

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 1708

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S. P. 501

In Senate, March 26, 1973

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Kelley of Aroostook.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT to Redistribute Certain Statutory Powers Now Vested in the  
Executive Council.**

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

**Sec. 1. R. S., T. 1, § 12, amended.** The first sentence of section 12 of Title 1 of the Revised Statutes is amended to read as follows:

The Governor, with the advice ~~and consent~~ of the ~~Council~~ **Attorney General**, reserving such jurisdiction, may cede to the United States for purposes named in its Constitution any territory not exceeding 10 acres, but not including any highway; nor any public or private burying ground, dwelling house or meetinghouse, without consent of the owner.

**Sec. 2. R. S., T. 1, § 13, amended.** The first sentence of section 13 of Title 1 of the Revised Statutes is amended to read as follows:

Whenever the public exigencies require it, the Governor, with the advice ~~and consent~~ of the ~~Council~~ **Attorney General** may take in the name of the State, by purchase and deed, or in the manner denoted, any lands or rights-of-way, for the purpose of erecting, using or maintaining any fort, fortification, arsenal, military connection, way, railroad, lighthouse, beacon or other aid to navigation, with all necessary rights, powers and privileges incident to their use, and may deliver possession and cede the jurisdiction thereof to the United States, on such terms as are deemed expedient.

**Sec. 3. R. S., T. 1, § 14, amended.** The first sentence of section 14 of Title 1 of the Revised Statutes is amended to read as follows:

When the Governor ~~and Council~~ with the advice of the **Attorney General** determines that a public exigency requires the taking of any land or rights

as provided for in section 13, they shall cause the same to be surveyed, located and so described that the same can be identified, and a plan thereof, ~~with a copy of the order in Council~~ shall be filed in the office of the Secretary of State and there recorded.

**Sec. 4. R. S., T. 1, § 501, amended.** The first three sentences of section 501 of Title 1 of the Revised Statutes are amended to read as follows:

The reports of all state departments, commissions and institutions may be printed and bound, but the number and styles in which the same shall be so printed and bound at the expense of the State shall be determined from time to time by the Governor ~~and Council~~. The reports shall be printed biennially covering the 2 fiscal years next preceding each legislative year and shall be ready for distribution upon the convening of the Legislature at its regular biennial sessions. Such reports may be printed and distributed annually as are deemed advisable by the Governor ~~and Council~~, or directed by the Legislature.

**Sec. 5. R. S., T. 1, § 814, amended.** The first sentence of section 814 of Title 1 of the Revised Statutes, as last repealed and replaced by section 2 of chapter 544 of the public laws of 1971, is amended to read as follows:

Whenever the Governor ~~and Council~~ **with the advice of the Attorney General** ~~determine~~ **determines** that public exigencies require the construction of additional buildings, structures, parking spaces or other facilities for the expansion of State Government in the Capitol Area, ~~he~~ **he** may purchase or take by eminent domain real estate in Augusta.

**Sec. 6. R. S., T. 2, § 4, amended.** Section 4 of Title 2 of the Revised Statutes is amended to read as follows:

#### **§ 4. Acceptance of federal grants**

The Governor ~~with the advice and consent of the Council~~ is authorized and empowered to accept for the State any federal funds or any equipment, supplies or materials apportioned under federal law and to do such acts as are necessary for the purpose of carrying out such federal law. The Governor ~~with the advice and consent of the Council~~ is authorized and empowered to authorize and direct departments or agencies of the State, to which are allocated the duties involved in the carrying out of such state laws as are necessary to comply with the terms of the federal act authorizing such granting of federal funds or such equipment, supplies or materials, to expend such sums of money and do such acts as are necessary to meet such federal requirements.

**Sec. 7. R. S., T. 2, § 5, amended.** Section 5 of Title 2 of the Revised Statutes is amended to read as follows:

#### **§ 5. Acceptance of gifts**

The Governor ~~with the advice and consent of the Council~~ is authorized to accept in the name of the State any and all **unrestricted** gifts, bequests, grants or conveyances to the State of Maine; **any and all restricted gifts, bequests,**

**grants or conveyances to the State of Maine may be accepted by the Governor with the advice of the Attorney General.**

**Sec. 8. R. S., T. 2, § 6, amended.** The first paragraph of section 6 of Title 2 of the Revised Statutes, as enacted by chapter 542 of the public laws of 1967, is amended to read as follows:

Notwithstanding any other provision of law, the Governor ~~with the advice and consent of the Council~~ is authorized to adjust:

**Sec. 9. R. S., T. 3, § 1, amended.** Section 1 of Title 3 of the Revised Statutes is amended to read as follows:

**§ 1. Certified rolls of members elect**

The Secretary of State shall, on or before the day preceding the meeting of the Legislature, furnish to the Secretary of the preceding Senate a certified roll, under the seal of the State, of the names and residences of Senators-elect, according to the report of the Governor ~~and Council~~, and to the Clerk of the preceding House of Representatives a certified roll, under the seal of the State, of the names and residences of the Representatives-elect, according to the report of the Governor ~~and Council~~, and shall report the vacancies if any exist.

**Sec. 10. R. S., T. 3, § 4, amended.** The first paragraph of section 4 of Title 3 of the Revised Statutes, as enacted by section 1 of chapter 427 of the public laws of 1967, is amended to read as follows:

A postaudit of all accounts and other financial records of the Legislature and the Executive Department of the Governor, except the Governor's Expense Account, shall be performed at least once every 2 years by independent public accountants designated by the Governor ~~and Council~~ **with the advice of the State Auditor.**

**Sec. 11. R. S., T. 3, § 21, amended.** Section 21 of Title 3 of the Revised Statutes, as amended by section 1 of chapter 503 of the public laws of 1967, is further amended by adding at the end the following new paragraph:

**The Senate shall meet periodically and upon the request of the Governor for the purpose of giving advice and consent to nominations for appointments requiring Senate confirmation.**

**Sec. 12. R. S., T. 3, § 173, sub-§ 3, amended.** The 2nd sentence of the first paragraph of subsection 3 of section 173 of Title 3 of the Revised Statutes, as enacted by section 1 of chapter 480 of the public laws of 1971, is amended to read as follows:

The State Law Librarian, subject to the approval of the Governor ~~and Council~~, shall fix the prices at which these items may be sold and delivered, and shall thereafter make sales at the prices fixed.

**Sec. 13. R. S., T. 3, § 241, amended.** The first sentence of section 241 of Title 3 of the Revised Statutes is amended to read as follows:

The Commission on Uniform State Laws, as heretofore established, shall consist of 3 members to be appointed for a term of 4 years by the Governor ~~with the advice and consent of the Council.~~

**Sec. 14. R. S., T. 4, § 451, amended.** The 2nd sentence of section 451 of Title 4 of the Revised Statutes, as repealed and replaced by section 1 of chapter 240 of the public laws of 1965, is amended to read as follows:

The council shall be composed of the Chief Justice of the Supreme Judicial Court, who shall also serve as chairman, the Attorney General, the Chief Judge of the District Court, and the Dean of the University of Maine School of Law, each to serve ex officio, and an active or retired Justice of the Supreme Judicial Court, 2 Justices of the Superior Court, one Judge of the District Court, one judge of a probate court, one clerk of the judicial courts, 2 members of the bar, and 3 laymen, to be appointed by the Governor ~~with the advice and consent of the Executive Council.~~

**Sec. 15. R. S., T. 4, § 955-A, amended.** Section 955-A of Title 4 of the Revised Statutes, as enacted by chapter 74 of the public laws of 1965, is amended to read as follows:

**§ 955-A. Removal from office**

Whenever the Governor ~~and Council~~, upon complaint, after due notice and hearing, shall find that a notary public or justice of the peace has performed any duty imposed upon him by law in an improper manner, or has performed acts not authorized by law, the Governor may remove such notary public or justice of the peace from office. Notice of a hearing shall be given to the accused by service in hand by a sheriff or his deputy or by registered mail at least 30 days prior to the hearing.

**Sec. 16. R. S., T. 5, § 2, amended.** The first paragraph of section 2 of Title 5 of the Revised Statutes is amended to read as follows:

All civil officers, appointed ~~by the Governor and Council~~ in accordance with law, whose tenure of office is not fixed by law or limited by the Constitution, otherwise than during the pleasure of the Governor ~~and Council~~, except ministers of the gospel appointed to solemnize marriages and persons appointed to qualify civil officers, shall hold their respective offices for 4 years and no longer, unless reappointed, and shall be subject to removal at any time within said term by the Governor ~~and Council~~ for cause.

**Sec. 17. R. S., T. 5, § 3, amended.** Section 3 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 3. Civil officers serve until successors qualify**

All civil officers, other than judicial officers, appointed ~~by the Governor with the advice and consent of the Council~~ in accordance with law and whose terms of office are fixed by law, shall hold office during the term for which they were appointed and until their successors in office have been appointed and qualified, unless sooner removed in accordance with law.

**Sec. 18. R. S., T. 5, § 3-A, additional.** Title 5 of the Revised Statutes is amended by adding a new section 3-A, to read as follows:

**§ 3-A. Terms of department heads coterminous with Governor**

The terms of office of all department heads, now appointed by either the Governor or by the Governor with the advice and consent of the Senate, shall be coterminous with that of the Governor.

**Sec. 19. R. S., T. 5, § 4, amended.** The first sentence of section 4 of Title 5 of the Revised Statutes is amended to read as follows:

The Governor ~~with the advice and consent of the Council~~ may appoint in every county persons who shall be designated as dedimus justices, before whom the oath required by the Constitution to qualify civil officers may be taken and subscribed.

**Sec. 20. R. S., T. 5, § 5, amended.** Section 5 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 5. Oath of office; before whom taken**

The Justices of the Supreme Judicial Court and of the Superior Court and all State officials elected by the Legislature shall take and subscribe the oath or affirmation required by the Constitution, before the Governor ~~and Council, when in session, and in their recess, before any 2 members of the Council.~~ Every other person elected or appointed to any civil office shall take and subscribe the oath before ~~any one member of the Council, or before~~ any magistrate commissioned by the Governor for that purpose, except when the Constitution otherwise provides.

**Sec. 21. R. S., T. 5, § 6, amended.** Section 6 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 6. Officials have 30 days to qualify**

All public officers appointed by the Governor ~~and Council~~ in accordance with law shall, within 30 days after being commissioned, qualify to perform the duties of their office and the certificate of such qualification shall be filed in the office of the Secretary of State. Any such officer who fails to qualify and file a certificate of qualification in the office of the Secretary of State within 30 days shall be deemed to have forfeited his appointment and the office may be declared vacant by the Governor ~~and Council~~ and a new appointment made.

**Sec. 22. R. S., T. 5, § 8, amended.** The 2nd sentence of section 8 of Title 5 of the Revised Statutes is amended to read as follows:

The Governor ~~with the advice and consent of the Council~~ may suspend the operation of this section and require state officials and employees to travel in automobiles owned or controlled by the State, if such automobiles be available.

**Sec. 23. R. S., T. 5, § 81, amended.** The 2nd sentence of section 81 of Title 5 of the Revised Statutes is amended to read as follows:

When a vacancy happens in the office of Secretary of State during the recess of the Legislature, the Governor, with the advice and consent of the Senate

~~Council~~, shall appoint a suitable person to act as Secretary of State until one is elected by the Legislature.

**Sec. 24. R. S., T. 5, § 84, amended.** Section 84 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 84. Preparation of commissions; recording qualifications and engrossing bills**

The Secretary of State shall prepare and present to the Governor ~~and Council~~ under the seal of the State, in order that the same may receive the signature of the Governor, a commission for every person appointed or a certificate of election to every person elected to any office for which a commission or certificate of election is required; enter in a suitable book the time when and the person by whom any commission or certificate of election is taken from his office, and the time when any certificate of the qualification of any officer is filed therein. When a duty must be paid as a prerequisite of holding the office, the Secretary of State shall notify every person appointed to such office of the fact and on receipt of evidence of its payment shall then, and no sooner, present said commission or certificate to the Governor ~~and Council~~. When the commission or certificate shall have been signed by the Governor, the Secretary of State shall deliver or forward the same to the person so appointed or elected. He shall cause all bills passed by the Legislature to be engrossed, under his special direction, for the use thereof.

**Sec. 25. R. S., T. 5, § 121, amended.** The 3rd paragraph of section 121 of Title 5 of the Revised Statutes is amended to read as follows:

The chief clerk in the office of the Treasurer of State shall be designated as "deputy treasurer of state." In the event of a vacancy in the office of Treasurer of State or during the absence or disability of that officer, the deputy treasurer of state shall perform the duties of the office. When a vacancy occurs, he shall give bond to the State, with sureties, to the satisfaction of ~~the Governor and Council~~ **the State Auditor**, for the faithful discharge of his trust.

**Sec. 26. R. S., T. 5, § 122, amended.** Section 122 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 122. Conditions of bond; filing**

The condition of the Treasurer of State's bond shall be for the faithful discharge of all the duties of his office, and that during his continuance in office he will not engage in trade or commerce, or act as broker, agent or factor for any merchant or trader; and that he, or his executors, administrators or sureties, or their executors or administrators, shall render a just and true account of all his agents' and servants' doings and transactions in the office, to the Legislature, or to such committee as it appoints, on the first day of each regular session of the Legislature, previous to the choice of a new treasurer, and at any other time when required by the Legislature or the Governor ~~and Council~~; and that he will settle and adjust said account and faithfully deliver to his successor in office or to such person as the Legislature appoints, all

moneys, books, property and appurtenances of said office, in his, or any of his agents' possession, and pay over all balances found due on such adjustment. Such bond, when approved as the Constitution prescribes, shall be lodged in the office of the State Auditor.

