

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 2004

S. P. 715

In Senate, January 24, 1972

Committee on Judiciary suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-TWO

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

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

**Sec. 1. R. S., T. 2, § 6, sub-§ 4, amended.** Subsection 4 of section 6 of Title 2 of the Revised Statutes, as enacted by chapter 542 of the public laws of 1967 and as last amended by section 3 of chapter 480 and section 1 of chapter 531, both of the public laws of 1971, is further amended by repealing the 8th line from the end as follows:

~~State Park Commissioner;~~

**Sec. 2. R. S., T. 2, § 6, sub-§ 4, amended.** Subsection 4 of section 6 of Title 2 of the Revised Statutes, as enacted by chapter 542 of the public laws of 1967 and as last amended by section 3 of chapter 480 and section 1 of chapter 531, both of the public laws of 1971, is further amended by repealing the 9th line from the end and inserting in place thereof the following:

**Commissioner of State Parks and Recreation;**

**Sec. 3. R. S., T. 2, § 6, sub-§ 6, amended.** Subsection 6 of section 6 of Title 2 of the Revised Statutes, as enacted by chapter 542 of the public laws of 1967 and as amended, is further amended by repealing the 6th line as follows:

~~Executive Director of the State Board of Nursing;~~

**Sec. 4. R. S., T. 2, § 6, sub-§ 6, amended.** The last line of subsection 6 of section 6 of Title 2 of the Revised Statutes, as enacted by section 1 of chapter 531 of the public laws of 1971, is amended to read as follows:

Director, Mining ~~Bureau~~ **Commission.**

**Sec. 5. R. S., T. 4, § 173, sub-§ 4, amended.** The first sentence of the 3rd paragraph from the end of subsection 4 of section 173 of Title 4 of the Revised Statutes, as enacted by chapter 397 of the public laws of 1967 and as amended, is further amended to read as follows:

All sheriffs, deputy sheriffs or constables who officially appear for a scheduled trial in and for the District Court at times other than their regular working hours shall be compensated out of ~~the District Court Fund until July 1, 1969, and thereafter~~ the General Fund and receive the same fee as any other witnesses.

**Sec. 6. R. S., T. 4, § 804, amended.** The 2nd sentence of the 2nd paragraph of section 804 of Title 4 of the Revised Statutes, as last repealed and replaced by chapter 411 of the public laws of 1971 is repealed and the following enacted in place thereof:

**Notwithstanding the foregoing educational and study requirements, an applicant who suffers from polio or other similarly disabling disease which prevents him from attending regular law school classes and who has a high school education or possesses a certificate of equivalency of a high school education and who has studied law diligently and in good faith for at least 4 years, which study shall be by instruction and completion of a course in law from a correspondence law school, shall, if otherwise qualified, qualify to take the bar examinations.**

**Sec. 7. R. S., T. 5, § 151, amended.** The first sentence of section 151 of Title 5 of the Revised Statutes, as repealed and replaced by section 7 of chapter 544 of the public laws of 1967 and as amended, is further amended to read as follows:

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

**Sec. 8. R. S., T. 5, § 209, amended.** The 4th sentence of section 209 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 338 of the public laws of 1971, is amended to read as follows:

The Attorney General may proceed without notice as required by this section upon a showing of facts by ~~affadavit~~ affidavit of immediate irreparable harm to the consumers of the State.

**Sec. 9. R. S., T. 5, § 1001, sub-§ 18, amended.** Subsection 18 of section 1001 of Title 5 of the Revised Statutes, as amended by chapter 139 of the public laws of 1971 is further amended to read as follows:

18. **Public school.** "Public school" shall mean any public school conducted within the State under the authority and supervision of a duly elected board of education, superintending school committee or school directors, and any school which received any direct state aid in 1950, and municipal tuition funds amounting to at least the amount of such state aid, during the same year, except that Maine Wesleyan Seminary & College, commonly known as Kents Hill School, as of ~~the effective date of this Act~~ September 23, 1971, shall be excluded from such coverage as is extended by the Maine State Retirement System.

**Sec. 10. R. S., T. 5, § 1095, amended.** The 3rd paragraph of section 1095 of Title 5 of the Revised Statutes, as enacted by section 2 of chapter 445 of the public laws of 1965, and as amended by section 1 of chapter 513 of the public laws of 1971, is further amended to read as follows:

Anything to the contrary notwithstanding, each warden in the Department of Inland Fisheries and Game and each warden in the Department of Sea and Shore Fisheries shall, beginning the first full week after September 5, 1966, and each forest ranger in the Forestry Department shall, beginning the first full week after ~~the effective date of this Act~~ September 23, 1971 make a 7½% contribution of earnable compensation to the retirement system as long as he is employed as a warden or forest ranger.

**Sec. 11. R. S., T. 5, § 1121, sub-§ 1, ¶ C, amended.** The last sentence of paragraph C of subsection 1 of section 1121 of Title 5 of the Revised Statutes, as enacted by chapter 533 of the public laws of 1971, is amended to read as follows:

Payment of the appropriate monthly amount shall be made to the widow for the account of any deceased member of the State Police who had retired without optional modification under this paragraph as of ~~the date this Act becomes effective~~ September 23, 1971 and shall not be retroactive.

**Sec. 12. R. S., T. 5, § 1121, sub-§ 1, ¶ D, repealed and replaced.** Paragraph D of subsection 1 of section 1121 of Title 5 of the Revised Statutes, as enacted by section 3 of chapter 445 of the public laws of 1965 and as amended by section 2 of chapter 513 and chapter 517 and as repealed and replaced by section 1 of chapter 520, all of the public laws of 1971, is repealed and the following enacted in place thereof:

D. Any law enforcement officer in the Department of Inland Fisheries and Game and any law enforcement officer in the Department of Sea and Shore Fisheries may retire upon completion of 20 years of creditable service as a law enforcement officer in the Department of Inland Fisheries and Game or a law enforcement officer in the Department of Sea and Shore Fisheries, but must retire at attainment of age 55, except that any person, who was a law enforcement officer in the Department of Inland Fisheries and Game or a law enforcement officer in the Department of Sea and Shore Fisheries on July 1, 1956, may continue in service until age 60 is attained and forthwith shall be retired. Any person who is a law enforcement officer in the Department of Inland Fisheries and Game or the Department of Sea and Shore Fisheries and who will not have 20 years of creditable service at the time age 55 is attained may continue in said service until 20 years is attained and forthwith shall be retired. Military service credits as allowed under section 1094 shall not be considered as part of the creditable service as a law enforcement officer under this section, but that any military service creditable under section 1091 shall be considered to be part of the creditable service necessary for the 20 years as a law enforcement officer, provided that he was a law enforcement officer in either of said departments at the time of entrance into said military service and upon separation from military service again became a law enforcement officer in either of said departments. The total amount of the service retirement allowance of a law enforcement officer retired in accordance with this paragraph shall be equal to  $\frac{1}{2}$  of his current annual salary.

Sec. 13. R. S., T. 5, § 1121, sub-§ 1, ¶ E, additional. Subsection 1 of section 1121 of Title 5 of the Revised Statutes, as amended, is further amended by adding a new paragraph E to read as follows:

E. Any forest ranger in the Forestry Department may retire at attained age 50 or upon completion of 25 years of total creditable service as a forest ranger in the Forestry Department, whichever is the later. Retirement shall be compulsory at the attainment of age 60. Except that any forest ranger in the Forestry Department who will not attain the 25 years of creditable service at age 60 may be permitted to continue in his employment until age 63 in order to obtain the 25 years of creditable service necessary. The total amount of the service retirement allowance of a forest ranger in the Forestry Department retired in accordance with this paragraph shall be equal to  $\frac{1}{2}$  of his current annual salary.

Sec. 14. R. S., T. 5, § 1122, sub-§ 1, ¶ B, amended. The last paragraph of paragraph B of subsection 1 of section 1122 of Title 5 of the Revised Statutes, as enacted by section 3 of chapter 482 of the public laws of 1971, is amended to read as follows:

Any recipient of a disability retirement allowance at ~~the effective date of this Act~~ **September 23, 1971** shall be entitled to a review and a recomputation of benefits and if this amount is greater than that being paid then an adjustment shall be made, without retroactivity, and shall become effective on the first day of the next following month.

**Sec. 15. R. S., T. 5, § 1181, amended.** The 2nd sentence of section 1181 of Title 5 of the Revised Statutes is amended to read as follows:

Any decision or ruling of the board of trustees issued under this ~~section~~ chapter shall be delivered to the litigant within 3 months after the establishment of such a decision or ruling by the board.

