be examined according to law.

If any person shall do any of the things forbidden in this subsection the commission or commissioner shall forthwith certify the facts to a Superior Court Justice in the county where the alleged offense occurred and he may serve or cause to be served upon such person an order requiring such person to appear before such Superior Court Justice upon a day certain to show cause why he should not be adjudged in contempt by reason of the facts so certified. The justice shall thereupon, in a summary manner, hear the evidence as to the acts complained of and, if it is such as to warrant him in so doing, punish such person in the same manner and to the same extent as for a contempt committed before him, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of the Superior Court or in the presence of the justice.

**Sec. 66. Effective date.** Sections 64 and 65 of this Act shall become effective 91 days after adjournment of the Legislature.