**Sec. 27. R. S., T. 5, § 124, amended.** Section 124 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 124. Governor and State Auditor may require new bond**

When it appears to the Governor ~~and Council~~ or the State Auditor that the Treasurer of State's bond is not sufficient for the full security of the State, they shall make written demand upon him for a new bond. If he neglects for 10 days thereafter to file such bond to their satisfaction, they shall remove him and declare the office vacant.

**Sec. 28. R. S., T. 5, § 127, amended.** Section 127 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 127. Governor may hear complaints; removal from office**

Upon written complaint of any person that the Treasurer of State is mentally ill or insolvent, or has absconded or concealed himself to avoid his creditors, or is absent from the State and neglecting his duties to the hazard of the trust reposed in him, or has violated any provision of section 125, or has failed faithfully to perform the duties of his office, the Governor ~~and Council~~ shall forthwith examine into the charges and if any of them is found true, ~~they he~~ shall remove him and declare the office vacant.

**Sec. 29. R. S., T. 5, § 135, amended.** The 2nd sentence of the first paragraph, as amended by chapter 63 of the public laws of 1969, and the last sentence of the first paragraph of section 135 of Title 5 of the Revised Statutes, are amended to read as follows:

When there are excess moneys in the State Treasury which are not needed to meet current obligations he may, with the concurrence of the State Controller or the Commissioner of Finance and Administration and with the consent of the Governor ~~and Council~~, invest such amounts in bonds, notes, certificates of indebtedness or other obligations of the United States of America which mature not more than 24 months from the date of investment or in repurchase agreements secured by obligations of the United States of America which mature within the succeeding 24 months.

All custodial contracts and agreements shall be subject to the approval of the Governor ~~and the Executive Council~~.

**Sec. 30. R. S., T. 5, § 137, amended.** Section 137 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 137. Purchase of unmaturing bonds of State**

Whenever, from time to time in the judgment of the Treasurer of State it may be done to the financial advantage of the State, he may, with the advice and consent of the Governor ~~and Council~~, purchase with any funds in the



State Treasury not otherwise appropriated and, when so purchased, may cancel any outstanding, unmatured bonds of the State.

**Sec. 31. R. S., T. 5, § 138, amended.** The first sentence of the 3rd paragraph of section 138 of Title 5 of the Revised Statutes, as amended by section 2 of chapter 181 of the public laws of 1971, is further amended to read as follows:

The Treasurer of State, with the approval of the Commissioner of Finance and Administration, the Bank Commissioner and the Attorney General, shall have the power to enter into contracts or agreements approved by the Governor ~~and Council~~ with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and servicing of the securities belonging to the permanent trust funds of this State.

**Sec. 32. R. S., T. 5, § 139, amended.** The first sentence of the 2nd paragraph of section 139 of Title 5 of the Revised Statutes, as amended by section 5 of chapter 181 of the public laws of 1971, is further 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 ~~Educational and Cultural Services~~ **Educational and Cultural Services**, shall have the power to enter into a contract or agreement approved by the Governor ~~and Council~~ with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and servicing of the securities belonging to any trust fund created from funds derived or that may be derived from the sale and lease of lands reserved for public uses.

**Sec. 33. R. S., T. 5, § 139-A, amended.** The first paragraph of section 139-A of Title 5 of the Revised Statutes, as enacted by chapter 555 of the public laws of 1971, 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 Attorney General, shall have the power to enter into contracts or agreements approved by the Governor ~~and Council~~, with any national bank, trust company or safe deposit company located in New England or New York City, for custodial care and servicing of any securities deposited with the treasurer as a guaranty fund required by statutes.

**Sec. 34. R. S., T. 5, § 142, amended.** The last paragraph of section 142 of Title 5 of the Revised Statutes is amended to read as follows:

All contracts and agreements entered into between the Treasurer of State and custodian banks and safe deposit companies selected for the safekeeping or custodial care of the negotiable securities referred to in this section shall have the approval of the Governor ~~and the Executive Council~~.

**Sec. 35. R. S., T. 5, § 143, amended.** Section 143 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 143. Register of investment and Treasurer of State's report**

The Treasurer of State shall keep a register of all investments made under section 142, showing the date, amount and number of each bond, by whom issued and the time when it will mature, and in his annual report to the Governor ~~and Council~~, he shall include an exhibit of the condition of said sinking funds.

**Sec. 36. R. S., T. 5, § 150, amended.** Section 150 of Title 5 of the Revised Statutes, as repealed and replaced by chapter 417 of the public laws of 1967 and as amended, is further amended to read as follows:

**§ 150. Temporary loans by State**

The Treasurer of State, with the approval of the Governor ~~and Council~~, may negotiate a temporary loan or loans in anticipation of the issuance of bonds authorized but not yet issued, as provided by the Constitution of Maine, Article IX, section 14. Such temporary loan or loans shall be repaid from the proceeds of the bonds within one year from the date of the loan.

The Treasurer of State, with the approval of the Governor ~~and Council~~, may negotiate a temporary loan or loans in anticipation of taxes levied for that fiscal year but not exceeding a total of \$10,000,000. The Treasurer of State is directed to pay such loan or loans in anticipation of taxes during such year and there is appropriated for any year in which the Treasurer of State and the Governor ~~and Council~~ deem it necessary to borrow in anticipation of taxes the sum of \$10,000,000.

**Sec. 37. R. S., T. 5, § 151, amended.** The last paragraph of section 151 of Title 5 of the Revised Statutes is amended to read as follows:

Whenever there shall accumulate in the State Treasury to the account of any board or commission charged with the duty of issuing licenses for the conduct of any profession, trade or business, sums of money in excess of the amount required properly to cover the expense of performing the duties imposed upon such board or commission in connection with the granting of such licenses and the supervision of persons licensed, said board or commission, with the approval of the Governor ~~and Council~~, may suspend the payment or reduce the amount of any license fees fixed by statute for any renewal until in the opinion of such board or commission it shall be necessary to collect the full amount thus established by law.

**Sec. 38. R. S., T. 5, § 195, amended.** Section 195 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 195. Opinions on questions of law**

The Attorney General shall give his written opinion upon questions of law submitted to him by the Governor ~~and Council~~, Secretary of State, Treasurer of State, Bank Commissioner, Insurance Commissioner, State Auditor or head of any other state department, or any of the state boards or commissions or by either branch of the Legislature.

**Sec. 39. R. S., T. 5, § 196, amended.** The 4th sentence of section 196 of Title 5 of the Revised Statutes, as amended by section 1 of chapter 53 of the public laws of 1969, is further amended to read as follows:

The compensations of the deputy attorneys general and assistant attorneys general appointed shall be fixed by the Attorney General with the approval of the Governor ~~and Council~~, but such compensations shall not in the aggregate exceed the amount appropriated therefor.

**Sec. 40. R. S., T. 5, § 198, amended.** Section 198 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 198. Additional assistant attorneys general, clerks or attorneys may be paid from moneys collected by department**

Whenever the Attorney General shall appoint any additional assistant attorneys general as authorized under section 196, or shall employ additional clerks as provided by section 197, or shall employ attorneys at law to collect claims due the State, the compensation of such assistants, clerks or attorneys as approved by the Governor ~~and Council~~, may be paid, if the Governor ~~and Council so direct~~ **so directs**, from moneys thus collected by the Department of the Attorney General.

**Sec. 41. R. S., T. 5, § 204, amended.** Section 204 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 204. Biennial reports**

The Attorney General shall, biennially, on the first day of December, make a report to the Governor ~~and Council~~ of the amount and kind of official business done by him and by the several county attorneys during the 2 years preceding, stating the number of persons prosecuted, their alleged offenses, the results and the punishments awarded, with any useful suggestions.

**Sec. 42. R. S., T. 5, § 282, amended.** The first and 3rd sentences of section 282 of Title 5 of the Revised Statutes, as repealed and replaced by section 2 of chapter 615 of the public laws of 1971, are amended to read as follows:

The commissioner may, with the approval of the Governor ~~and Council~~, appoint a deputy commissioner, who shall be the chief of one of the department bureaus and shall perform the duties of the commissioner during his absence, in addition to his duties.

The commissioner may employ such bureau chiefs, except the Director of the Bureau of Alcoholic Beverages, as may be necessary, with the approval of the Governor ~~and Council~~.

**Sec. 43. R. S., T. 5, § 282, sub-§ 2, amended.** Subsection 2 of section 282 of Title 5 of the Revised Statutes is amended to read as follows:

2. **Financial planning.** To coordinate financial planning and programming activities of departments and agencies of the State Government for review and action by the Governor ~~and Council~~;

**Sec. 44. R. S., T. 5, § 285, sub-§ 2, amended.** The 2nd 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:

The provisions of such group insurance policy or policies shall be determined by a board of trustees consisting of 5 members, 2 of whom shall be appointed by the Maine State Employees Association; one of whom shall be a retired state employee selected by a majority vote of the Presidents of the Chapters of the Retired State Employees Association; and 2 state employees who shall be appointed by the Governor ~~with the advice and consent of the Council.~~

**Sec. 45. R. S., T. 5, § 287, amended.** Section 287 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 497 and as amended by section 4 of chapter 615, both of the public laws of 1971, is further amended to read as follows:

**§ 287. Department; commissioner**

The Department of Finance and Administration as heretofore established shall serve as the principal administrative and fiscal department of the State Government, coordinate financial planning and programming activities of departments and agencies of the State Government for review and action by the Governor ~~and Council~~, prepare and report to the Governor and to the Legislature financial data and statistics, provide insurance advice for the State Government, establish and administer a master plan for the orderly development of future state buildings and grounds in the Capitol Area of the City of Augusta, develop and supervise the state purchasing policy and administer under the director of the Liquor Commission the laws relating to legalized alcoholic beverages within this State. The Department of Finance and Administration shall consist of a Commissioner of Finance and Administration appointed by the Governor with the advice and consent of the ~~Senate Council~~ to serve a term coterminous with the Governor, subject to removal for cause by the Governor ~~and Council~~, and the following as heretofore created and established: The Maine Insurance Advisory Board; the Capitol Planning Commission and the Liquor Commission, except the Enforcement Division thereof.

**Sec. 46. R. S., T. 5, § 591, amended.** The 2nd and 5th sentences of section 591 of Title 5 of the Revised Statutes are amended to read as follows:

Three members, not more than 2 of whom shall be of the same political party, shall represent the public, and shall be appointed by the Governor with the advice and consent of the ~~Senate Council~~.

Vacancies in the public membership of the board shall be filled within 60 days after the vacancy occurred by the Governor with the advice and consent of the ~~Senate Council~~ for the unexpired portion of the term.

**Sec. 47. R. S., T. 5, § 592, sub-§ 9, amended.** The first sentence of subsection 9 of section 592 of Title 5 of the Revised Statutes is amended to read as follows:

The board shall have authority to select and appoint a State Advisory Council on Personnel, to serve at the pleasure of the board, and consisting of repre-

sentatives of the following groups: The Governor, ~~the Executive Council~~ the Senate, the House of Representatives, department heads, the employees' association, the budget and the public.

**Sec. 48. R. S., T. 5, § 634, amended.** The 3rd and 5th sentences of the 2nd paragraph of section 634 of Title 5 of the Revised Statutes, as enacted by chapter 549 of the public laws of 1969, are amended to read as follows:

The salary of a physician, psychologist or psychiatric social worker, employed by the Department of Mental Health and Corrections, shall be determined by the Commissioner of Mental Health and Corrections with approval of the Governor ~~and Executive Council~~.

In determining the salary for such positions, the commissioner and the Governor ~~and Executive Council~~ shall take into account prevailing salaries and fees for similar positions in other public jurisdictions and in private agencies.

**Sec. 49. R. S., T. 5, § 711, sub-§ 3, amended.** Subsection 3 of section 711 of Title 5 of the Revised Statutes, as amended by section 1 of chapter 91 of the public laws of 1965, is further amended to read as follows:

3. **Appointed by Governor; certain official clerks.** Heads of departments and members of boards and commissions required by law to be appointed by the Governor, **or by the Governor with the advice and consent of the Senate Council**, bureau directors, and the official clerk of the State Liquor Commission, and the secretary of the Public Utilities Commission.

**Sec. 50. R. S., T. 5, § 751, amended.** The first and 4th sentences of section 751 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 539 of the public laws of 1967, are amended to read as follows:

There is established an impartial board of arbitration to be known as the State Employees Appeals Board which shall consist of 3 members to be appointed by the Governor, ~~with the advice and consent of the Executive Council~~ from persons not employed by the State of Maine and who have established background positively indicating a capacity to mediate grievances between management and labor, one of whom shall be an attorney admitted to practice law in this State.

The compensation of the members of the board shall be fixed by the Governor ~~and Council~~.

**Sec. 51. R. S., T. 5, § 1031, sub-§ 1, amended.** The 4th sentence of subsection 1 of section 1031 of Title 5 of the Revised Statutes, as repealed and replaced by section 1 of chapter 59 of the public laws of 1967, is amended to read as follows:

The board, as heretofore established, shall consist of a member duly elected by the Maine Teachers' Association; a member duly elected by the Maine State Employees' Association; 3 persons appointed by the Governor with the advice and consent of the **Senate Council**, at least 2 of whom shall be qualified through training and experience in the field of investments; a person who is a member of the Maine State Retirement System through a participating local district and who shall be appointed by the governing body

of the Maine Municipal Association; a person who is the recipient of a retirement allowance through the Maine State Retirement System and who shall be selected by the foregoing members of the board of trustees from a list of nominees submitted by retired state employees, retired teachers and retired participating local district employees, or by a committee comprised of representatives of said groups.