**Sec. 16. R. S., T. 5, § 1712, repealed.** Section 1712 of Title 5 of the Revised Statutes as repealed by section 1 of chapter 239 and as amended by chapter 514, both of the public laws of 1971, is repealed.

**Sec. 17. R. S., T. 5, § 1726, amended.** The last paragraph of section 1726 of Title 5 of the Revised Statutes, as enacted by section 2 of chapter 239 of the public laws of 1971, is amended to read as follows:

The members of the board shall receive as compensation for their services ~~\$20~~ \$30 a day for the time actually spent in the discharge of their duties, and shall be reimbursed for necessary expenses incurred in the discharge of their duties at the same rates as would apply to employees of the State of Maine, subject to appropriations made.

**Sec. 18. R. S., T. 5, Part 10, amended.** The first 3 lines of Part 10 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 493 of the public laws of 1971, are amended to read as follows:

PART ~~10~~ 11

DEPARTMENT OF HUMAN SERVICES

CHAPTER ~~317~~ 327

**Sec. 19. R. S., T. 5, Part 10, amended.** The first 3 lines of Part 10 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 501 of the public laws of 1971, are amended to read as follows:

PART ~~10~~ 12

HUMAN RIGHTS

CHAPTER ~~317~~ 337

**Sec. 20. R. S., T. 5, § 4582, amended.** The 3rd paragraph of section 4582 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 501 of the public laws of 1971, is amended to read as follows:

For any real estate broker or real estate salesman, or agent of one of them, to fail or refuse to show any applicant for a housing accommodation any such accommodation listed with him for sale, lease or rental, because of the race or color, religion or country of ancestral origin of such applicant or of any intended occupant of such accommodation, or to misrepresent, for the purpose of discriminating on account of the race or color, religion or country of ancestral origin of such applicant or intended occupant, the availability or asking price of a housing accommodation listed with him for sale, lease or rental; or for such a reason to fail to communicate to the person having the right to sell or lease such housing accommodation any offer for the same made by any applicant thereof; or in any other manner to discriminate against

any applicant for housing because of race or color, religion or country of ancestral origin of such applicant or of any intended occupant of the housing accommodation, or to make or cause to be made any written or oral inquiry or record concerning the race or color, religion or country of ancestral origin of any such applicant or intended occupant, or to accept for listing any housing accommodation when the person having the right to sell or lease the same has directly or indirectly indicated an intention of discriminating among prospective tenants or purchasers on the ground of their race or color, religion or country of ancestral origin, or when he knows or has reason to know that the person having the right to sell or lease such housing accommodation has made a practice of such discrimination since ~~the effective date of this Act~~ July 1, 1972.

**Sec. 21. R. S., T. 7, § 1015, amended.** The 2nd sentence of section 1015 of Title 7 of the Revised Statutes, as enacted by chapter 366 of the public laws of 1971, is amended to read as follows:

If the applicant is a foreign corporation, it shall certify that it is registered with the Secretary of State under Title ~~7~~ **13-A**, chapter ~~12~~ **12**, and further state the principal business address of the applicant in the State of Maine or elsewhere, the address of all places of business in the State of Maine, and the name or names of the person or persons authorized to receive and accept service of lawful process upon the applicant within the State of Maine.

**Sec. 22. R. S., T. 7, § 1017, sub-§ 3, amended.** Subsection 3 of section 1017 of Title 7 of the Revised Statutes, as enacted by chapter 366 of the public laws of 1971, is amended to read as follows:

**3. Effective date.** The commission of the act enumerated in this section after ~~the effective date of this Act~~ **September 23, 1971** constitutes a violation of this Article.

**Sec. 23. R. S., T. 9, § 3917, sub-§ 2, amended.** The 2nd and last sentences of subsection 2 of section 3917 of Title 9 of the Revised Statutes, as enacted by section 35 of chapter 423 of the public laws of 1969 and as amended by section 21 of chapter 544 of the public laws of 1971, are further amended to read as follows:

Within ~~20~~ **10** days after receipt of a notice of rescission, the creditor shall return to the obligor any money or property given as earnest money, down payment or otherwise, and shall take any action necessary or appropriate to reflect the termination of any security interest created under the transaction.

If the creditor does not take possession of the property within ~~20~~ **10** days after tender by the obligor, ownership of the property vests in the obligor without obligation on his part to pay for it.

**Sec. 24. R. S., T. 9, § 3927, amended.** The 2nd sentence of section 3927 of Title 9 of the Revised Statutes, as enacted by section 2 of chapter 63 of the public laws of 1971, is amended to read as follows:

Notwithstanding the foregoing, no cardholder shall be liable for the unauthorized use of any credit card which was issued on or after ~~the effective date of this section~~ **September 23, 1971**, and, after January 24, 1972, no cardholder

shall be liable for the unauthorized use of any credit card regardless of the date of its issuance, unless the conditions of liability specified in the preceding sentence are met and the card issuer has provided a method whereby the user of such a card can be identified as the person authorized to use it.

**Sec. 25. R. S., T. 12, § 514, sub-§ 3, ¶ B, amended.** The first sentence of the 2nd paragraph of paragraph B of subsection 3 of section 514 of Title 12 of the Revised Statutes, as repealed and replaced by section 2 of chapter 545 of the public laws of 1971, is amended to read as follows:

The commissioner shall consult with and obtain the approval of the Environmental Improvement Commission, the Commissioner of Inland Fisheries and Game, the Maine Mining Bureau and the ~~State Park and Recreation Commission~~ **Parks and Recreation Department** prior to the granting of such a permit.

**Sec. 26. R. S., T. 12, § 514, sub-§ 3, ¶ B, amended.** The 4th paragraph of paragraph B of subsection 3 of section 514 of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 545 of the public laws of 1971, is amended to read as follows:

Any individual person, firm, corporation, municipality, state agency or other legal entity who dredges or removes or causes to be dredged or removed any materials from, or who erects, maintains or causes to be erected or maintained any causeway, bridge, marina, wharf, dock or permanent structure, or deposits fill in, on, over or abutting on any great pond without a permit from the commissioner as provided in this section shall be punished by a fine of not less than ~~Five~~ \$100 nor more than ~~Free~~ \$200 for each day of such violation.

**Sec. 27. R. S., T. 12, § 519, repealed.** Section 519 of Title 12 of the Revised Statutes, as enacted by section 3 of chapter 97 of the public laws of 1971, is repealed.

**Sec. 28. R. S., T. 12, § 520, additional.** Title 12 of the Revised Statutes is amended by adding a new section 520 to read as follows:

#### § 520. Annual timber-cut report

Owners or operators of all primary wood-using sawmills and primary processors of veneer wood, cordwood, boltwood, pulpwood, posts, poles, piling and fence rails, except for domestic use and not for sale or conversion into products for sale shall render an annual report to the commissioner during the month of January of each year of the amount of softwoods and hardwoods processed by species within the State by them during the preceding calendar year, and showing the county or counties from which the wood was taken. Forms for this report shall be provided by the commissioner. Information contained in said reports shall not be made public by reference to individuals.

**Sec. 29. R. S., T. 12, § 519, repealed.** Section 519 of Title 12 of the Revised Statutes, as enacted by section 3 of chapter 395 of the public laws of 1971, is repealed.



Sec. 30. R. S., T. 12, § 520-A, additional. Title 12 of the Revised Statutes is amended by adding a new section 520-A to read as follows:

§ 520-A. Coordinating protective agencies

The commissioner shall formulate emergency plans of action to establish manpower pools, equipment reserves, facilities for feeding, transportation and communication on forest fires. In preparing the plan other agencies and organizations having needed facilities should be contacted such as fire chiefs, civil defense units, Red Cross, sheriffs, American Legion, State Police, National Guard, State Highway Department, State Inland Fisheries and Game Department, State Grange, colleges, civil air patrol and any other protective group as determined by the commissioner. Whenever or wherever a major forest fire occurs or threatens, the department shall be the coordinating agency until the Governor declares an emergency.

Sec. 31. R. S., T. 12, § 602, amended. The 3rd sentence of section 602 of Title 12 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 537 of the public laws of 1971, is amended to read as follows:

The Maine State Park and Recreation Commission is hereby abolished and all the powers, duties, rights, responsibilities, liabilities and functions of any kind or nature, which have been, until the effective date of this Act January 1, 1972, reposed in the Maine State Park and Recreation Commission by any public or private law or by any lease, grant, contract or other legal transaction, are hereby vested in the commissioner.