**Sec. 52. R. S., T. 5, § 1031, sub-§ 15, amended.** The next to the last sentence of subsection 15 of section 1031 of Title 5 of the Revised Statutes, as repealed and replaced by section 4 of chapter 59 of the public laws of 1967, is amended to read as follows:

The contract shall have the approval of the Governor ~~and the Executive Council.~~

**Sec. 53. R. S., T. 5, § 1031, sub-§ 16, amended.** The last paragraph of subsection 16 of section 1031 of Title 5 of the Revised Statutes, as repealed and replaced by section 5 of chapter 59 of the public laws of 1967, is amended to read as follows:

All contracts or agreements entered into between the said board of trustees and the custodian bank, trust company or safe deposit company selected by them shall have the approval of the Governor ~~and Executive Council.~~

**Sec. 54. R. S., T. 5, § 1121, sub-§ 1, ¶ B, amended.** Paragraph B of subsection 1 of section 1121 of Title 5 of the Revised Statutes is amended to read as follows:

B. Any member specified in paragraph A who attains age 70 shall be retired forthwith on a service retirement allowance on the first day of the next calendar month; except that any member who is an elected official of the State or an official appointed for a term of years may remain in service until the end of the term of his office for which he was elected or appointed. Notwithstanding the foregoing, on the request of the Governor ~~with the approval of the Council,~~ the board of trustees may permit the continuation for periods of one year, as the result of each such request, of the service of any member who has attained the age of 70 and who desires to remain in service. Requests for extension of service for employees in participating local districts shall be filed directly with the board of trustees by the proper municipal officers and such requests shall not be referred to the Governor ~~and Council.~~

**Sec. 55. R. S., T. 5, § 1121, sub-§ 4, ¶ B, amended.** Paragraph B of subsection 4 of section 1121 of Title 5 of the Revised Statutes is amended to read as follows:

B. The retirement of any member in accordance with paragraph A may be requested either by the member or, except in the case of a member of a fire or police department, by the head of his department. Retirement shall be compulsory at the attainment of age 60 except that on the request of the Governor ~~with the approval of the Council,~~ the board of trustees may permit the continuation for periods of one year, as the result of each such request, of the service of such member.

**Sec. 56. R. S., T. 5, § 1121, sub-§ 4, ¶ D, amended.** The 2nd sentence of paragraph D of subsection 4 of section 1121 of Title 5 of the Revised Statutes, as enacted by chapter 427 of the public laws of 1969, is amended to read as follows:

Notwithstanding the foregoing, the chief inspector on the request of the Governor ~~with the approval of the Council~~, the board of trustees may permit the continuance of said chief inspector for periods of one year, as the result of each such request, of the service of the chief inspector who has attained the age of 65 who desires to remain in service.

**Sec. 57. R. S., T. 5, § 1504, amended.** The 2nd sentence of section 1504 of Title 5 of the Revised Statutes is amended to read as follows:

Such certification shall be by the Attorney General, the Commissioner of Finance and Administration and the Treasurer of State, subject to the approval of the Governor ~~and Council~~.

**Sec. 58. R. S., T. 5, § 1506, amended.** The 2nd sentence of section 1506 of Title 5 of the Revised Statutes is amended to read as follows:

Such return shall be made only on the recommendation of the department or agency head having jurisdiction over the advance and with the approval of the Commissioner of Finance and Administration and the Governor ~~and Council~~.

**Sec. 59. R. S., T. 5, § 1507, amended.** The first paragraph of section 1507 of Title 5 of the Revised Statutes, as repealed and replaced by section 1 of chapter 455 of the public laws of 1969, is amended to read as follows:

The Governor, ~~with the advice and consent of the Council~~ upon recommendation of the Commissioner of Finance and Administration, may allocate from the State Contingent Account amounts not to exceed in total the sum of \$800,000 in any fiscal year.

**Sec. 60. R. S., T. 5, § 1507, amended.** The 2nd sentence of the next to the last paragraph of section 1507 of Title 5 of the Revised Statutes, as repealed and replaced by section 1 of chapter 455 of the public laws of 1969, is amended to read as follows:

The Governor ~~and Council~~ shall determine the necessity for such allocations.

**Sec. 61. R. S., T. 5, § 1508, amended.** Section 1508 of Title 5 of the Revised Statutes is amended to read as follows:

#### **§ 1508. State funds eliminated**

Unless the Legislature shall otherwise direct, the Commissioner of Finance and Administration, with the approval of the Governor ~~and Council~~, shall have authority to discontinue any or all special expendable state funds with the exception of the sinking funds and trust funds, and to merge the balance or balances of such fund or funds so discontinued with the General Fund.

**Sec. 62. R. S., T. 5, § 1544, amended.** Section 1544 of Title 5 of the Revised Statutes, as amended by section 3 of chapter 455 of the public laws of 1969, is further amended to read as follows:

**§ 1544. Unappropriated surplus; report; purchase of real estate adjacent to State House**

The State Controller shall maintain on the books of the State an account to be known as "Unappropriated Surplus." The balances of all revenue and appropriation accounts not otherwise provided for by law, together with any other necessary adjustments of balances previously closed to the Unappropriated Surplus Account, shall be closed to this account at the end of each fiscal year. Any amounts authorized for allocation by the Governor and ~~Council~~ or representing permanent working capital advances shall be removed from unappropriated surplus and set up in separate accounts so that the balance of the Unappropriated Surplus Account shall be the amount of free and unencumbered surplus according to generally accepted accounting principles.

The State Controller shall include in his official annual financial report a statement of the Unappropriated Surplus Account reflecting all changes in this account during the fiscal year and the balance of this account at the close of the fiscal period.

**Sec. 63. R. S., T. 5, § 1582, amended.** Section 1582 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 1582. Handling appropriations**

No appropriations to any state department or agency shall become available for expenditure until allotted upon the basis of the work program duly approved by the Governor ~~and Council~~ as provided.

**Sec. 64. R. S., T. 5, § 1585, amended.** Section 1585 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 1585. Transfer of unexpended appropriations**

Any balance of any appropriation or subdivision of an appropriation made by the Legislature for any state department or agency, which at any time may not be required for the purposes named in such appropriation or subdivision, may, upon the recommendation of the department or agency head concerned and the State Budget Officer, be transferred by the Governor ~~and Council~~, at any time prior to the closing of the books, to any other appropriation or subdivision of an appropriation made by the Legislature for the use of the same department or agency for the same fiscal year.

**Sec. 65. R. S., T. 5, § 1586, amended.** Section 1586 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 1586. Transfer of funds generally**

Whenever the Governor ~~and Council~~ shall find that the State or any of its departments, divisions or bureaus is incurring expense and using funds of the



State in connection with the carrying on of the work of any board or commission which collects fees from the persons so supervised and licensed, including salaries, travel and the expense of office equipment and supplies, ~~they are~~ he is authorized and empowered to transfer from any funds now or hereafter held by any such board or commission, such sums of money as shall reimburse the State or any department or bureau thereof for such expense so incurred, including a reasonable charge for office space, light and heat. Such sums so transferred shall be added to and become a part of the funds of the department, bureau or division incurring such expense.

**Sec. 66. R. S., T. 5, § 1621, amended.** Section 1621 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 1621. Authorization of audit**

Whenever it seems advisable to the Governor ~~and Council, they~~ he may cause the books and accounts of the State or any department or agency thereof to be audited, and for that purpose may employ auditors other than those employed by the State Department of Audit. In any event, the Governor ~~and Council~~ shall cause an audit of the books of the State to be made at least once in every 4 years by auditors other than those employed by the State Department of Audit.

**Sec. 67. R. S., T. 5, § 1667, amended.** Section 1667 of Title 5 of the Revised Statutes is amended to read as follows:

**§ 1667. Work program and allotment**

Not later than June 1st of each year, the Governor shall require the head of each department and agency of the State Government to submit to the Bureau of the Budget a work program for the ensuing fiscal year. Such work program shall include all appropriations, revenues, transfers and other funds, made available to said department or agency for its operation and maintenance and for the acquisition of property, and it shall show the requested allotments of said sums by quarters for the entire fiscal year, classified to show allotments requested for specific amounts for personal services, capital expenditures and amounts for all other departmental expenses. The Governor ~~and Council~~, with the assistance of the State Budget Officer, shall review the requested allotments with respect to the work program of each department or agency and shall, if they deem it necessary, revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total sums made available to said department or agency for the fiscal year in question. The State Budget Officer shall transmit a copy of the allotments as approved by the Governor ~~and Council~~ to the head of the department or agency concerned and also a copy to the State Controller. The State Controller shall thereupon authorize all expenditures to be made from the sums available on the basis of such allotments and not otherwise.

The head of any department or agency of the State Government, whenever he shall deem it necessary by reason of changed conditions, may revise the work program of his department or agency at the beginning of any quarter during the fiscal year, and submit such revised program to the Bureau of the

Budget with his request for a revision of the allotments of the remaining quarters of that fiscal year. If, upon such reexamination of the work program, the State Budget Officer, with the approval of the Governor ~~and Council~~, shall decide to grant the request for the revision of the allotments, the same procedure, so far as it relates to review, approval and control shall be followed as in the making of the original allotments.

In order to provide some degree of flexibility to meet emergencies arising during each fiscal year in the expenditures for operation and maintenance of the various departments and agencies of the State Government, the State Budget Officer, with the approval of the Governor ~~and Council~~, may require the head of each department and agency in requesting original allotments, to set aside a reserve, the exact amount of which shall be determined by the State Budget Officer, of the total amount appropriated to the department or agency. At any time during the fiscal year this reserve or any portion of it may be returned to the appropriation to which it belongs and may be added to any one or more of the allotments, provided the State Budget Officer shall deem such action necessary and shall notify the State Controller of such action. Any unused portion of such reserve shall remain at the end of the fiscal year as an unexpended balance of appropriation. Any unexpended and unencumbered balance of allotment at the end of each quarter shall be credited to a reserve set up for the fiscal year.

**Sec. 68. R. S., T. 5, § 1742, sub-§ 2, amended.** Subsection 2 of section 1742 of Title 5 of the Revised Statutes is amended to read as follows:

2. **Inspection.** To regularly inspect state-owned and leased buildings in the State and report to the controlling department head whatever construction, repairs, alterations and improvements are deemed necessary. If the Commissioner of Finance and Administration considers it advisable, he shall make a similar report to the Governor ~~and Council~~;

**Sec. 69. R. S., T. 5, § 1742, sub-§ 5, amended.** Subsection 5 of section 1742 of Title 5 of the Revised Statutes is amended to read as follows:

5. **Data.** To prepare, at the request of the Governor ~~and Council~~ or the Legislature, data pertaining to existing or proposed public improvements;

**Sec. 70. R. S., T. 5, § 1742, sub-§ 12, amended.** Subsection 12 of section 1742 of Title 5 of the Revised Statutes is amended to read as follows:

12. **Demolish obsolete buildings.** To demolish or otherwise dispose of buildings and appurtenances, excluding land, belonging to the State that have become hazards, obsolete or are unjustifiably expensive to maintain. Such demolition or other disposal shall be on the recommendation of the department or agency head having jurisdiction over the buildings and appurtenances concerned and under such terms and conditions as deemed by the Governor ~~and Council~~ to be in the best interests of the State;

**Sec. 71. R. S., T. 5, § 1742, sub-§ 17, amended.** Subsection 17 of section 1742 of Title 5 of the Revised Statutes is amended to read as follows:

17. **Food service.** To provide ~~with the consent of the Governor and Council~~ food service in the state office buildings located at the seat of government and elsewhere in the State ~~as may be determined by the Governor and Council~~;

**Sec. 72. R. S., T. 5, § 1743, amended.** The first sentence of section 1743 of Title 5 of the Revised Statutes, as amended by section 2 of chapter 409 of the public laws of 1967, is further amended to read as follows:

Any contract for any public improvement involving a total cost of more than \$10,000, except contracts for professional, architectural and engineering services, shall be awarded by a system of competitive bidding in accordance with chapters 141 to 155 and such other conditions and restrictions as the ~~Governor and Council~~ Attorney General may from time to time prescribe.

**Sec. 73. R. S., T. 5, § 1745, amended.** Section 1745 of Title 5 of the Revised Statutes, as amended by section 3 of chapter 409 of the public laws of 1967, is further amended to read as follows:

**§ 1745. Advertisements for sealed proposals; bond**

The trustees, commissioners or other persons in charge of any public improvement which is subject to chapters 141 to 155 shall, after consultation with the State Purchasing Agent and the State Director of Public Improvements, advertise for sealed proposals not less than 2 weeks in such papers as the Governor ~~and Council~~ may direct. The last advertisement shall be at least one week before the time named therein for the closing of such bids. Sealed proposals for any public improvement in an amount in excess of \$10,000 shall be addressed to the trustees, commissioners or such other persons having the construction in charge and shall remain sealed until opened in the presence of ~~a committee of the Executive Council~~ the Commissioner of Finance and Administration at such time as the Governor ~~and Council~~ may direct.

No contract shall be awarded unless the faithful performance thereof shall be secured by a bond in the penal sum of not less than 20% of the amount of the contract, payable to the State, and deposited with the Treasurer of State.

**Sec. 74. R. S., T. 5, § 1772-A, amended.** The first paragraph of section 1772-A of Title 5 of the Revised Statutes, as enacted by section 15-A of chapter 544 of the public laws of 1971, is amended to read as follows:

The Bureau of Public Improvements shall establish and charge user fees for any or all parking facilities within the legally designated capitol complex, if considered feasible and with the approval of the Governor ~~and the Executive Council~~.

**Sec. 75. R. S., T. 5, § 2401, sub-§ 1, amended.** The first sentence of sub-section 1 of section 2401 of Title 5 of the Revised Statutes, as repealed and replaced by chapter 507 of the public laws of 1969, is amended to read as follows:

The Administrative Hearing Commissioner, as heretofore appointed, may be approved by the Governor, with the advice and consent of the **Senate Council**.

**Sec. 76. R. S., T. 5, § 3304, sub-§ 1, amended.** Subsection 1 of section 3304 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 533 of the public laws of 1967, is amended to read as follows:

1. **Director.** The executive head of the State Planning Office shall be the director and shall be appointed by the Governor ~~with the approval of the Executive Council~~ and shall hold office for a term of 5 years. The director shall be paid a salary fixed by the Governor ~~and Council~~.

**Sec. 77. R. S., T. 5, § 3306, sub-§ 2, amended.** The first sentence of subsection 2 of section 3306 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 533 of the public laws of 1967, is amended to read as follows:

The State Planning Council shall be appointed by the Governor ~~with the advice and consent of the Executive Council~~ and shall consist of representatives drawn one each from the fields of health, education, natural resources, transportation, local and regional planning, and commerce and industry; at least 3 citizens-at-large; and the Speaker of the House and President of the Senate, or their designees, as members ex officio.

**Sec. 78. R. S., T. 5, § 4561, amended.** The last sentence of section 4561 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:

It shall consist of a total of 5 members, no more than 3 of which shall be of the same political party, to be appointed by the Governor with the advice and consent of the ~~Senate Council~~ and who shall designate one member to be its chairman.

**Sec. 79. R. S., T. 5, § 4565, amended.** Section 4565 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:

**§ 4565. Removal from office**

Any member of the commission may be removed by the Governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard publicly thereon, with right of cross-examination, before the ~~Executive Senate Council~~. Such removal shall be effective only if  $\frac{2}{3}$  of the ~~Executive Senate Council~~ concurs therewith after such hearing.

**Sec. 80. R. S., T. 6, § 12, amended.** The last sentence of the 2nd paragraph of section 12 of Title 6 of the Revised Statutes, as enacted by section 8 of chapter 498 of the public laws of 1969, is amended to read as follows:

The director, with the consent of the Governor ~~and Council~~, may lease facilities at state-owned airports on such terms as ~~they direct~~ he directs.

**Sec. 81. R. S., T. 6, § 12, amended.** The last paragraph of section 12 of Title 6 of the Revised Statutes, as enacted by section 8 of chapter 498 of the public laws of 1969, is amended to read as follows:

The director shall exercise general supervision, control and direction on behalf of the State over all matters pertaining to the location, construction and maintenance of all air navigation facilities now or hereafter built or maintained, either in whole or in part, with money appropriated from the State Treasury. He may recommend to the Governor and ~~Council~~ **the Attorney General** that the State acquire land, easements and rights of way for the establishment of air navigation facilities. Such land, easements and rights of way may be acquired by purchase, grant or condemnation in the manner provided by law by which the Governor and ~~Council~~ **with the advice of the Attorney General** are authorized to acquire real property for public purposes, and property so acquired may be conveyed to a town for use in connection with the establishment of air navigation facilities for such a consideration as the Governor and ~~Council~~ may determine.

**Sec. 82. R. S., T. 6, § 162, sub-§ 1, amended.** The last paragraph of subsection 1 of section 162 of Title 6 of the Revised Statutes, as last repealed and replaced by section 22 of chapter 404 of the public laws of 1971, is amended to read as follows:

All payments made out of appropriations for the purposes described in paragraph A shall be made on order of the director with the approval of the Governor and ~~Council~~.

**Sec. 83. R. S., T. 6, § 162, sub-§ 2, amended.** Subsection 2 of section 162 of Title 6 of the Revised Statutes, as last repealed and replaced by section 22 of chapter 404 of the public laws of 1971, is amended to read as follows:

2. **State aid.** The director, with the consent of the Governor and ~~Council~~, may from any amounts appropriated pursuant to subsection 1 grant to cities, towns or counties separately, or to cities and towns jointly with one another or with counties an amount not to exceed 50% of the total cost of any airport development project.

**Sec. 84. R. S., T. 7, § 1, amended.** The first sentence of section 1 of Title 7 of the Revised Statutes, as last amended by section 1 of chapter 594 of the public laws of 1971, is further amended to read as follows:

The Department of Agriculture, as heretofore established and hereinafter in this Title called the "department," shall be maintained for the improvement of agriculture and the advancement of the interests of husbandry, and shall consist of the Commissioner of Agriculture, appointed by the Governor with advice and consent of the ~~Senate Council~~, to serve a term coterminous with the Governor subject to removal from the office for cause by the Governor and ~~Council~~, and the following as heretofore created and established: The Maine Dairy Council Committee, the Maine Milk Commission, the Maine Potato Commission, the Seed Potato Board, Milk Tax Committee, the Soil and Water Conservation Commission and the Harness Racing Commission.

**Sec. 85. R. S., T. 7, § 1, amended.** The 4th sentence of section 1 of Title 7 of the Revised Statutes is amended to read as follows:

The commissioner may, with the approval of the Governor ~~and Council~~ appoint a deputy commissioner of agriculture, who shall be the chief of one of the department bureaus in the Department of Agriculture, and shall perform the duties of the commissioner during his absence, in addition to his duties as chief of a department bureau.

**Sec. 86. R. S., T. 7, § 5, amended.** The first sentence of section 5 of Title 7 of the Revised Statutes is amended to read as follows:

The commissioner may, with the approval of the Governor ~~and Council~~, appoint and fix the compensation of a chief deputy and such other deputies as in his judgment are required to assist him, and to enable him to carry out all laws, the execution of which is entrusted to him.

**Sec. 87. R. S., T. 7, § 10, amended.** The first sentence of section 10 of Title 7 of the Revised Statutes is amended to read as follows:

The commissioner shall biennially make a report to the Governor ~~and Council~~, on or before the first day of July of each even-numbered year, of the work of the department in detail, combining in the same a report of the Maine State Pomological Society and Maine Dairymen's Association, and all other matters relating to the promotion of agriculture.

**Sec. 88. R. S., T. 7, § 62, sub-§ 3, amended.** The 4th sentence of subsection 3 of section 62 of Title 7 of the Revised Statutes is amended to read as follows:

He shall issue blanks to the proper officers of said societies for such returns as may be deemed necessary for a full and complete knowledge of the work of said societies for each year, and shall certify to the Governor ~~and Council~~ the amount of stipend due such society, and shall designate to the Treasurer of State to whom such moneys shall be paid, but said societies shall not be entitled to such stipend unless they shall make such returns.

**Sec. 89. R. S., T. 7, § 2952, amended.** The 2nd, 6th and 7th sentences of section 2952 of Title 7 of the Revised Statutes are amended to read as follows:

They shall be appointed by the Governor ~~with the advice and consent of the Council~~ and shall serve for a term of 4 years and until their successors have been duly appointed and qualified.

Any vacancy in the membership of said commission shall be filled by appointment by the Governor ~~with the advice and consent of the Council~~.

Members of the commission shall be allowed actual traveling and other necessary expenses incurred in the performance of their duties and each member shall receive a per diem compensation for the time actually spent in the performance of his duties, such compensation to be determined by the Governor ~~and Council~~.

**Sec. 90. R. S., T. 7, § 3403, amended.** Section 3403 of Title 7 of the Revised Statutes, as amended by section 13 of chapter 513 of the public laws of 1965, is further amended to read as follows:

**§ 3403. Expenditure of surplus money**

After the end of the fiscal year, any money in excess of receipts received by the State under section 3452 over the actual expenditures under this chapter and chapters 703, 711 and 713 and sections 3603 to 3605 shall, if the Governor ~~and Council deem~~ **deems** it expedient, to be paid to the several municipalities in proportion to the amount each has paid into the State Treasury under said chapters and sections.

**Sec. 91. R. S., T. 8, § 101, amended.** The first sentence of section 101 of Title 8 of the Revised Statutes is amended to read as follows:

The Maine State Boxing Commission, as heretofore established and hereinafter in this chapter called the "commission," shall consist of 3 members who shall be appointed for terms of 3 years and may be for cause removed by the Governor ~~with the advice and consent of the Council.~~

**Sec. 92. R. S., T. 8, § 261, amended.** The first sentence of section 261 of Title 8 of the Revised Statutes is amended to read as follows:

The State Harness Racing Commission, as heretofore established and hereinafter in this chapter called the "commission," shall consist of 3 members who shall be appointed and may be for cause removed by the Governor ~~with the advice and consent of the Council.~~

**Sec. 93. R. S., T. 8, § 321, amended.** Section 321 of Title 8 of the Revised Statutes is amended to read as follows:

**§ 321. Commission**

The State Running Horse Racing Commission, as heretofore established and hereinafter in this chapter called the "commission," shall consist of 3 members appointed by the Governor ~~with the advice and consent of the Council.~~ No more than 2 members shall be of the same political party. Each member shall be appointed for a term of 3 years or until his successor has been appointed and qualified. Any vacancy shall be filled for the unexpired term by the Governor ~~with the advice and consent of the Council.~~ One member shall be appointed by the Governor as chairman and one as secretary. No member shall have any pecuniary interest in any racing or the sale of parimutuel pools licensed hereunder.

**Sec. 94. R. S., T. 8, § 551, amended.** The 2nd paragraph of section 551 of Title 8 of the Revised Statutes is amended to read as follows:

Such rules and regulations shall become effective when approved in writing by the Governor ~~and Council~~ and when a certified copy thereof has been filed with the Secretary of State. Any person aggrieved by any such rule or regulation or the reasonableness of same, or any act or order of the Insurance Commissioner in enforcing any such rule or regulation, may appeal to the Superior Court by filing a complaint therefor, and the court shall fix a time

and place of hearing, and cause notice thereof to be given to the commissioner. After the hearing, the court may affirm or reverse the rule, regulation, act or order of the commissioner, and the decision of the court shall be final.

**Sec. 95. R. S., T. 9, § 1, amended.** The first sentence of section 1 of Title 9 of the Revised Statutes is amended to read as follows:

The activities of the Department of Banks and Banking shall be directed by a Bank Commissioner, as heretofore appointed, who shall be appointed by the Governor, with the advice and consent of the ~~Senate Council~~, and who shall hold his office for 6 years or until his successor is appointed and qualified, and who may be removed from office by the Governor ~~and Council~~ for cause.

**Sec. 96. R. S., T. 9, § 226, amended.** The first paragraph of section 226 of Title 9 of the Revised Statutes is amended to read as follows:

All moneys in savings and demand accounts in national banks, to which no deposit has been made and from which no part of the deposit or dividends has been withdrawn for a period of more than 22 years shall be deemed presumptively abandoned and shall be paid into the State Treasury, and credited to the General Fund for the use of the State. Thereafter no action shall be maintained in any court in this State by any depositor or his heirs, successors or assigns for any deposit so paid against any bank making such payments. Thereafter any lawful claimant may petition the Governor ~~and Council~~ for payment of such moneys to the claimant. In his petition the claimant shall state fully the facts showing the basis of his right, title and interest in such deposit. The Governor ~~and Council~~, after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.

**Sec. 97. R. S., T. 9, § 519, amended.** The last 3 sentences of the first paragraph of section 519 of Title 9 of the Revised Statutes are amended to read as follows:

Thereafter any lawful claimants may petition the Governor ~~and Council~~ for payment of such moneys to the claimants. In his petition the claimant shall state fully the facts showing the basis of his right, title and interest in such deposit. The Governor ~~and Council~~, after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.

**Sec. 98. R. S., T. 9, § 1048, amended.** The last 3 sentences of the first paragraph of section 1048 of Title 9 of the Revised Statutes are amended to read as follows:

Thereafter any lawful claimants may petition the Governor ~~and Council~~ for payment of such moneys to the claimants. In his petition the claimant shall state fully the facts showing the basis of his right, title and interest in such deposit. The Governor ~~and Council~~, after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.



**Sec. 99. R. S., T. 9, § 1053, amended.** Section 1053 of Title 9 of the Revised Statutes is amended to read as follows:

**§ 1053. Governmental units may participate in banking reorganization**

The Treasurer of State, by written direction of the Governor ~~and Council~~ and with the approval of a Justice of the Supreme Judicial Court; the treasurer of any county, by written direction of the county commissioners of such county and with the approval of a Justice of the Supreme Judicial Court; the treasurer of any city, town or village corporation or other municipal corporation, including any district organized by law for any public purpose, by written direction, in case of cities of the city government thereof, in case of towns of the selectmen thereof, in case of village corporations of the assessors, overseers or other similar governing board thereof, in case of other municipal corporations and districts of their respective trustees, commissioners, directors or other similar governing board, and in each case with the approval of a Justice of the Supreme Judicial Court, may for and in behalf and in the name of his respective governmental unit participate in any plan of reorganization, management or continuation of any trust company organized under the laws of this State or of the United States in which his governmental unit has moneys on deposit including trust funds, sinking funds and all other forms of deposit, or may enter into any agreement concerning such deposits for the public benefit and for the benefit of the trust company and its depositors.