Sec. 32. R. S., T. 12, c. 201, sub-c. II, amended. The first line of subchapter II of chapter 201 of Title 12 of the Revised Statutes, as enacted by section 1 of Section D of chapter 91 of the private and special laws of 1971, is amended to read as follows:

SUBCHAPTER H III

Sec. 33. R. S., T. 12, § 1601, amended. The 2nd sentence of section 1601 of Title 12 of the Revised Statutes, as enacted by chapter 101 of the public laws of 1967, is repealed as follows:

~~Such tax shall be increased by  $\frac{1}{2}$  mill on the dollar assessed only for the year 1967 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. 34. R. S., T. 12, § 1906, amended. The 3rd paragraph of section 1906 of Title 12 of the Revised Statutes, as enacted by chapter 10 of the public laws of 1971, is amended to read as follows:

No part of the skin or body, whether raw or manufactured, of any member of a designated endangered species of wild animals or the animal itself may be sold or offered for sale by any individual, firm, corporation, association or partnership within the State of Maine after the effective date of this Act September 23, 1971.

**Sec. 35. R. S., T. 12, § 2004, amended.** The first sentence of section 2004 of Title 12 of the Revised Statutes, as amended by section 9 of chapter 404 of the public laws of 1967, is further amended to read as follows:

Any warden of the department making an arrest for any violation of any provision of chapters 301 to 335, Title 38, chapter I, subchapter VI and Title 17, chapter ~~79~~ 80, ~~section 2251~~ at a point more than 50 miles distant from the nearest District Court having jurisdiction, may accept the personal recognizances of the prisoner in the sum of not exceeding \$250 for his appearance before the nearest District Court on a specified date and a deposit in money to the amount of said recognizance.

**Sec. 36. R. S., T. 12, § 2205, repealed and replaced.** Section 2205 of Title 12 of the Revised Statutes, as amended by section 11 of chapter 85 and as repealed and replaced by section 4 of chapter 545, both of the public laws of 1971, is repealed and the following enacted in place thereof:

**§ 2205. Bulldozing of rivers, streams and brooks**

Whoever bulldozes, causes to be bulldozed, fills or dredges between the banks of a river, stream or brook capable of floating watercraft, without first obtaining permission from the commissioner, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 nor more than \$1,000. This section shall not apply to river, stream or brook crossings in connection with public works projects which shall alter not more than 200 feet of shore nor to private crossing or dam projects which shall not alter more than 100 feet of shore.

**Sec. 37. R. S., T. 12, § 2301, sub-§ 2, repealed.** Subsection 2 of section 2301 of Title 12 of the Revised Statutes, as repealed and replaced by chapter 122 and as repealed by section 5 of chapter 409, both of the public laws of 1971, is repealed.

**Sec. 38. R. S., T. 12, § 2302, amended.** The first paragraph of section 2302 of Title 12 of the Revised Statutes, as repealed and replaced by section 1 of chapter 86 of the public laws of 1969, and as amended by section 3 of chapter 231 and by section 13 of chapter 403, both of the public laws of 1971, is repealed and the following enacted in place thereof:

The commissioner shall revoke the hunting license of any person who is convicted of violating section 1960-A relating to upland game or sections 2352, 2353, 2451 to 2455, 2458, 2462, 2464, 2467 and 2801 for a period of one year from the date of final disposition.

**Sec. 39. R. S., T. 12, § 2355-A, amended.** The 2nd sentence of the 3rd paragraph of section 2355-A of Title 12 of the Revised Statutes, as enacted by section 20 of chapter 403 of the public laws of 1971, is amended to read as follows:

The cable trap shall be exempt from the ~~3rd~~ 4th paragraph of this section ~~2451~~ relating to bear.

**Sec. 40. R. S., T. 12, § 2360, repealed.** Section 2360 of Title 12 of the

Revised Statutes, as last amended by chapter 141 and as repealed by section 8 of chapter 231, both of the public laws of 1971, is repealed.

**Sec. 41. R. S., T. 12, § 2401-B, sub-§ 6, repealed and replaced.** Subsection 6 of section 2401-B of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 409 of the public laws of 1971, is repealed and the following enacted in place thereof:

6. Free permits for inmates and patients at state institutions. The commissioner, is authorized to issue free fishing permits covering groups of patients or inmates at any state institution under the control of the Department of Mental Health and Corrections. Any such permits shall be issued on request of the head of any such state institution, shall be effective while such groups are being conducted by a representative of the institution of which any such patients or inmates are residents and while such groups are fishing within a 25-mile radius of the institution of which such patients or inmates are residents.

**Sec. 42. R. S., T. 12, § 2402, amended.** Section 2402 of Title 12 of the Revised Statutes, as repealed and replaced by section 9 of chapter 231 of the public laws of 1971, and as amended, is further amended by adding at the end the following new paragraph:

**Notwithstanding any other provision of law, nonresidents shall not be permitted to trap beaver in this State.**

**Sec. 43. R. S., T. 12, § 2455, amended.** The first sentence of the 2nd paragraph and the 3rd sentence of the 2nd paragraph, as enacted by section 2 of chapter 267 of the public laws of 1971, of section 2455 of Title 12 of the Revised Statutes are amended to read as follows:

It shall be unlawful to hunt wild animals from ½ hour after sunset until ½ hour before sunrise of the following morning, except ~~skunks and~~ raccoons, as provided in section 2358.

Except that it shall be unlawful to hunt wild animals in the State from sunset to ½ hour before sunrise of the following morning, except ~~skunks and~~ raccoons, during the open season on deer hunting with firearms each year.

**Sec. 44. R. S., T. 12, § 2455, amended.** The first sentence of the 3rd paragraph of section 2455 of Title 12 of the Revised Statutes is amended to read as follows:

No person shall have in his possession at any time any wild bird or wild animal, or part thereof, taken in violation of this section, except as provided in ~~section 2358~~ chapters 301 to 335.

**Sec. 45. R. S., T. 12, § 2458, amended.** The 4th paragraph of section 2458 of Title 12 of the Revised Statutes, as enacted by section 28 of chapter 403 of the public laws of 1971, is amended to read as follows:

It shall be unlawful for any person to ~~take hunt~~ migratory game birds with a shotgun of any description originally capable of holding more than 3 shells, the magazine of which has not been cut off, altered or plugged with a one-

piece filler, incapable of removal without disassembling the gun, so as to reduce the capacity of said gun to not more than 3 shells in the magazine and chamber combined.

**Sec. 46. R. S., T. 12, § 2502, amended.** The first sentence of section 2502 of Title 12 of the Revised Statutes, as last amended by section 4 of chapter 392 and by section 4 of chapter 409, both of the public laws of 1971, is repealed and the following enacted in place thereof:

An archery license shall be issued by the commissioner to take deer under this chapter, the fee for which shall be \$6.50 for hunting deer by residents of this State and \$42.50 for hunting deer by nonresidents; the fee of 50¢ to be retained by the issuing agent; except that such archery licenses shall also permit the hunting of such wild birds and animals which can be legally hunted from October 1st to October 24th for the year 1971 and from October 1st to October 22nd in the year 1972 in the Northern Zone and from October 1st to November 5th for the year 1971 and from October 1st to November 3rd for the year 1972 in the Southern Zone.

**Sec. 47. R. S., T. 12, § 2557, amended.** The last sentence of section 2557 of Title 12 of the Revised Statutes, as last amended by section 18 of chapter 85 of the public laws of 1971, is repealed as follows:

~~Any violation of this section shall be subject to the penalties provided in section 3060~~

**Sec. 48. R. S., T. 12, § 3060, sub-§ 1-A, repealed.** Subsection 1-A of section 3060 of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 199 of the public laws of 1967, is repealed.

**Sec. 49. R. S., T. 12, § 4804, amended.** Section 4804 of Title 12 of the Revised Statutes, as last repealed and replaced by section 5 of chapter 532 of the public laws of 1971, is amended to read as follows:

#### § 4804. Exemption

No person shall be required to comply with these provisions if the lot or lots owned by him were acquired on or before October 1, 1969 or if a plan of said lots was recorded prior to January 1, 1970. The minimum frontage requirement provided in section 4801 shall apply only on lots sold after ~~the effective date of this Act~~ January 1, 1972.

**Sec. 50. R. S., T. 12, § 4811, amended.** The first sentence of section 4811 of Title 12 of the Revised Statutes, as enacted by chapter 535 of the public laws of 1971, is amended to read as follows:

To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that shoreland areas defined as ~~those land areas any part of which are~~ within 250 feet of the normal high water mark of any navigable pond, lake, river or salt water body be subjected to zoning and subdivision controls.