**Sec. 100. R. S., T. 9, § 1754, amended.** The next to last paragraph of section 1754 of Title 9 of the Revised Statutes is amended to read as follows:

After payment into the State Treasury of such accounts, no action shall be maintained in any court in this State by any member or his heirs, successors or assigns against any association making such payments, provided that thereafter any lawful claimants may petition the Governor ~~and Council~~ for payment of such moneys to the claimants. In his petition the claimant shall state fully the facts showing the basis of his right, title and interest in such account. The Governor ~~and Council~~, after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.

**Sec. 101. R. S., T. 10, § 102, amended.** The first paragraph of section 102 of Title 10 of the Revised Statutes is amended to read as follows:

The Governor ~~and Council~~ shall appoint a citizen of this State to serve as adviser to the Governor with respect to atomic industrial development within the State; as coordinator of the development and regulatory activities of the State relating to the industrial and commercial uses of atomic energy and other forms of radiation; and as deputy of the Governor in matters relating to atomic energy and other forms of radiation, including participation in the activities of any committee formed by the New England states to represent their interest in such matters and cooperation with other states and with the Government of the United States. The person so appointed shall have the title of Coordinator of Atomic Development Activities.

**Sec. 102. R. S., T. 10, § 102, amended.** The last paragraph of section 102 of Title 10 of the Revised Statutes is amended to read as follows:

The Coordinator of Atomic Development Activities shall keep the Governor ~~and Council~~ and the several interested departments and agencies informed as to private and public activities affecting atomic industrial development and shall enlist their cooperation in taking action to further such development as is consistent with the health, safety and general welfare of this State.

**Sec. 103. R. S., T. 10, § 402, amended.** The first paragraph of section 402 of Title 10 of the Revised Statutes, as amended by section 1 of chapter 442 of the public laws of 1969 and by section 3 of Section D of chapter 197 of the private and special laws of 1969, is further amended to read as follows:

The commissioner may employ division directors, deputies, assistants, specialists and such other employees as may be necessary, subject to the Personnel Law; appoint assistants who shall serve at his pleasure; employ or engage with the approval of the Governor ~~and Council~~ such outside technical or professional consultants as may be necessary or appropriate to assist the department in carrying out its functions; and may enter into contracts with other boards, commissions, departments and divisions of the State or with the University of Maine to assist him or any division of the department in carrying out this chapter.

**Sec. 104. R. S., T. 10, § 751, amended.** The 2nd sentence, as amended by section 1 of chapter 584 of the public laws of 1971, and the 5th sentence, both of section 751 of Title 10 of the Revised Statutes, are amended to read as follows:

The authority shall consist of 9 members, including the Commissioner of Commerce and Industry, and 8 members at large appointed by the Governor with the advice and consent of the ~~Senate Council~~ for a period of 4 years, provided that, of the members first appointed, 2 shall be appointed for a term of one year, 2 for a term of 2 years, 2 for a term of 3 years and 2 for a term of 4 years.

Appointive members may be removed by the Governor ~~with the advice and consent of the Council~~ for cause.

**Sec. 105. R. S., T. 10, § 751, amended.** The 3rd paragraph of section 751 of Title 10 of the Revised Statutes is amended to read as follows:

The manager shall be appointed by the authority and his tenure of office shall be at the pleasure of the authority. He shall receive such compensation as shall be fixed by the authority with the approval of the Governor ~~and Council~~.

**Sec. 106. R. S., T. 10, § 802, amended.** Section 802 of Title 10 of the Revised Statutes is amended to read as follows:

**§ 802. —Additions to**

If from time to time in the opinion of the authority the addition of moneys to the Mortgage Insurance Fund may be required to meet obligations, the

authority shall in writing request, the Governor ~~and Council~~ to provide moneys in such amounts as may be necessary for the purpose. The Governor ~~and Council~~ shall transfer to said fund sufficient moneys for said purpose from the State Contingent Account or from the proceeds of bonds to be issued as provided in this section. If bonds are to be issued, the Governor ~~and Council~~ shall order the Treasurer of State to issue bonds in the amount requested, but not exceeding in the aggregate at any one time outstanding the amount set forth in the Constitution of Maine, Article IX, Section 14-A, as it may be from time to time amended, to mature serially or made to run for such periods as the Governor ~~and Council~~ may determine, but none of them shall run for a longer period than 20 years, and at such rates of interest and on such terms and conditions as the Governor ~~and Council~~ shall determine. The bonds so issued shall be deemed a pledge of the faith and credit of the State.

**Sec. 107. R. S., T. 10, § 2105, amended.** The next to the last sentence of section 2105 of Title 10 of the Revised Statutes, as enacted by section 2 of chapter 170 of the public laws of 1967, is amended to read as follows:

The State Geologist, acting as administrator and consultant to the bureau, shall be paid from this dedicated, nonlapsing fund such an annual sum for his work on these duties as the bureau, with the approval of the Governor ~~and Council~~, may designate.

**Sec. 108. R. S., T. 10, § 2105, amended.** The last sentence of section 2105 of Title 10 of the Revised Statutes is amended to read as follows:

The bureau may, with the approval of the Governor ~~and Council~~, assign such sums as it deems proper to other state agencies for preservation, development or replacement of natural resources.

**Sec. 109. R. S., T. 10, § 5051, amended.** The 2nd sentence of section 5051 of Title 10 of the Revised Statutes, as enacted by section 1 of chapter 495 of the public laws of 1965 and as amended by section 1 of chapter 6 of the public laws of 1969, is further amended to read as follows:

The authority shall consist of 9 members, including the Commissioner of Economic Development, the Director of Parks and Recreation and 7 members at large appointed by the Governor with the advice and consent of the ~~Senate Council~~ **Senate** for a period of 4 years, provided that, of the members first appointed, 2 shall be appointed for a term of one year, 2 for a term of 2 years, 2 for a term of 3 years and one for a term of 4 years.

**Sec. 110. R. S., T. 10, § 5051, amended.** The 4th sentence of section 5051 of Title 10 of the Revised Statutes, as enacted by section 1 of chapter 495 of the public laws of 1965, is amended to read as follows:

Appointive members may be removed by the Governor ~~with the advice and consent of the Council~~ for cause.

**Sec. 111. R. S., T. 10, § 5051, amended.** The last sentence of the 3rd paragraph of section 5051 of Title 10 of the Revised Statutes, as enacted by section 1 of chapter 495 of the public laws of 1965, is amended to read as follows:

He shall receive such compensation as shall be fixed by the authority with the approval of the Governor ~~and Council~~.

**Sec. 112. R. S., T. 10, § 7051, amended.** The 2nd and 4th sentences of section 7051 of Title 10 of the Revised Statutes, as enacted by chapter 430 of the public laws of 1969, are amended to read as follows:

The Mountain Resorts Airport Authority shall consist of the Director of the Maine Aeronautics Commission, Director of the Parks and Recreation Commission, to serve during their incumbency of their said offices, and 4 members at large appointed by the Governor ~~with the advice and consent of the Council~~ for a period of 3 years.

Appointed members may be removed by the Governor ~~and Council~~ for cause.

**Sec. 113. R. S., T. 10, § 6002, amended.** Section 6002 of Title 10 of the Revised Statutes, as enacted by section 1 of chapter 495 of the public laws of 1965, is amended to read as follows:

#### § 6002. Additions to

If from time to time in the opinion of the authority the addition of moneys to the fund may be required to meet obligations, the authority shall in writing request the Governor ~~and Council~~ to provide moneys in such amounts as may be necessary for the purpose. The Governor ~~and Council~~ shall transfer to said fund sufficient moneys for said purpose from the State Contingent Account or from the proceeds of bonds to be issued as provided in this section. If bonds are to be issued, the Governor ~~and Council~~ shall order the Treasurer of State to issue bonds in the amount requested, but not exceeding in the aggregate at any one time outstanding the amount set forth in ~~section 14-B of Article IX of the Constitution, Article IX, section 14-B,~~ as it may be amended from time to time, to mature serially or made to run for such periods as the Governor ~~and Council~~ may determine, but none of them shall run for a longer period than 20 years, and at such rates of interest and on such terms and conditions as the Governor ~~and Council~~ shall determine. The bonds so issued shall be deemed a pledge of the faith and credit of the State.

**Sec. 114. R. S., T. 10, § 8101, amended.** Section 8101 of Title 10 of the Revised Statutes, as enacted by section 1 of chapter 481 and as amended by section 2 of chapter 584, both of the public laws of 1971, is further amended to read as follows:

#### § 8101. Department; commissioner

There is created and established the Department of Commerce and Industry to enhance the economic and social well-being of the people of Maine by assisting and promoting economic and community development, activities and opportunities; by encouraging new enterprises and the expansion of proven existing enterprises and activities seeking ultimately the improvement in both the quality and quantity of job opportunities and community services to consist of a Commissioner of Commerce and Industry appointed by the Governor with the advice and consent of the ~~Senate Council~~ to serve

a term coterminous with the Governor and subject to removal for cause by the Governor ~~and Legislative Council~~ and the following as heretofore created and established: The Department of Economic Development, the Economic Development Advisory Council, the Office of Municipal Coordinator and the State Technical Services Program.

**Sec. 115. R. S., T. 12, § 501, amended.** The first sentence of section 501 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

A Forest Commissioner, as heretofore appointed by the Governor with the advice and consent of the ~~Senate Council~~, hereinafter in chapters 201 and 215 called the "commissioner," shall be a trained forester or a person of skill and experience in the care and preservation of forest lands and shall hold office for a term of 4 years.

**Sec. 116. R. S., T. 12, § 504, amended.** The next to the last sentence of the 3rd paragraph of section 504 of Title 12 of the Revised Statutes, as repealed and replaced by section 5 of chapter 226 of the public laws of 1965, is amended to read as follows:

With the approval of the Governor ~~and Council~~, he may sell to the highest bidder, after advertising, any forest ranger site and the structures thereon not being used or necessary.

**Sec. 117. R. S., T. 12, § 512, amended.** The first sentence of section 512 of Title 12 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 329 of the public laws of 1971, is amended to read as follows:

The commissioner may, with the advice and consent of the Governor ~~and Council~~, purchase, when funds are available from bequests or trusts other than bequests made or inter vivos trusts created by the late Percival Proctor Baxter, or accept on the part of the State gifts of parcels or tracts of land to the State, or may purchase land in the name of the State for state forest purposes and may also designate and set aside such lands or portions thereof as natural areas.

**Sec. 118. R. S., T. 12, § 512, amended.** The last sentence of section 512 of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 329 of the public laws of 1971, is amended to read as follows:

Areas designated under these classifications can be removed from such designation only by approval of the commissioner, with the advice and consent of the Governor ~~and Council~~, following public notice and hearing.

**Sec. 119. R. S., T. 12, § 513, amended.** The last sentence of section 513 of Title 12 of the Revised Statutes, as amended by section 12 of chapter 226 of the public laws of 1965, is further amended to read as follows:

The Treasurer of State shall be the appropriate fiscal officer to receive such funds for these purposes, subject to the approval of the Governor ~~and Council~~, and the State Controller shall authorize expenditures therefrom as approved by the department and the Governor ~~and Council~~.

**Sec. 120. R. S., T. 12, § 514, amended.** The first sentence of section 514 of Title 12 of the Revised Statutes, as repealed and replaced by section 13 of chapter 226 of the public laws of 1965 and as amended by section 11 of chapter 590 of the public laws of 1969, is further amended to read as follows:

The commissioner may take the following action on state lands specified in section 504 and other lands specified herein under the direction of the Governor ~~and Council~~ and on such terms as ~~they direct~~ he directs:

**Sec. 121. R. S., T. 12, § 602, amended.** The next to the last sentence of the first paragraph 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 Governor, with the advice and consent of the **Senate Council**, shall appoint a Commissioner of Parks and Recreation whenever a vacancy occurs.

**Sec. 122. R. S., T. 12, § 602, sub-§ 1, amended.** The first sentence of subsection 1 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

With the consent of the Governor ~~and Council~~, to acquire in behalf of the State, land or any interests therein within this State, with or without improvements, by purchase or gift, and by eminent domain and with like consent to sell and convey such lands or interests therein, or lease the same, or by revocable license or agreement, or grant to any person, firm or corporation exclusive rights and privileges to the use and enjoyment of portions of such lands.

**Sec. 123. R. S., T. 12, § 602, sub-§ 2, amended.** The first sentence of subsection 2 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

To study and ascertain as nearly as possible and report to the Governor ~~and Council~~ from time to time:

**Sec. 124. R. S., T. 12, § 602, sub-§ 2, amended.** The last paragraph of subsection 2 of section 602 of Title 12 of the Revised Statutes, as amended by chapter 22 of the public laws of 1969, is further amended to read as follows:

Such studies and reports shall be accompanied by other information, statistics and charts as will adequately inform the Governor ~~and Council~~ of the character, condition and needs of this State of recreational resources and facilities, and may be accompanied by specific recommendations for new legislation or other action to be taken with respect to the same.

**Sec. 125. R. S., T. 12, § 602, sub-§ 3, amended.** The first sentence of subsection 3 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

With the consent of the Governor ~~and Council~~, to set apart and publicly proclaim areas of land in this State including improvements, or other struc-

tures thereon, title to which has been acquired under this chapter as parks or memorials within the meaning of said chapter, and the commission may from time to time establish such rules and regulations as it deems necessary:

**Sec. 126. R. S., T. 12, § 602, sub-§ 4, amended.** The first sentence of subsection 4 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

With the consent of the Governor ~~and Council~~, the commission may:

**Sec. 127. R. S., T. 12, § 602, sub-§ 6, amended.** Subsection 6 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

**6. Control of fires.** With approval of the Governor ~~and Council~~, to establish and maintain adequate provisions for the prevention, suppression and control of fires within said park areas.

**Sec. 128. R. S., T. 12, § 602, sub-§ 7, amended.** The first sentence of subsection 7 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

With the consent of the Governor ~~and Council~~, to negotiate and execute any lease or other agreement for the administration, maintenance, supervision, use and development of state parks, within the meaning of this chapter, acquired and owned by the Government of the United States, upon such terms and conditions as may be deemed advantageous to the people of this State and consistent with said chapter; and with like consent, to accept on behalf of the State, deeds of gift or other conveyances to lands or interests therein suitable for administration, maintenance, supervision, use and development as state parks or memorials under this chapter.

**Sec. 129. R. S., T. 12, § 602, sub-§ 9, amended.** The last sentence of subsection 9 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

The Treasurer of State shall be the appropriate fiscal officer to receive such federal funds, subject to the approval of the Governor ~~and Council~~, and the State Controller shall authorize expenditures therefrom as approved by the commission and the Governor ~~and Council~~.

**Sec. 130. R. S., T. 12, § 643, sub-§ 1, ¶ A, amended.** Paragraph A of subsection 1 of section 643 of Title 12 of the Revised Statutes, as enacted by chapter 443 of the public laws of 1971, is amended to read as follows:

**A.** A member appointed by the Governor ~~with the advice and consent of the Executive Council~~;

**Sec. 131. R. S., T. 12, § 683, amended.** The 3rd sentence of section 683 of Title 12 of the Revised Statutes, as enacted by chapter 494 of the public laws of 1969 and as amended by section 3 of chapter 457 and by section 1 of chapter 619, both of the public laws of 1971, is further amended to read as follows:

The commission shall consist of 3 permanent members: The Director of Parks and Recreation, the Forest Commissioner and the State Planning Di-

rector; or their designated alternates and 4 members serving staggered 4-year terms to be appointed by the Governor ~~with the advice and consent of the Council.~~

**Sec. 132. R. S., T. 12, § 1601-A, amended.** The 2nd sentence of section 1601-A of Title 12 of the Revised Statutes, as enacted by chapter 297 of the public laws of 1971, is amended to read as follows:

The amounts to be reimbursed hereunder shall be certified by the Forest Commissioner, which amounts are hereby appropriated to pay the same, and the Governor ~~and Council~~ may authorize the State Controller to draw his warrant therefor at any time.

**Sec. 132-A. R. S., T. 12, § 1603, amended.** Section 1603 of Title 12 of the Revised Statutes, as amended by section 58 of chapter 226 of the public laws of 1965, is further amended to read as follows:

**§ 1603. Appropriation for payment of claims, accounts and demands**

So much of the funds raised by the tax imposed and paid into the treasury, as may be necessary to pay the claims, accounts and demands arising under this subchapter and subchapters II and IV, is appropriated to pay the same, and the Governor ~~and Council~~ shall authorize the State Controller to draw his warrant therefor at any time. Any balance remaining shall continue from year to year as a fund available for the purposes defined in sections 1605 and 1607.

**Sec. 133. R. S., T. 12, § 1607, amended.** The 2nd sentence of section 1607 of Title 12 of the Revised Statutes, as amended by section 59 of chapter 226 of the public laws of 1965, is further amended to read as follows:

If the tax assessed by authority of section 1601 for any reason is not available for the purpose aforesaid or if said tax proves insufficient in any year to properly carry out said purposes, the Governor ~~and Council~~ may make available for said purposes, from any moneys then in the treasury not otherwise appropriated such sum or sums of money as ~~they~~ he may deem necessary for such purposes.

**Sec. 134. R. S., T. 12, § 1701, amended.** The first sentence of the last paragraph of section 1701 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 557 of the public laws of 1969, is amended to read as follows:

The authority shall consist of 5 members, viz.: The Forest Commissioner, the Commissioner of Inland Fisheries and Game, the Director of the Maine State Park and Recreation Commission and the Attorney General, each of whom shall serve ex officio and a 5th member who shall be a member from the public appointed by the Governor ~~with the advice and consent of the Council.~~

**Sec. 135. R. S., T. 12, § 1903, amended.** The first sentence of section 1903 of Title 12 of the Revised Statutes is amended to read as follows:

**Whenever it shall come to the attention of the commissioner or his deputy commissioner, that any person or persons known to have gone upon a hunting**



or fishing trip, or a trip for any other purpose, in the woodlands of the State and have not returned within a reasonable time after his or their departure, the commissioner is authorized to summon any person found within the State to assist in finding the lost person or persons, and each person so summoned shall be paid at a rate set by the said commissioner, with the approval of the Governor ~~and Council~~, and be provided with subsistence during such service.

**Sec. 136. R. S., T. 12, § 1951, amended.** The first sentence of section 1951 of Title 12 of the Revised Statutes is amended to read as follows:

A Commissioner of Inland Fisheries and Game, as heretofore appointed by the Governor with the advice and consent of the ~~Senate Council~~ and in chapters 301 to 335 called the "commissioner," shall hold office for 3 years and shall serve until his successor is appointed and qualified.

**Sec. 137. R. S., T. 12, § 1955, amended.** The first 3 sentences of section 1955 of Title 12 of the Revised Statutes are amended to read as follows:

An advisory council, as heretofore appointed by the Governor ~~with the advice and consent of the Council~~, shall consist of 7 members ~~chosen one from each of the councilor districts~~. Appointment shall be for the terms of 6 years and until successors are appointed and qualified. Upon the death, resignation or removal from office of any person so appointed, the Governor ~~with the advice and consent of his Council~~ shall appoint a member to serve for the unexpired term.

**Sec. 138. R. S., T. 12, § 1956, amended.** The last sentence of section 1956 of Title 12 of the Revised Statutes is amended to read as follows:

If the time of the emergency suspension of any part of chapters 301 to 335 extends for a longer period than 30 days, the consent of the Governor ~~and Council~~ must be obtained before such declaration of emergency becomes effective.

**Sec. 139. R. S., T. 12, § 1959, amended.** Section 1959 of Title 12 of the Revised Statutes is amended to read as follows:

#### **§ 1959. Sale of unneeded property**

The Governor ~~and Council~~ on recommendation of the commissioner may sell and convey on behalf of the State the interests of the State in property taken or acquired by purchase under chapters 301 to 335 and deemed no longer necessary for the purposes hereof. The proceeds from such sales shall be credited to the funds of the department.

**Sec. 140. R. S., T. 12, § 2353-A, amended.** Section 2353-A of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 138 of the public laws of 1965, is amended to read as follows:

#### **§ 2353-A. Extended deer and bird hunting season**

Whenever a section or sections of the State are closed to hunting by proclamation of the Governor during the open season on deer or birds, the commissioner, after the proclamation has been annulled, with the consent of

the Governor ~~and Council~~, may extend the open season for deer hunting or bird hunting in such section or sections of the State for a period not to exceed the number of days lost.

**Sec. 141. R. S., T. 12, § 3501, sub-§§ 1, 2, 3, amended.** Subsections 1, 2 and 3 of section 3501 of Title 12 of the Revised Statutes are amended to read as follows:

1. **Appointment.** The Governor, with the advice and consent of the ~~Senate Council~~, shall appoint a Commissioner of Sea and Shore Fisheries.

2. **Term.** The commissioner, as heretofore appointed, shall serve for 4 years ~~or during the pleasure of~~ **subject to removal for cause** by the Governor ~~and Council~~. He shall serve until his successor is appointed and qualified.

3. **Vacancy.** The Governor with the advice and consent of the ~~Senate Council~~ shall fill any vacancy in office by an appointment for a full 4-year term.

**Sec. 142. R. S., T. 12, § 3502, sub-§ 2, amended.** Subsection 2 of section 3502 of Title 12 of the Revised Statutes is amended to read as follows:

2. **Biennial report.** The commissioner shall make a report to the Governor ~~and Council~~ every 2 years.

A. The commissioner shall in the report cover the period ending on June 30th of each even-numbered year.

B. He shall file the report with the Governor ~~and Council~~ within 6 months of the end of the period which it covers.

**Sec. 143. R. S., T. 12, § 3551, amended.** Section 3551 of Title 12 of the Revised Statutes is amended to read as follows:

**§ 3551. Appointment; compensation**

The following provisions apply to the advisory council, as heretofore appointed:

1. **Appointment; composition.** The Governor ~~with the advice and consent of the Council~~ shall appoint an advisory council consisting of 5 members.

2. **Term.** Each appointment is for a 3-year term and until a successor is appointed and qualified.

3. **Vacancy.** If a vacancy in office occurs, the Governor ~~with the advice and consent of the Council~~ shall appoint a member to serve the unexpired term.

4. **Compensation.** Members of the council may receive no compensation for their services, but they are entitled to receive actual expenses which do not exceed a total of \$500 for all the members in any one fiscal year.

**Sec. 144. R. S., T. 12, § 3601, sub-§ 1, amended.** Subsection 1 of section 3601 of Title 12 of the Revised Statutes is amended to read as follows:

**1. Composition; appointment; qualifications; terms; vacancy; compensation.** It has 3 members:

**A.** The Commissioner of Sea and Shore Fisheries and the Commissioner of Inland Fisheries and Game are members ex officio.

**B.** The Governor, ~~with the advice and consent of the Council~~ shall appoint a 3rd member for a 4-year term.

(1) The 3rd member must be a citizen of Maine.

(2) The 3rd member shall serve until his successor is appointed and qualified.

(3) The Governor ~~with the advice and consent of the Council~~ shall fill any vacancy by an appointment for a full 4-year term.

(4) The 3rd member is entitled to receive \$10 per day and expenses when engaged in the discharge of his official duties.

**Sec. 145. R. S., T. 12, § 4652, amended.** The 4th and 6th sentences of section 4652 of Title 12 of the Revised Statutes are amended to read as follows:

The Governor ~~by and with the advice and consent of the Council~~ shall appoint a citizen as a 3rd commissioner who shall have a knowledge of and interest in the marine fisheries problem.

Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor ~~by and with the advice and consent of the Council~~ for the unexpired term.

**Sec. 146. R. S., T. 12, § 4757, amended.** The last sentence of the 2nd paragraph of section 4757 of Title 12 of the Revised Statutes, as enacted by chapter 541 of the public laws of 1971, is amended to read as follows:

If purchase, or a written agreement therefor, has not been effected within 60 days after negotiations have begun, and the board determines that an emergency situation exists which would cause an immediate threat to the public safety, health and welfare, to the protection of public or private property, or to public or private salt water supplies, or to the conservation of wildlife or freshwater estuarine or marine fisheries, the board shall declare that the public exigency requires the taking of such wetland, and, with the consent of the Governor ~~and Council~~, may acquire in behalf of the State the fee of such wetland or any lesser interest therein by eminent domain, the proceedings for such taking to be in accordance with Title 35, chapter 263.

**Sec. 147. R. S., T. 13, § 982, amended.** The last sentence of section 982 of Title 13 of the Revised Statutes is amended to read as follows:

If, upon complaint by any person, the ~~Governor and Council~~ Attorney General, after notice and hearing, ~~finds~~ finds that any institution or association has violated this section, such institution or association shall forfeit its right to any appropriation from the State.

**Sec. 148. R. S., T. 14, § 7202, amended.** Section 7202 of Title 14 of the Revised Statutes is amended to read as follows:

**§ 7202. Filing of information**

When the Legislature or ~~the Governor and Council direct~~ **directs**, the Attorney General shall file an information in the Superior Court in the county where the lands lie stating the grant and conditions, the breaches and the claims of the State.

**Sec. 149. R. S., T. 17, § 1214, amended.** The first sentence of section 1214 of Title 17 of the Revised Statutes is amended to read as follows:

The Governor ~~and Council~~ may license not exceeding 50 persons to be known as and denominated state humane agents to serve for the term of 4 years, unless such license is sooner revoked for cause, such persons to be authorized to investigate, arrest and prosecute any person charged with violating any of the provisions of this chapter the same as any sheriff, deputy sheriff or constable can do, and whose jurisdiction shall extend throughout the State.

**Sec. 150. R. S., T. 17, § 1510, amended.** The 2nd sentence of section 1510 of Title 17 of the Revised Statutes is amended to read as follows:

These rewards shall be paid by the Treasurer of State on warrant of the Governor ~~and Council~~, granted on certificate of the judge who tried the case.

**Sec. 151. R. S., T. 17, § 3104, amended.** The last sentence of the first paragraph of section 3104 of Title 17 of the Revised Statutes is amended to read as follows:

This section shall not apply to purchases of the State by the Governor ~~and Council~~ under authority of Title 1, section 814.

**Sec. 152. R. S., T. 17, § 3756, amended.** The last sentence of section 3756 of Title 17 of the Revised Statutes is amended to read as follows:

All costs incurred under said section shall be paid by the State, upon the order of the county commissioners, out of the State Pauper Fund, provided the Governor ~~and Council are~~ **is** satisfied that the person confined is a tramp, having no pauper settlement in the State.