**Sec. 51. R. S., T. 13, § 937, repealed.** Section 937 of Title 13 of the Re-

vised Statutes, as enacted by chapter 369 of the public laws of 1971, is repealed.

**Sec. 52.** R. S., T. 13, § 939, additional. Title 13 of the Revised Statutes is amended by adding a new section 939, to read as follows:

**§ 939. Prohibitions and requirements applicable to corporations which are private foundations**

1. **Prohibitions.** No corporation which is a "private foundation" as defined in section 503 (a) of the Internal Revenue Code of 1954, shall:

A. Engage in any act of "self-dealing," as defined in section 4941 (d) of the Internal Revenue Code of 1954, which would give rise to any liability for the tax imposed by section 4941 (a) of the Internal Revenue Code of 1954;

B. Retain any "excess business holdings," as defined in section 4943 (c) of the Internal Revenue Code of 1954, which would give rise to any liability for the tax imposed by section 4943 (a) of the Internal Revenue Code of 1954;

C. Make any investment which would jeopardize the carrying out of any of its exempt purposes, within the meaning of section 4944 of the Internal Revenue Code of 1954, so as to give rise to any liability for the tax imposed by section 4944 (a) of the Internal Revenue Code of 1954; and

D. Make any "taxable expenditures", as defined in section 4945 (d) of the Internal Revenue Code of 1954, which would give rise to any liability for the tax imposed by section 4945 (a) of the Internal Revenue Code of 1954.

2. **Requirements.** Each corporation which is a "private foundation" as defined in section 509 of the Internal Revenue Code of 1954 shall distribute, for the purposes specified in its certificate of incorporation, for each taxable year, amounts at least sufficient to avoid liability for the tax imposed by section 4942 (a) of the Internal Revenue Code of 1954.

3. **Application.** Subsections 1 and 2 shall not apply to any corporation to the extent that a court of competent jurisdiction shall determine that such application would be contrary to the terms of the certificate of incorporation or other instrument governing such corporation or governing the administration of charitable funds held by it and that the same may not properly be changed to conform to such subsections.

4. **Impairment.** Nothing in this section shall impair the rights and powers of the courts or the Attorney General of this State with respect to any corporation.

5. **References.** All references to sections of the Internal Revenue Code of 1954 shall include future amendments to such sections and corresponding provisions of future internal revenue laws.

**Sec. 53.** R. S., T. 14, § 871, sub-§ 5, amended. Subsection 5 of section 871 of Title 14 of the Revised Statutes, as enacted by chapter 59 of the public laws of 1971, is amended to read as follows:

**5. Application.** This section shall not apply to any contract awarded pursuant to any invitation for bids issued on or before ~~the effective date of this Act~~ September 23, 1971 or to any bonds furnished in respect to any such contract.

**Sec. 54. R. S., T. 14, § 1214, amended.** The first paragraph of section 1214 of Title 14 of the Revised Statutes, as enacted by section 1 of chapter 391 of the public laws of 1971, is amended to read as follows:

Within 7 days after the moving party discovered or by the exercise of diligence could have discovered the grounds therefor, and in any event before the traverse jury is sworn to try the case, a party may move to stay the proceedings, and in a criminal case to ~~quash~~ dismiss the indictment, or for other appropriate relief, on the ground of substantial failure to comply with the provisions of this chapter for selecting the grand or traverse jury.

**Sec. 55. R. S., T. 14, § 1214, amended.** The last sentence of the 2nd paragraph of section 1214 of Title 14 of the Revised Statutes, as enacted by section 1 of chapter 391 of the public laws of 1971, is amended to read as follows:

If the court determines that in selecting either a grand jury or a traverse jury there has been such a substantial failure, the court shall stay the proceedings pending the proper selection of the jury, ~~quash~~ dismiss an indictment or grant other appropriate relief.

**Sec. 56. R. S., T. 14, § 7453, amended.** The 3rd sentence of section 7453 of Title 14 of the Revised Statutes, as enacted by section 2 of chapter 206 of the public laws of 1971 is amended to read as follows:

The ~~judge clerk~~ shall cause notice of the hearing as set by the ~~clerk judge~~ to be given to the plaintiff by ordinary mail, addressed to the plaintiff at the address given to the clerk by the plaintiff and an entry made on the docket by the clerk indicating the date of the mailing of the notice to the plaintiff shall be sufficient showing of notice to the plaintiff.

**Sec. 57. R. S., T. 15, § 223, sub-§ 2, amended.** Subsection 2 of section 223 of Title 15 of the Revised Statutes is amended to read as follows:

**2. Person convicted of a crime.** When the return to this State is required of a person who has been convicted of a crime in this State and has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the State Probation and Parole Board, or the warden of the institution, or sheriff of the county from which escape was made shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement, or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.

**Sec. 58. R. S., T. 15, § 223, sub-§ 3, amended.** The 2nd sentence of subsection 3 of section 223 of Title 15 of the Revised Statutes is amended to read as follows:

The prosecuting officer, State ~~Probation and~~ Parole Board, warden or sheriff may attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application.

**Sec. 59. R. S., T. 15, § 2611, sub-§ 4, ¶¶ D and E, amended.** Paragraph D, as amended by section 3 of chapter 528 of the public laws of 1971, and paragraph E of subsection 4 of section 2611 of Title 15 of the Revised Statutes are amended to read as follows:

**D.** Commit to the custody and control of the State ~~Probation and~~ Parole Board;

**E.** Commit to the care of a family subject to supervision by the State ~~Probation and~~ Parole Board, or in Cumberland County by the County Juvenile Probation Department, or by the Department of Health and Welfare;

**Sec. 60. R. S., T. 17, § 2269, amended.** The last paragraph of section 2269 of Title 17 of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1971, is amended to read as follows:

Any person or business organization, operating a business of the types described in this section who fails to place such litter receptacles on the premises in the numbers required by the department, shall be subject to a fine of not less than \$10 for each violation.

**Sec. 61. R. S., T. 17, § 2271, amended.** The last sentence of section 2271 of Title 17 of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1971, is amended to read as follows:

Any less restrictive ordinances, laws or regulations now in effect dealing with the subject matter of this chapter and the minimum standards which it establishes are declared invalid and of no force and superseded by this chapter on its effective date **September 23, 1971.**

**Sec. 62. R. S., T. 20, § 1137, repealed.** Section 1137 of Title 20 of the Revised Statutes, as last repealed by section 2 of chapter 148 and as amended by section 17 of chapter 530, both of the public laws of 1971, is repealed.

**Sec. 63. R. S., T. 20, § 1289, amended.** The last sentence of section 1289 of Title 20 of the Revised Statutes, as amended by section 12 of chapter 223 and by section 18 of chapter 530, both of the public laws of 1971, is further amended to read as follows:

When an administrative unit has made a contract as provided for in this section, or as provided in the act of incorporation of any such academy and amendments thereto prior to May 1, 1907, the tuition liability of said administrative unit shall be the same as if an approved secondary school were maintained in accordance with section 1281, and the expenditure of any administrative unit for schooling of pupils as provided in this section shall be subject to the conditions of sections 1291 and 1292 for the purposes of state subsidy to the administrative unit under section ~~3723.~~

**Sec. 64. R. S., T. 20, § 1291, amended.** The last sentence of section 1291 of Title 20 of the Revised Statutes, as last repealed by section 28 of chapter 223 and as amended by section 19 of chapter 530, both of the public laws of 1971, is repealed.

**Sec. 65. R. S., T. 20, § 1294, amended.** The 2nd sentence of section 1294 of Title 20 of the Revised Statutes is amended to read as follows:

If the commissioner is satisfied that sections 1281, 1282, 1284 to 1286, 1288 and 1289 have been complied with, he shall certify to the Governor and Council the sum which each administrative unit is entitled to receive from the State.

**Sec. 66. R. S., T. 20, § 3452, amended.** The first paragraph of section 3452 of Title 20 of the Revised Statutes, as last repealed and replaced by section 5 of chapter 1 and as amended by section 33 of chapter 530, both of the public laws of 1971, is repealed and the following enacted in place thereof:

For the purposes of this chapter, chapters 117, 207, 209, 211 and 512, and sections 522, 1292, 2356-A to 2356-H and 3457 to 3460, the following terms are defined:

**Sec. 67. R. S., T. 21, § 241, sub-§ 3, amended.** Subsection 3 of section 241 of Title 21 of the Revised Statutes, as amended by section 5 of chapter 65 of the public laws of 1971, is further amended to read as follows:

3. **Age.** He must be at least ~~20~~ 18 years of age.