**Sec. 153. R. S., T. 18, § 1651, amended.** The first sentence of section 1651 of Title 18 of the Revised Statutes is amended to read as follows:

The Governor ~~with the advice and consent of the Council~~ shall appoint in each county for the term of 4 years, unless sooner removed, a public administrator therein, who shall, upon petition to the probate court and after due notice thereon, take out letters of administration and administer on the estates of persons who die intestate in said county, or elsewhere leaving property in said county, not known to have in the State a widow, widower or any heirs or kindred who can lawfully inherit such estate; and who shall account in like manner and give bond to the judge with like condition as in cases of ordinary administration, subject, however, to section 1654.

**Sec. 154. R. S., T. 18, § 1655, amended.** The 3rd sentence of section 1655 of Title 18 of the Revised Statutes is amended to read as follows:

The Governor ~~and Council~~, on application and proof, may order the Treasurer of State to pay it over, and such principal is appropriated to pay such lawful claims.

**Sec. 155. R. S., T. 20, § 1-A, amended.** The 3rd and 5th sentences of section 1-A of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 492 and as amended by section 2 of chapter 610, both of the public laws of 1971, are further amended to read as follows:

The department shall consist of a Commissioner of Educational and Cultural Services appointed by the Governor from a list of 3 names to be provided by the State Board of Education as established, with the advice and consent of the ~~Senate Council~~ to serve a term coterminous with the Governor subject to removal for cause.

If it fails to do so, the Governor may appoint the commissioner with the advice and consent of the ~~Senate Council~~.

**Sec. 156. R. S., T. 20, § 1-B, sub-§ 1, amended.** The last sentence of subsection 1 of section 1-B of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 610 of the public laws of 1971, is amended to read as follows:

The compensation of the director shall be fixed by the Governor ~~and Council~~; and

**Sec. 157. R. S., T. 20, § 1-B, sub-§ 2, amended.** The last sentence of subsection 2 of section 1-B of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 610 of the public laws of 1971, is amended to read as follows:

The compensation of the director shall be fixed by the Governor ~~and Council~~; and

**Sec. 158. R. S., T. 20, § 1-B, sub-§ 3, amended.** Subsection 3 of section 1-B of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 610 of the public laws of 1971, is amended to read as follows:

3. **Maine State Library Bureau.** The Maine State Library Bureau, which shall be known as the Maine State Library and which shall be under the direction of a director who shall be qualified by training or by experience in library work and who shall be known as the State Librarian, appointed by the commissioner with the advice and consent of the Governor ~~and Council~~ to serve for an indefinite term, subject to removal for cause. The compensation of the director shall be fixed by the Governor ~~and Council~~; and

**Sec. 159. R. S., T. 20, § 51, sub-§ 1, amended.** The first sentence of subsection 1 of section 51 of Title 20 of the Revised Statutes, as enacted by section 4 of chapter 610 of the public laws of 1971, is amended to read as follows:

There is created a State Board of Education which shall consist of 9 members who shall be appointed by the Governor with the advice and consent of the Senate Council.

Sec. 160. R. S., T. 20, § 102, sub-§ 9, amended. Subsection 9 of section 102 of Title 20 of the Revised Statutes is amended to read as follows:

9. Control of gift-established schools. To assume the control and management of all free public schools established and maintained by gifts or bequests, when said gifts or bequests are conditioned upon said commissioner assuming such control and management; and he shall carry out the provisions upon which such gifts or bequests are conditioned, when said conditions are approved by the Governor and Council;

Sec. 161. R. S., T. 20, § 854, amended. Section 854 of Title 20 of the Revised Statutes is amended to read as follows:

§ 854. School funds withheld from delinquent towns or administrative units

When the Governor and Council with the advice of the Attorney General have has reason to believe that a town or district has neglected to raise and expend the school money required by law, or to employ teachers certified as required by law, or to have instruction given in the subjects prescribed by law, or to provide suitable textbooks in the subjects prescribed by law, or faithfully to expend the school money received from the State or in any way to comply with the law prescribing the duties of administrative units in relation to public schools, they shall direct the Treasurer of State to withhold from the apportionment of state school funds made to that administrative unit such amount as they may deem expedient. The amount so withheld shall not be paid until such administrative unit shall satisfy said Governor and Council that it has expended the full amount of school money as required by law and that it has complied in all ways with the law prescribing the duties of administrative units in relation to public schools. Whenever such administrative unit shall fail, within the year for which the apportionment is made, so to satisfy the Governor and Council, the said amount withheld shall be forfeited and shall be added to the General Fund of the State.

Sec. 162. R. S., T. 20, § 1294, amended. The 2nd sentence of section 1294 of Title 20 of the Revised Statutes, as amended by section 65 of chapter 622 of the public laws of 1971, is further 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. 163. R. S., T. 20, § 1294, amended. The last 2 sentences of section 1294 of Title 20 of the Revised Statutes are amended to read as follows:

In case any administrative unit has failed to comply with any of said sections by reason of circumstances beyond its control, he may after proper investigation certify such part of the high school aid as circumstances may justify. Any administrative unit dissatisfied with his decision may appeal

to the Governor ~~and Council~~, and the Governor ~~and Council~~ shall issue a certificate to the treasurer of the administrative unit for such amount as he adjudges such administrative unit entitled to receive from the State Treasury.

**Sec. 164. R. S., T. 20, § 1451, amended.** The first sentence of section 1451 of Title 20 of the Revised Statutes, as amended by section 39 of chapter 433 of the public laws of 1969, is further amended to read as follows:

All children between the ages of 5 and 20 years who reside with a parent or legal guardian in unorganized territory within this State shall be entitled to school privileges, which shall be provided under the direction of the commissioner under such rules and regulations as may be made from time to time by him and approved by the Governor ~~and Council~~.

**Sec. 165. R. S., T. 20, § 1457, amended.** Section 1457 of Title 20 of the Revised Statutes is amended to read as follows:

#### **§ 1457. Children on government reservations**

Special arrangements may be made to provide elementary school privileges in cooperation with the United States Government for a child or children residing with a parent or legal guardian at any light station, fog warning station, lifesaving station or other place within a United States government reservation under such rules and regulations as may be made by the commissioner and approved by the Governor ~~and Council~~.

**Sec. 166. R. S., T. 20, § 1474, amended.** The last sentence of section 1474 of Title 20 of the Revised Statutes is amended to read as follows:

Any town or plantation dissatisfied with the sum determined upon by the said commissioner in such case may, after a vote taken by the town or plantation at a regular or special meeting called for the purpose, appeal to the Governor ~~and Council~~ who shall make the final decision relative thereto.

**Sec. 167. R. S., T. 20, § 2234, amended.** Section 2234 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 520 of the public laws of 1967, is amended to read as follows:

#### **§ 2234. Additions to Insurance Fund**

If from time to time in the opinion of the State Board of Education the addition of moneys to the Insurance Fund may be required to meet obligations, the State Board of Education shall in writing request the Governor ~~and Council~~ to provide moneys in such amounts as may be necessary for the purpose. The Governor ~~and Council~~ shall transfer to said fund sufficient moneys for said purpose from the State Contingent Account or from the proceeds of bonds to be issued as provided in this section. If bonds are to be issued, the Governor ~~and Council~~ shall order the Treasurer of State to issue bonds in the amount requested, but not exceeding in the aggregate at any one time outstanding the amount set forth in the Constitution of Maine, Article VIII, section 2, as it may be from time to time amended, to mature serially or made to run for such periods as the Governor ~~and Council~~ may determine, but none of them shall run for a longer period than 20 years, and

at such rates of interest and on such terms and conditions as the Governor ~~and Council~~ shall determine. The bonds so issued shall be deemed a pledge of the faith and credit of the State.

**Sec. 168. R. S., T. 20, § 2255, amended.** Section 2255 of Title 20 of the Revised Statutes is amended to read as follows:

**§ 2255. Powers and duties**

The treasurer of the University of Maine shall receive and have custody of all moneys received for the University of Maine, and shall make all expenditures upon vouchers authenticated and approved in a manner designated by the trustees. The treasurer shall have no authority to contract debts and obligations, excepting loans in anticipation of assured revenues when approved by vote of the trustees, and other loans when directed by vote of the trustees and duly and properly authorized by the Governor ~~and Council~~.

**Sec. 169. R. S., T. 20, § 2256, amended.** Section 2256 of Title 20 of the Revised Statutes is amended to read as follows:

**§ 2256. Report**

The treasurer shall prepare a complete report for the periods ending on June 30th and December 31st of each year and forward a copy of said semi-annual report of the colleges to the Governor ~~and Council~~ and to the board of trustees.

**Sec. 170. R. S., T. 20, § 2359, amended.** Section 2359 of Title 20 of the Revised Statutes is amended to read as follows:

**§ 2359. Reimbursement from state and federal funds**

Whenever the superintendent of schools of any administrative unit, on or before the first day of July, shall report to the commissioner that part-time or part-time continuation schools and classes have been maintained in accordance with the specified standards, and when such schools and classes shall be approved by the state board, the commissioner shall recommend to the Governor ~~and Council~~ annually in December the payment of reimbursement from federal funds designated for part-time schools and from state funds provided for industrial education to the extent of  $\frac{1}{2}$  the cost of instruction.

**Sec. 171. R. S., T. 20, § 2601, amended.** Section 2601 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 83 of the public laws of 1971, is further amended to read as follows:

**§ 2601. Committee; expenses**

A Committee on Maine Public Broadcasting, as heretofore created for the purpose of facilitating the development of public broadcasting in the State, shall consist of 7 members to be appointed by the Governor ~~with the advice and consent of the Council~~. At the time of the first appointments, one shall be appointed for one year, one for 2 years, and one for 3 years, 2 for 4 years and 2 for 5 years, and thereafter for a full term of 5 years. One member of the committee shall be a representative of the State Department of Educa-



tion, one member of the committee shall be a representative of the University of Maine and the remaining members shall be citizens of the State of Maine. Any vacancy in the membership of the committee shall be filled for the unexpired term by appointment by the Governor ~~with the advice and consent of the Council~~. Members of the committee shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

**Sec. 172. R. S., T. 20, § 2604, amended.** Section 2604 of Title 20 of the Revised Statutes is amended to read as follows:

**§ 2604. Gifts**

The Governor ~~and Council are~~ is authorized to accept any gift of money, real or personal property, from any source whatsoever, and grants-in-aid from the Federal Government to assist in carrying out the purposes of this chapter.

**Sec. 173. R. S., T. 20, § 2803, amended.** The first sentence of section 2803 of Title 20 of the Revised Statutes, as last repealed and replaced by section 28 of chapter 590 of the public laws of 1969, is amended to read as follows:

Of the 8 members who shall represent the State of Maine, one shall be the Chancellor of the University of Maine ex officio in office at the time being and one shall be the Commissioner of Education ex officio in office at the time being, 4 shall be named by the Governor, ~~with the advice and consent of the Council~~ for 2-year terms, one shall be a member of the Senate appointed by the President of the Senate and one shall be a member of the House of Representatives appointed by the Speaker of the House.

**Sec. 174. R. S., T. 20, § 3504, amended.** The 5th sentence of section 3504 of Title 20 of the Revised Statutes is amended to read as follows:

Appointive members may be removed by the Governor ~~and Council~~ for cause.

**Sec. 175. R. S., T. 20, § 3506, sub-§ 13, amended.** The 2nd sentence of subsection 13 of section 3506 of Title 20 of the Revised Statutes is amended to read as follows:

Determination of eligibility shall be pursuant to such reasonable rules and regulations as the authority shall make and its determination shall become final upon approval of the Governor ~~and the Executive Council~~.

**Sec. 176. R. S., T. 20, § 3508-A, amended.** The last paragraph of section 3508-A of Title 20 of the Revised Statutes, as enacted by section 4 of chapter 529 of the public laws of 1969, is amended to read as follows:

If moneys, at any time, shall be required to pay the revenue bonds so insured, the authority shall in writing request the Governor ~~and Council~~ to provide moneys in such amounts as shall be necessary for such purpose. The Governor ~~and Council~~ shall thereupon transfer to the authority from the State Contingent Account or from the proceeds of bonds to be issued as provided in this section sufficient moneys for such purpose. If bonds are to be issued, the Governor ~~and Council~~ shall order the Treasurer of State to

issue bonds in the amount requested, but not exceeding in the aggregate at any one time outstanding the amount set forth in the Constitution, Article IX, section 14-C, as it may be amended from time to time, to mature at such time or times not exceeding 20 years from the date thereof, to bear interest at such rate or rates and to be issued on such terms and conditions as the Governor ~~and Council~~ shall determine. The bonds so issued shall constitute a pledge of the faith and credit of the State.

**Sec. 177. R. S., T. 21, § 43, amended.** The first paragraph of section 43 of Title 21 of the Revised Statutes, as last amended by chapter 18 of the public laws of 1971, is further amended to read as follow:

In a city or town which has a population of 4,000 or over, a board of registration consisting of 3 members must be appointed as follows: One member nominated by the city committees of each of the 2 major parties and appointed by the municipal officers, and the 3rd member appointed by the Governor ~~with the advice and consent of the Council~~ except that a city or town which has a population of 4,000 to 5,000 may, by vote of its legislative body, have a board of registration in lieu of a registrar of voters.