**Sec. 68. R. S., T. 21, § 242, sub-§ 2, amended.** Subsection 2 of section 242 of Title 21 of the Revised Statutes, as amended by section 6 of chapter 65 of the public laws of 1971, is further amended to read as follows:

2. **Becoming 18 on federal property.** A person who becomes ~~20~~ 18 years of age while residing on federal property as a patient at or an employee of a federal agency, or while in the Armed Forces, is deemed to have gained a voting residence in the municipality in which he resided at the time he became such a patient, employee or serviceman.

**Sec. 69. R. S., T. 21, § 831, sub-§ 3, amended.** The 2nd sentence of subsection 3 of section 831 of Title 21 of the Revised Statutes, as amended by section 5 of chapter 451 of the public laws of 1965, is further amended to read as follows:

He shall accept the registration of a person who becomes ~~21~~ 18 years of age or fulfills the residence requirements on election day or after the close of registrations prior to it, in any municipality.

**Sec. 70. R. S., T. 22, § 1181, amended.** The first sentence of section 1181 of Title 22 of the Revised Statutes is amended to read as follows:

Except as otherwise provided in sections 1182, 1183, 1185 to 1189, no municipal clerk shall issue a license for the marriage of parties until each applicant has caused to be filed with such clerk a statement signed by a duly licensed physician that such applicant has been given a physical examination, including a standard blood test, as required by the Bureau of Health for the dis-



covery of syphilis, made on a day specified in the statement, which shall not be more than the 30th day prior to that on which the license is applied for, said blood test to be made by the state laboratory or by a hospital laboratory approved by the Bureau of Health, and that in the opinion of the physician the person therein named is not infected with syphilis, or, if so infected, is not in a stage of that disease whereby it may become communicable.

**Sec. 71. R. S., T. 22, § 1181, amended.** The last sentence of section 1181 of Title 22 of the Revised Statutes, as enacted by section 3 of chapter 330 of the public laws of 1971, is amended to read as follows:

When in the opinion of the Commissioner of Health and Welfare the incidence of syphilis in the State has declined to the point at which the performance of premarital blood testing has no value in the control of the disease, said commissioner may waive the requirements of this section and sections 1182, 1183, 1185 to 1187.

**Sec. 72. R. S., T. 22, § 1186, amended.** Section 1186 of Title 22 of the Revised Statutes is amended to read as follows:

**§ 1186. Fee**

All fees and charges of any physician making the necessary examination or examinations of and issuing the necessary certificate to any party, as provided in sections 1181 to 1183, 1185 to 1189, shall not exceed the sum of \$3 for each person examined.

**Sec. 73. R. S., T. 22, § 1187, amended.** Section 1187 of Title 22 of the Revised Statutes is amended to read as follows:

**§ 1187. Form sheets; certificates**

The Bureau of Health shall arrange and provide the form sheets, and certificates required in sections 1181 to 1183, 1185 to 1189, and shall supply without charge such form sheets and certificates upon application to any duly licensed physician in the State.

**Sec. 74. R. S., T. 22, § 2212-C, repealed.** Section 2212-C of Title 22 of the Revised Statutes, as enacted by section 3 of chapter 282 of the public laws of 1971, is repealed.

**Sec. 75. R. S., T. 22, § 2212-D, additional.** Title 22 of the Revised Statutes is amended by adding a new section 2212 to read as follows:

**§ 2212-D. Return of drugs prohibited**

A drug or pharmaceutical preparation which has been dispensed on prescription shall not be returned to pharmacy stock after being in possession and under the control of another person and shall not be dispensed again, unless the drug is packaged in an unbroken sealed container or unless, in the case of a hospital, a licensed pharmacist determines that such drug has not been impaired.

**Sec. 76. R. S., T. 22, § 3754, amended.** The next to the last sentence of section 3754 of Title 22 of the Revised Statutes, as enacted by chapter 131 of the public laws of 1965, is amended to read as follows:

When the defendant is committed to jail on execution under this section, the county having jurisdiction of the process shall bear the expense of his commitment and support ~~and he shall not be entitled to relief therefrom under Title 14, chapter 503 and 505.~~

**Sec. 77. R. S., T. 22, § 3792, amended.** The first sentence of the last 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:

When a parent is committed to jail on execution issued under a decree of support under this section, the county having jurisdiction of the process shall bear the expense of his support and commitment, and he may be discharged from imprisonment by the payment of the execution and all costs and expenses of his commitment and support, ~~and he shall not be entitled to relief therefrom under Title 14, chapters 503 and 505.~~

**Sec. 78. R. S., T. 24, § 2312, amended.** Section 2312 of Title 24 of the Revised Statutes, as last repealed and replaced by section 9 of chapter 444 of the public laws of 1971, is amended to read as follows:

#### § 2312. Agents

No person, for himself or in behalf of any individual, firm, association or corporation, shall sell or offer to sell, any such health care benefit as is provided for in this chapter without being examined and licensed therefor by the commissioner.

**Sec. 79. R. S., T. 24-A, § 2906, sub-§ 2, amended.** Subsection 2 of section 2906 of Title 24-A of the Revised Statutes, as enacted by chapter 160 of the public laws of 1971, is amended to read as follows:

**2. Applicability.** This section shall apply to policies issued on and after ~~the effective date of this Act~~ **September 23, 1971.**

**Sec. 80. R. S., T. 25, § 1313, amended.** Section 1313 of Title 25 of the Revised Statutes, as enacted by section 1 of chapter 279 of the public laws of 1971, is amended to read as follows:

#### § 1313. Application of U. S. Manual for Courts-Martial

Insofar as it is not inconsistent with this code, the U. S. Manual for Courts-Martial as established as of ~~the effective date of this code~~ **September 23, 1971** by executive order of the President of the United States shall be in force and effect and apply to the military forces of Maine.

**Sec. 81. R. S., T. 25, § 1324, amended.** Section 1324 of Title 25 of the Revised Statutes, as enacted by section 1 of chapter 279 of the public laws of 1971, is amended to read as follows:

#### § 1324. Pretrial procedures

The pretrial and trial procedures before a court-martial shall be in accordance with the procedures set forth in the Uniform Code of Military Justice of the United States, Title 10, United States Code, Chapter 47, for

for a special court-martial as of ~~the effective date of this code~~ **September 23, 1971** and according to regulations as of ~~the effective date of this code~~ **September 23, 1971** prescribed by the President of the United States as contemplated by such code except as to matters which are specifically covered in this code.

**Sec. 82. R. S., T. 25, § 1507, repealed.** Section 1507 of Title 25 of the Revised Statutes, as enacted by chapter 193 of the public laws of 1971, is repealed.

**Sec. 83. R. S., T. 25, § 2439, amended.** The last sentence of section 2439 of Title 25 of the Revised Statutes is repealed.

**Sec. 84. R. S., T. 25, § 2440, amended.** Section 2440 of Title 25 of the Revised Statutes is amended to read as follows:

**§ 2440. Penalties; recovery and appropriation**

Penalties provided in sections 2431 to ~~2437~~ **2436** and section 2439 may be recovered by complaint, indictment or civil action,  $\frac{1}{2}$  to the town where the offense is committed and  $\frac{1}{2}$  to the prosecutor.

**Sec. 85. R. S., T. 25, § 2463, amended.** The first paragraph of section 2463 of Title 25 of the Revised Statutes, as last repealed and replaced by chapter 240 of the public laws of 1971 is amended to read as follows:

All new hotels constructed after ~~the effective date of this Act~~ **September 23, 1971**, of any type construction, other than fire resistive as defined in the current edition of National Fire Protection Association #220, Standard Types of Building Construction, having 2 stories or more above grade level, shall be protected by a complete approved automatic sprinkler system.

**Sec. 86. R. S., T. 25, § 2805, sub-§ 1, amended.** Subsection 1 of section 2805 of Title 25 of the Revised Statutes, as enacted by chapter 451 of the public laws of 1971, is amended to read as follows:

**1. Basic training.** All municipal full-time law enforcement officers shall be required to take during the first year of their employment a 6-week basic training course approved by the board (Board of Commissioners) at a school approved by the board. This section shall not apply to any person employed as a law enforcement officer on ~~the effective date of this Act~~ **September 23, 1971**.

**Sec. 87. R. S., T. 26, § 663, sub-§ 1, amended.** The first paragraph of subsection 3 of section 663 of Title 26 of the Revised Statutes is amended to read as follows:

"Employee," any individual employed or permitted to work by an employer but the following individuals shall be exempt from this subchapter ~~except as provided in section 662:~~

**Sec. 88. R. S., T. 26, § 664, amended.** The first sentence of section 664 of Title 26 of the Revised Statutes, as last amended by chapter 78 and by chapter 415, both of the public laws of 1971, is repealed and the following enacted in place thereof:

By reason of the declaration of policy set forth in section 661 and in the protection of the industry or business and in the enhancement of public interest, health, safety and welfare, it is declared unlawful for any employer to employ any employee except as otherwise provided in this subchapter at the rate of less than \$1.80 per hour; nor work more than 40 hours in one week, unless 1½ times the regular hourly rate is paid for all work done over 40 hours in any one week; and whenever the highest federal minimum wage is increased in excess of \$1.80 per hour, the minimum wage established under this section shall be increased to the same amount, effective either on the same date as the increase in the highest federal minimum wage or September 23, 1971, whichever occurs later, but in no case shall the minimum wage exceed \$2 per hour.

Sec. 89. R. S., T. 27, § 502, amended. The first sentence of section 502 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 536 of the public laws of 1971, is amended to read as follows:

There is created and established a state commission to be known as the "Maine Historic Preservation Commission" to consist of not less than 12 nor more than 15 members made up as follows:

Director or representative of the Arts and Humanities Commission, chairman or representative of the State Highway Commission, director or representative of the Maine State Museum Commission, director or representative of the State Parks and Recreation ~~Commission~~ Department, director or representative of the Environmental Improvement Commission to serve ex officio and a minimum of 7 representatives from among citizens of Maine, one of whom shall be elected chairman, who are known for their competence, experience and interest in this field including at least one archeologist, one historian and one architect, to be appointed by the Governor with the advice and consent of the Council.

Sec. 90. R. S., T. 29, § 245-A, amended. The last paragraph of section 245-A of Title 29 of the Revised Statutes, as enacted by section 2 of chapter 406 of the public laws of 1971, is amended to read as follows:

For the purposes of this section, a foreign corporation shall be deemed a resident of this State if it has duly registered to do business in this State and is in fact doing some business in this State pursuant to Title ~~13~~ 13-A, chapter ~~12~~ 12 or predecessor or successor statutes thereto.

Sec. 91. R. S., T. 29, § 1652, amended. The first sentence of section 1652 of Title 29 of the Revised Statutes, as amended by section 43 of chapter 360 and as repealed and replaced by section 1 of chapter 402, both of the public laws of 1971, is repealed.

Sec. 92. R. S., T. 29, § 1652, sub-§ 1, ¶ A, amended. The first sentence of paragraph A of subsection 1 of section 1652 of Title 29 of the Revised Statutes, as enacted by section 1 of chapter 402 of the public laws of 1971, is repealed and the following enacted in place thereof:

No vehicle or combination of vehicles shall be operated, or caused to be operated, on or over any way or bridge when the gross weight, actual weight of vehicle and load, exceeds 73,280 pounds.

**Sec. 93. R. S., T. 29, § 2273, amended.** Section 2273, of Title 29 of the Revised Statutes, as enacted by chapter 410 of the public laws of 1971, is amended to read as follows ;

**§ 2273. Computation of number of convictions**

In computing the number of convictions all convictions must result from offenses occurring subsequent to ~~the effective date of this chapter~~ **September 23, 1971.**

**Sec. 94. R. S., T. 29, § 2276, sub-§ 1, amended.** The first sentence of subsection 1 of section 2276 of Title 29 of the Revised Statutes, as enacted by chapter 410 of the public laws of 1971, is amended to read as follows :

The court in which such complaint is filed shall enter an order, which incorporates the transcript or abstract and is directed to the person named therein, to show cause why he ~~would~~ **should** not be barred from operating a motor vehicle on the highways of this State.

**Sec. 95. R. S., T. 30, § 1051, sub-§ 2, repealed and replaced.** Subsection 2 of section 1051 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof :

2. Disclosure subpoena. For the service of disclosure subpoena as provided by Title 14, chapter 502, §5.

**Sec. 96. R. S., T. 30, § 1916, repealed and replaced.** Section 1916 of Title 30 of the Revised Statutes, as repealed and replaced by chapter 307 and as amended by section 9 of chapter 480, both of the public laws of 1971, is repealed and the following enacted in place thereof :

**§ 1916. Recording**

Within 3 days after the results of the election have been declared, the municipal clerk shall prepare and sign triplicate certificates setting forth any charter that has been adopted or revised and any charter amendment approved. One certificate shall be recorded in the office of the Secretary of State, one certificate shall be deposited in the Law and Legislative Reference Library and one certificate shall be deposited in the office of the municipal clerk.

**Sec. 97. R. S., T. 30, § 2151, sub-§ 4, ¶ C, sub-¶ (4), amended.** Subparagraph (4) of paragraph C of subsection 4 of section 2151 of Title 30 of the Revised Statutes is amended by adding a new sentence to read as follows :

The building inspector shall not issue any permit for a building or use for which the applicant is required to obtain a license pursuant to Title 38, section 413 until the applicant has obtained such license.

**Sec. 98. R. S., T. 30, § 2151, sub-§ 4, ¶ C, sub-¶ (5), amended.** The first paragraph of subparagraph (5) of paragraph C of subsection 4 of section 2151 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof :

(5) An appeal may be taken from any order issued by the building inspector, or from the licensing authority's refusal to grant a permit, to the

municipal officers or to a board of appeals established in accordance with section 2411.

Sec. 99. R. S., T. 30, § 2151, sub-§ 4, ¶ C, sub-¶ (5), div. (a), amended. Division (a) of subparagraph (5) of paragraph C of subsection 4 of section 2151 of Title 30 of the Revised Statutes, as amended by section 46 of chapter 504 of the public laws of 1969, is further amended by adding at the end the following new sentence:

If a municipality has by ordinance required that all such appeals be taken to a board of appeals, the procedure shall be the same as in appeals directed to the municipal officers, unless the municipality has provided otherwise.

Sec. 100. R. S., T. 30, § 2151, sub-§ 4, ¶ C, sub-¶ (5), div. (b), repealed and replaced. Division (b) of sub-¶ (5) of paragraph C of subsection 4 of section 2151 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

(b) A further appeal may, within 30 days, be taken by any party to Superior Court from any order, relief or denial in accordance with Rule 80B. The hearing before the Superior Court shall be a trial de novo without a jury.

Sec. 101. R. S., T. 30, § 2411, sub-§ 1, amended. Subsection 1 of section 2411 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 455 of the public laws of 1971, is amended to read as follows:

1. **Establishment.** A municipality may establish a board of appeals and the municipal officers shall appoint the members and determine their compensation. It is intended that all boards of appeals established subsequent to the effective date of this Act September 23, 1971 be governed by this section.

Sec. 102. R. S., T. 30, § 2411, sub-§ 2, ¶ B, repealed and replaced. Paragraph B of subsection 2 of section 2411 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 455 of the public laws of 1971, is repealed and the following enacted in place thereof:

B. Neither a municipal officer nor his spouse may be a member or associate member of the board.

Sec. 103. R. S., T. 30, § 2411, sub-§ 2, ¶ E, additional. Subsection 2 of section 2411 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 455 of the public laws of 1971, is amended by adding a new paragraph E. to read as follows:

E. Municipalities of 5,000 or more residents may by ordinance provide for a board of appeals with associate members not to exceed 3 in number. In the event there are 2 or 3 associate members, the chairman shall designate which shall serve in the stead of the absent member.

Sec. 104. R. S., T. 30, § 2411, sub-§ 3, ¶ F, amended. Paragraph F of subsection 3 of section 2411 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 455 of the public laws of 1971, is amended to read as follows:

F. An appeal may be taken, **within 30 days after the decision is rendered**, by any party to Superior Court from any order, relief or denial in accordance with Rule 80B. The hearing before the Superior Court shall be a trial de novo without a jury.

**Sec. 105. R. S., T. 30, § 3203, amended.** The first sentence of section 3203 of Title 30 of the Revised Statutes, as amended by section 2 of chapter 447 of the public laws of 1971, is further amended to read as follows:

It shall be unlawful for any person or persons to operate a steam plant consisting of boiler or engine where the services of an engineer or fireman are required, without first obtaining a certificate of competency from the appropriate municipal examiner or the State Board of Boiler Rules ~~and Regulations~~ as provided in Title 26, chapter 5.

**Sec. 106. R. S., T. 30, § 3203, amended.** The last paragraph of section 3203 of Title 30 of the Revised Statutes, as amended by section 3 of chapter 447 of the public laws of 1971, is further amended to read as follows:

Any person intending to operate a steam plant except as otherwise provided shall make application in writing to the city clerk or the Chairman of the State Board of Boiler Rules ~~and Regulations~~, who will notify him in writing when to appear for examination.

**Sec. 107. R. S., T. 30, § 4504, sub-§ 4, ¶ B, repealed and replaced.** Paragraph B of subsection 4 of section 4504 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

**B. A municipal planning board may adopt all or part of the regional plan which pertains to the area within its jurisdiction as its own comprehensive plan, subject to sections 4956, 4961 and 4962.**

**Sec. 108. R. S., T. 30, § 4801, sub-§ 12, amended.** Subsection 12 of section 4801 of Title 30 of the Revised Statutes, as amended by section 1 of chapter 244 of the public laws of 1965, is further amended to read as follows:

12. **Urban renewal plan or renewal plan.** "Urban renewal plan" or "renewal plan" means a plan, as it exists from time to time for an urban renewal project, which plan shall conform to the comprehensive plan as set forth in sections ~~4951 to 4957~~ 4956, 4961 and 4962 except as provided in section 4808; and shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

**Sec. 109. R. S., T. 30, § 4952, repealed.** Section 4952 of Title 30 of the Revised Statutes, as last amended by chapter 309 and as repealed by section 3 of chapter 455, both of the public laws of 1971, is repealed.

**Sec. 110. R. S., T. 30, § 4953, repealed.** Section 4953 of Title 30 of the

Revised Statutes, as last repealed by section 3 of chapter 455 and as amended by section 1 of chapter 461, both of the public laws of 1971, is repealed.

**Sec. 111. R. S., T. 30, § 4954, repealed.** Section 4954 of Title 30 of the Revised Statutes, as last amended by chapter 79 and by chapter 364 and as repealed by section 3 of chapter 455, all of the public laws of 1971, is repealed.

**Sec. 112. R. S., T. 30, § 4963, sub-§ 1, amended.** The last sentence of sub-section 1 of section 4963 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended to read as follows:

Such board of appeals shall be governed by section 2411, except that sub-section 2 of section 2411 shall not apply to boards existing on ~~the effective date of this Act~~ September 23, 1971.

**Sec. 113. R. S., T. 30, § 4964, amended.** Section 4964 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended to read as follows:

**§ 4964. Savings provisions**

Any planning board or district established and any ordinance or map adopted under a prior, ~~inconsistent~~ **consistent** and repealed statute shall remain in effect until abolished, amended or repealed.

**Sec. 114. R. S., T. 30, § 5328, sub-§ 3, amended.** The last sentence of sub-section 3 of section 5328 of Title 30 of the Revised Statutes, as last amended by section 5 of chapter 210 and by section 2 of chapter 375, both of the public laws of 1971, is repealed and the following enacted in place thereof:

In any event no project shall be approved and no certificate of approval shall be issued until the Environmental Improvement Commission has certified to the board that all licenses required from the commission with respect to the project have been issued or that none are required. This requirement of certification by the commission shall likewise apply to any subsequent enlargement of or addition to such project, for which approval is sought from the board.

**Sec. 115. R. S., T. 32, § 63, sub-§ 7, amended.** The first sentence of sub-section 7 of section 63 of Title 32 of the Revised Statutes, as enacted by chapter 350 and as repealed and replaced by section 59-A of chapter 590, both of the public laws of 1969, is repealed.

**Sec. 116. Effective date.** Section 115 shall become effective July 1, 1972.

**Sec. 117. R. S., T. 32, § 2259, repealed.** Section 2259 of Title 32 of the Revised Statutes, as enacted by section 7 of chapter 263 of the public laws of 1967, is repealed.

**Sec. 118. R. S., T. 32, § 3985, repealed.** 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, is repealed.



**Sec. 119. R. S., T. 32, § 4192, amended.** The first paragraph of section 4192 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:

To be eligible for certification as a registered social worker or an associate social worker, an applicant must be at least ~~27~~ 20 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.

**Sec. 120. 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 and as amended by section 118 of chapter 544 of the public laws of 1971, is repealed.

**Sec. 121. R. S., T. 32, § 4197, amended.** The first sentence of the last paragraph of section 4197 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:

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~~ 4 or more members of the board vote in favor of such reissuance.

**Sec. 122. R. S., T. 33, § 1004, amended.** The 4th paragraph of section 1004 of Title 33 of the Revised Statutes is amended to read as follows:

To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age ~~27~~ 20 years or, if the minor dies before attaining the age of ~~27~~ 20 years, he shall thereupon deliver or pay it over to the estate of the minor.

**Sec. 123. R. S., T. 34, § 10, additional.** Title 34 of the Revised Statutes is amended by adding a new section 10 to read as follows:

#### § 10. Injury or incapacity of employees

When an employee of the Division of Corrections or maximum security sections of mental hospitals of the Department of Mental Health and Corrections is injured or incapacitated as the result of performance of duty, the sick leave taken shall not be charged against the accrued sick leave earned under the Personnel Law and rules.

The determination as to whether this section shall apply to any such employee shall be made by the Industrial Accident Commission. In no case shall the period of time under this section be greater than 500 weeks from the date of injury or incapacity.

**Sec. 124. R. S., T. 34, § 710-A, amended.** The first sentence of section 710-A of Title 34 of the Revised Statutes, as enacted by section 22 of chapter 539 of the public laws of 1971, is amended to read as follows:

If a convict, sentenced to the State Prison for life, or for a limited term of years, or transferred thereto from the Men's Correctional Center under sec-

tions 807 and 808, or committed thereto for safekeeping under Title 15, section 453, if armed with a firearm, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts to do so, he may be punished by confinement to hard labor for any term of years, to commence after the completion of his former sentence or upon termination of such sentence by the State ~~Probation and Parole Board.~~

Sec. 125. R. S., T. 34, § 756, amended. Section 756 of Title 34 of the Revised Statutes is amended to read as follows:

§ 756. Application of provisions

Sections 558, 595 and 710 ~~and 711~~ apply to convicts and officers in the county jails having workshops attached thereto, and in any county farm that may be established for the reformation of inebriates.

Sec. 126. R. S., T. 36, § 1760, sub-§ 16, amended. The first sentence of subsection 16 of section 1760 of Title 36 of the Revised Statutes, as amended by chapter 23 and chapter 508, both of the public laws of 1971, is repealed and the following enacted in place thereof:

Sales to incorporated hospitals, incorporated nonprofit nursing homes licensed by the Department of Health and Welfare, institutions incorporated as nonprofit corporations for the sole purpose of conducting medical research or for the purpose of establishing and maintaining laboratories for scientific study and investigation in the field of biology or ecology or operating educational television or radio stations, schools and regularly organized churches or houses of religious worship, excepting sales, storage or use in activities which are mainly commercial enterprises.

Sec. 127. R. S., T. 36, § 1963, amended. The first paragraph of section 1963 of Title 36 of the Revised Statutes is amended to read as follows:

When an officer by virtue of said warrant, for want of property, arrests any person and commits him to jail, he shall give an attested copy of his warrant to the jailer and certify, under his hand, the sum that such person is to pay as his tax, interest and penalty and the costs of obtaining the warrant, and the costs of arresting and committing and that for want of goods and chattels whereon to levy he has been arrested; and such copy and certificate are a sufficient warrant to require the jailer to receive and keep such person in custody until he pays his tax, said other charges and \$1 for the copy of the warrant; ~~but such person shall have the same rights and privileges as a debtor arrested or committed on execution as provided in Title 14, chapters 503 and 505.~~

Sec. 128. R. S., T. 36, § 4563, sub-§ 3, amended. The first sentence of subsection 3 of section 4563 of Title 36 of the Revised Statutes, as repealed and replaced by section 1 of chapter 428 of the public laws of 1971, is amended to read as follows:

Each member appointed under this ~~Act~~ chapter shall assume his office on September 1st of the year appointed and shall serve for a term of 3 years or

until his successor is duly appointed and qualified, except that when the commission is first organized under this section the member who is a shipper and the members who are growers from districts 1 and 2 shall be appointed for one-year terms, the members who are growers from districts 3 and 4 shall be appointed for 2-year terms, and the member who is a processor and the member who is a grower from district 5 shall be appointed for 3-year terms.

**Sec. 129. R. S., T. 36, § 5102, sub-§ 11, amended.** The last 2 sentences of subsection 11 of section 5102 of Title 36 of the Revised Statutes, as enacted by section F of chapter 154 of the private and special laws of 1969 and as repealed and replaced by chapter 553 of the public laws of 1969 and as amended by section 3 of chapter 61 of the public laws of 1971, are further amended to read as follows:

Any reference in this part to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto and other provisions of the laws of the United States relating to federal income taxes as of January 1, ~~1971~~ 1972. ~~This amendment shall be effective as to items of income, deductions, loss or gain accruing in taxable years ending on or after January 1, 1971 but only to the extent such items have been earned, received, incurred or accrued on or after such effective date.~~

**Sec. 130. Effective date.** Section 129 shall be effective as to items of income, deductions, loss or gain accruing in taxable years ending on or after January 1, 1972, but only to the extent such items have been earned, received, incurred or accrued on or after such effective date.

**Sec. 131. R. S., T. 36, § 5312-B, amended.** The first paragraph of section 5312-B of Title 36 of the Revised Statutes, as enacted by section 3 of chapter 37 of the public laws of 1971, is amended to read as follows:

When an officer by virtue of said warrant, for want of property, arrests any person and commits him to jail, he shall give an attested copy of his warrant to the jailer and certify, under his hand, the sum that such person is to pay as his tax, interest and penalty and the costs of obtaining the warrant, and the costs of arresting and committing, and that for want of goods and chattels whereon to levy he has been arrested; and such copy and certificate are a sufficient warrant to require the jailer to receive and keep such person in custody until he pays his tax, said other charges and \$1 for the copy of the warrant; ~~but such person shall have the same rights and privileges as a debtor arrested or committed on execution as provided in Title 14, chapters 503 and 505.~~

**Sec. 132. R. S., T. 36, § 5316, amended.** The last sentence of section 5316 of Title 36 of the Revised Statutes, as enacted by Section F of chapter 154 of the private and special laws of 1969, is amended to read as follows:

The assessor is authorized to enter into agreements with the tax departments of other states and the District of Columbia for the collection of taxes from persons found in ~~in~~ this State who are delinquent in the payment of income taxes imposed by those states or the District of Columbia on condition that the agreeing states and the District of Columbia afford similar assistance in

the collection of taxes from persons found in those jurisdictions who are delinquent in the payment of taxes imposed under this part.

**Sec. 133. R. S., T. 38, § 329, amended.** The first paragraph of section 329 of Title 38 of the Revised Statutes, as enacted by section 4 of chapter 165 of the public laws of 1971, is amended to read as follows:

Whoever marks waters contrary to the rules established by the ~~Director~~ **Commissioner** of Parks and Recreation shall be punished by a fine of not more than \$50 and costs or by imprisonment for not more than 30 days, or by both.

**Sec. 134. R. S., T. 38, § 321, amended.** The 3rd and 4th paragraphs, as enacted by section 1 of chapter 103 of the public laws of 1967 and the 5th and 6th paragraphs, as enacted by section 1 of chapter 165 of the public laws of 1971, of section 321 of Title 38 of the Revised Statutes, are repealed and the following enacted in place thereof:

The Commissioner of Parks and Recreation shall decide when in his opinion hazards to boating exist and mark the waters of the State, within the funds available, by placement of aids to navigation and regulatory markers on the waters consistent with the rules provided in section 323.

In carrying out the purposes of this chapter, the Parks and Recreation Department, its authorized agents and employees, may enter upon any lands, waters and premises in the State for the purpose of making surveys and examinations as it may deem necessary or convenient in the discharge of its duties, and such entry shall not be deemed a trespass.

The Commissioner of Parks and Recreation may make rules for the uniform marking of the water areas of this State not otherwise regulated, through the placement of aids to navigation and regulatory markers. No city, county or person shall mark the waters of this State in any manner in conflict with the marking system prescribed by the Commissioner of Parks and Recreation.

The Commissioner of Parks and Recreation shall remove, within the funds available, minor hazards to boating when, in his opinion, removal of the minor hazard or obstacle is necessary for the safe passage of watercraft. The Parks and Recreation Department, its authorized agents and employees, in carrying out the purpose of this paragraph, may enter upon any lands with the owner's permission, waters and premises in the State for the purpose of removing minor hazards or obstacles as it may deem necessary or convenient in the discharge of its duties, and such entry shall not be deemed a trespass.

**Sec. 135. R. S., T. 38, § 367, amended.** The last paragraph of section 367 of Title 38 of the Revised Statutes, as last amended by section 4 of chapter 470 and by section 4 of chapter 527, both of the public laws of 1971, is repealed and the following enacted in place thereof:

The commission may, after careful consideration, public hearings and in consultation with other state agencies and, where appropriate, federal and interstate water pollution control agencies, and the municipalities and industries involved, classify or raise the classification of any fresh surface or

tidal waters, or portions thereof, and such classification or new classification shall thereafter be the classification applicable to such fresh surface or tidal waters, or portions thereof, until 90 days after the date of adjournment of the next regular or special session of the Legislature unless such next regular or special session shall adopt by legislative enactment such new classification.

**Sec. 136. R. S., T. 38, § 414, sub-§ 2, amended.** The last sentence of subsection 2 of section 414 of Title 38 of the Revised Statutes, as last repealed and replaced by section 4 of chapter 461 of the public laws of 1971, is amended to read as follows:

With respect to licenses granted by the commission prior to ~~the effective date of this Act~~ **September 23, 1971** which have been in effect and the rights of which have been exercised for more than 3 years, the commission may upon 60 days' notice to the licensee order the licensee to reapply for a new license under this subchapter.

**Sec. 137. R. S., T. 38, § 414, sub-§ 6, repealed and replaced.** Subsection 6 of section 414 of Title 38 of the Revised Statutes, as amended by section 4 of chapter 461 of the public laws of 1971, is repealed and the following enacted in place thereof:

**6. Conduct of hearings.** A full and complete record shall be kept of all hearings held under this section by the commission.

**Sec. 138. R. S., T. 38, § 421, amended.** The 3rd paragraph of section 421 of Title 38 of the Revised Statutes, as enacted by chapter 440 of the public laws of 1971, is amended to read as follows:

Any person, corporation, municipality or state agency establishing a solid waste disposal area after ~~the effective date of this Act~~ **September 23, 1971** may apply to the commission for a determination that the boundaries of the proposed area are suitably removed from any classified body of water.

**Sec. 139. R. S., T. 38, § 488, amended.** Section 488 of Title 38 of the Revised Statutes, as enacted by section 2 of chapter 571 of the public laws of 1969 and as amended by section 3 of chapter 476 of the public laws of 1971, is further amended to read as follows:

#### **§ 488. Applicability**

This subchapter shall not apply to any development in existence or in possession of applicable state or local licenses to operate or under construction on January 1, 1970 or to any development the construction and operation of which has been specifically authorized by the Legislature prior to ~~the effective date hereof~~ **May 9, 1970**, or to public service corporation transmission lines except transmission lines carrying 125 kilovolts or more.

**Sec. 140. R. S., T. 39, § 55, repealed and replaced.** Section 55 of Title 39 of the Revised Statutes, as last amended by section 3 of chapter 225 and by chapter 386, both of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 55. Compensation for partial incapacity

While the incapacity for work resulting from the injury is partial, the employer shall pay the injured employee a weekly compensation equal to 2/3 the difference, due to said injury, between his average weekly wages, earnings or salary before the accident and the weekly wages, earnings or salary which he is able to earn thereafter, but not more than 2/3 of the average weekly wage in the State of Maine as computed by the Employment Security Commission; and such weekly compensation shall be adjusted annually on July 1st so that it continues to bear the same percentage relationship to the average weekly wage in the State of Maine as computed by the Employment Security Commission, as it did at the time of the injury; and in no case shall the period covered by such compensation be greater than 325 weeks from the date of the accident except for vocational rehabilitation services provided under sections 52 and 54.

Sec. 141. P. L., 1969, c. 447, repealed. Chapter 447 of the public laws of 1969 is repealed.

Sec. 142. P. & S. L., 1971, c. 63, Section 2, amended. That part of Section 2 of chapter 63 of the private and special laws of 1971 which relates to the INSURANCE ADVISORY BOARD is amended to read as follows:

INSURANCE ADVISORY BOARD

Unallocated .....	1,000,000
Provides funds to establish a Reserve	
Fund for self insured losses <del>under Title 5, Section 1718.</del>	

Sec. 143. P. & S. L., 1971, c. 148, § 1, amended. The first sentence of section 1 of chapter 148 of the private and special laws of 1971 is amended to read as follows:

In addition to state highway and bridge bonds heretofore authorized in the name and behalf of the State, as provided by law, the Treasurer of State is authorized, under the direction of the Governor and Council, to issue from time to time, serial coupon bonds in the name and behalf of the State to an amount not exceeding \$10,300,000 payable serially ~~at the State Treasury~~ within 20 years from the date of issue.

STATEMENT OF FACT

The purpose of this bill is reflected in the title.