**Sec. 178. R. S., T. 21, § 43, sub-§ 3, ¶ A, amended.** Paragraph A of subsection 3 of section 43 of Title 21 of the Revised Statutes is amended to read as follows:

**A. Exception.** When there is a vacancy in the office of the chairman of the board, the Governor ~~with the advice and consent of the Council~~ shall appoint a qualified person to fill the vacancy for the remainder of the term.

**Sec. 179. R. S., T. 21, § 925, sub-§ 1, amended.** Subsection 1 of section 925 of Title 21 of the Revised Statutes is amended to read as follows:

**1. Challenged ballot.** A challenged ballot must be counted the same as a regular ballot. The validity of a challenged ballot need not be determined unless it affects the result of an election. If the challenged ballot affects the result of an election, its validity must be determined by the Governor ~~and Council~~ **with the advice of the Secretary of State** subject to the right of appeal provided in section 1212, except where final determination of the election of a candidate is governed by the State or Federal Constitution.

**Sec. 180. R. S., T. 21, § 1032, sub-§ 10, amended.** Subsection 10 of section 1032 of Title 21 of the Revised Statutes is amended to read as follows:

**10. Official approval required.** It must be of an identical type approved by the Secretary of State and the Attorney General ~~and one member of the Governor's Council~~ **to be designated by the Governor.**

**Sec. 181. R. S., T. 21, § 1034, amended.** Section 1034 of Title 21 of the Revised Statutes is amended to read as follows:

#### § 1034. Regulations of Secretary of State

The Secretary of State may make reasonable regulations governing the use of voting machines. Before the regulations become effective, they must be approved by the Governor ~~and Council~~.

**Sec. 182. R. S., T. 21, § 1063, sub-§ 7, amended.** Subsection 7 of section 1063 of Title 21 of the Revised Statutes, as enacted by chapter 464 of the public laws of 1967, is amended to read as follows:

7. **Official approval required.** It must be of an identical type approved by the Secretary of State and the Attorney General ~~and one member of the Governor's Council to be designated by the Governor.~~

**Sec. 183. R. S., T. 21, § 1065, amended.** Section 1065 of Title 21 of the Revised Statutes, as enacted by chapter 464 of the public laws of 1967, is amended to read as follows:

**§ 1065. Regulations of Secretary of State**

The Secretary of State may make reasonable regulations governing the use of electronic voting systems. Before the regulations become effective, they must be approved by the Governor ~~and Council.~~

**Sec. 184. R. S., T. 21, § 1092, amended.** The first paragraph of section 1092 of Title 21 of the Revised Statutes is amended to read as follows:

Within 20 days after an election, the Secretary of State shall tabulate the election returns and submit the tabulation to the Governor ~~and Council.~~

**Sec. 185. R. S., T. 21, § 1094, amended.** Section 1094 of Title 21 of the Revised Statutes is amended to read as follows:

**§ 1094. Hearing and review by Governor**

The Governor ~~and Council~~ shall review the tabulation of the vote, hear appeals and determine the result of referendum questions and the persons to whom the Governor shall issue certificates of election or notices of apparent election except where the final determination as to their election depends on the Federal or State Constitution.

**Sec. 186. R. S., T. 21, § 1095, amended.** Section 1095 of Title 21 of the Revised Statutes is amended to read as follows:

**§ 1095. Election certificate issued**

Within a reasonable time after an election, the Governor shall issue an election certificate in accordance with Title 5, section 84 or a notice of apparent election to each person elected to office according to the tabulation required by section 1092, or on appeal according to the determination of the Governor ~~and Council.~~

1. **Ineligible person.** The Governor shall not issue an election certificate to a person who is ineligible for the office.

**Sec. 187. R. S., T. 21, § 1152, amended.** The first paragraph of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

On the written application of a losing candidate in any election not later than 10 days after the tabulation of the vote is submitted to the Governor ~~and Council~~, the Secretary of State shall permit him or his counsel to recount

the ballots under proper protective regulations, subject to the following provisions:

**Sec. 188. R. S., T. 21, § 1152, sub-§ 7, amended.** Subsection 7 of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

**7. Mistake in ballot count.** If it is found that there was a mistake made in counting the ballots on election day the Secretary of State shall submit a corrected tabulation to the Governor ~~and Council~~.

**Sec. 189. R. S., T. 21, § 1152, sub-§ 8, amended.** Subsection 8 of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

**8. Appeal to Governor.** If there are enough disputed ballots to affect the result of the election, the interested candidate may appeal to the Governor ~~and Council~~ for a determination of the election on written application to the Secretary of State at the close of the recount.

**A. Exception.** This subsection does not apply where final determination of the election of a candidate is governed by the State or Federal Constitution.

**Sec. 190. R. S., T. 21, § 1152, sub-§ 9, amended.** Subsection 9 of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

**9. Package resealed and marked.** After the recount, the Secretary of State shall reseat the packages of ballots and the checklists, and shall note the fact and date of the recount on them. If there is an appeal to determine the validity of the disputed ballots, the Secretary of State shall keep them until needed by the Governor ~~and Council~~.

**Sec. 191. R. S., T. 21, § 1153, amended.** The first paragraph of section 1153 of Title 21 of the Revised Statutes is amended to read as follows:

On the written application of a candidate as provided in section 1152, the Governor ~~and Council~~ shall hold a hearing on the appeal.

**Sec. 192. R. S., T. 21, § 1153, sub-§ 3, amended.** Subsection 3 of section 1153 of Title 21 of the Revised Statutes is amended to read as follows:

**3. Determination.** At the hearing, the Governor ~~and Council~~ shall examine the disputed ballots, hear the arguments of each candidate or his counsel and determine who was elected. In making this determination, ~~he~~ they may accept as facts any relevant conclusions agreed upon by the nominees.

**Sec. 193. R. S., T. 21, § 1154, amended.** Section 1154 of Title 21 of the Revised Statutes, as amended, is further amended to read as follows:

#### § 1154. Referendum ballots

Any resident of the municipality affected may inspect referendum ballots, have them recounted and appeal those disputed to the Governor ~~and Council~~ as provided in sections 1151 to 1153. Instead of the notice requirements of those sections, the person to whom the application is directed shall publish

a notice of the details of the inspection, recount or hearing on appeal in a newspaper having general circulation in the municipalities concerned, at least 3 days prior to it.

**Sec. 194. R. S., T. 21, § 1211, amended.** Section 1211 of Title 21 of the Revised Statutes is amended to read as follows:

**§ 1211. Ballots and checklists available for inspection**

On request, the clerk of any municipality and the Secretary of State shall produce any ballots or checklists in his custody before the Governor ~~and Council~~, either branch of the Legislature, any legislative committee or any court of competent jurisdiction.

**Sec. 195. R. S., T. 21, § 1622, sub-§ 3, amended.** Subsection 3 of section 1622 of Title 21 of the Revised Statutes is amended to read as follows:

**3. Registration commissioner.** The Governor ~~with the advice and consent~~ of each voting district. The commissioner shall serve for 2 years from the date of his appointment. He shall receive a salary of \$20 for each day actually and necessarily employed in the performance of his duties. In case of a vacancy in the office of registration commissioner, the Governor shall make a new appointment in the same manner as the original appointment for a full term. If there is insufficient time before the next election, in the opinion of the Governor, to obtain a person to serve, he may appoint a temporary registration commissioner to conduct that election only. ~~The appointment of a temporary registration commissioner may be made without the advice and consent of the Council.~~

**Sec. 196. R. S., T. 22, § 1, amended.** The 2nd paragraph of section 1 of Title 22 of the Revised Statutes, as amended, is further amended to read as follows:

The head of the department shall be the Commissioner of Health and Welfare, as heretofore appointed and hereinafter in this Title called the "commissioner" who shall be appointed by the Governor with the advice and consent of the ~~Senate Council~~ to serve for 3 years, ~~or during the pleasure of~~ ~~subject to removal for cause by~~ the said Governor ~~and Council~~. Any vacancy shall be filled by appointment as above for a like term. He may employ such bureau and division heads, deputies, assistants and employees, subject to the Personnel Law, as may be necessary to carry out the work of the department; and they shall be under the immediate supervision, direction and control of the commissioner.

**Sec. 197. R. S., T. 22, § 10, amended.** Section 10 of Title 22 of the Revised Statutes, as enacted by chapter 219 of the public laws of 1967, is amended to read as follows:

**§ 10. Federal funds and commodities**

The commissioner, with the consent and approval of the Governor ~~and Council~~, is authorized and empowered to accept any and all allotments of federal funds and commodities, and to manage and dispose of the same in

whatever manner required by federal law, and put into effect the provisions of the Federal Social Security Act and any amendments thereof, and of other federal acts relating to public welfare.

Sec. 198. R. S., T. 22, § 41, amended. Section 41 of Title 22 of the Revised Statutes is amended to read as follows:

**§ 41. Commissioner's report**

The commissioner, as soon as practicable after the close of the fiscal year which is indicated by an even number, shall report to the Governor ~~and Council~~ the activities of the department during the biennial period just ended with such suggestions as to legislative action as he deems necessary or important.

Sec. 199. R. S., T. 22, § 45, amended. Section 45 of Title 22 of the Revised Statutes is amended to read as follows:

**§ 45. Appropriated funds transferable**

The appropriations made by the Legislature to any division of the department may be combined or transferred from one division to another thereof by authority of the Governor ~~and Council~~ when such is ~~deemed necessary~~ recommended by the State Budget Office.

Sec. 200. R. S., T. 22, § 562, amended. The last sentence of the first paragraph of section 562 of Title 22 of the Revised Statutes is amended to read as follows:

The services of the laboratory and all investigations made shall be free to the people of the State, except that the department, subject to the approval of the Governor ~~and Council~~, may fix charges when deemed advisable or necessary.

Sec. 201. R. S., T. 22, § 1352, amended. The first sentence of section 1352 of Title 22 of the Revised Statutes is amended to read as follows:

An advisory committee, as heretofore established, shall be appointed by the Governor, ~~with the advice and consent of the Council~~ to advise and consult with the Department of Health and Welfare in carrying out the administration of section 1351.

Sec. 202. R. S., T. 22, § 1703, amended. The last sentence of section 1703 of Title 22 of the Revised Statutes is amended to read as follows:

The department, subject to the approval of the Governor ~~and Council~~, shall have authority to accept funds from other sources for the same purposes.

Sec. 203. R. S., T. 22, § 1706, amended. Section 1706 of Title 22 of the Revised Statutes is amended to read as follows:

**§ 1706. Distribution of antitoxins in emergency**

The department, with the approval of the Governor ~~and Council~~ may, for the purpose of aiding in national defense in case of war or in any state emergency declared by the Governor under the Civil Defense Law, procure and distribute within the State, and sell or give away, in its discretion, antitoxins,

serums, vaccines, viruses and analogous products applicable to the prevention or cure of disease of man.

**Sec. 204. R. S., T. 22, § 2054, sub-§ 1, amended.** The 3rd, 7th, 9th and 11th sentences of subsection 1 of section 2054 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1971, are amended to read as follows:

Said authority shall consist of 10 members, one of whom shall be the Bank Commissioner, ex officio, one of whom shall be the Commissioner of Health and Welfare, ex officio, and 8 of whom shall be residents of the State appointed by the Governor, ~~with the advice and consent of the Executive Council~~ not more than 4 of such appointed members to be members of the same political party.

On or before the first day of July, annually, the Governor ~~with the advice and consent of the Executive Council~~ shall appoint, for a term of 5 years, a successor to the member whose term expires.

The Governor ~~with the advice and consent of the Executive Council~~ shall fill any vacancy for the unexpired term.

Any non-ex officio member of the authority may be removed by the Governor ~~and Executive Council~~, after hearing for misfeasance, malfeasance or willful neglect of duty.

**Sec. 205. R. S., T. 22, § 2061, amended.** The first paragraph of section 2061 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1971, is amended to read as follows:

Notwithstanding any other provision of this chapter, the authority is not empowered to undertake any project authorized by this chapter unless, prior to the issuance of any bonds or notes hereunder, the Governor, ~~and the Executive Council~~ or ~~their designees~~, ~~have his designee~~, has found, after a hearing thereon, that:

**Sec. 206. R. S., T. 22, § 2069, amended.** Section 2069 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1971, is amended to read as follows:

**§ 2069. Annual report**

Within 4 months after the close of each fiscal year of the authority, the executive director of the authority shall prepare and submit a complete financial report to the Governor ~~and the Executive Council~~, duly audited and certified by the auditor of accounts of the operations and activities of the authority during the preceding fiscal year to be distributed in the same way as state departmental reports.

**Sec. 207. R. S., T. 22, § 3022, amended.** Section 3022 of Title 22 of the Revised Statutes, as enacted by section 2 of chapter 534 of the public laws of 1967, is amended to read as follows:

**§ 3022. Office of Chief Medical Examiner**

There is created the Office of Chief Medical Examiner for the State of Maine. The Chief Medical Examiner of the State of Maine shall be appointed by the Governor, with the advice and consent of the ~~Senate Council~~, for a term of 7 years and until his successor is appointed and qualified. The Chief Medical Examiner shall possess a degree of doctor of medicine or doctor of osteopathy, be licensed to practice in the State of Maine and be certified in the specialty of forensic pathology by either the American Board of Pathology or the American Osteopathic Board of Pathology. Any vacancy in the Office of the Chief Medical Examiner shall be filled by appointment by the Governor, with the advice and consent of the ~~Senate Council~~, for a full term of 7 years. The Chief Medical Examiner is authorized to hire, subject to the Personnel Law, necessary office and laboratory personnel in order to carry out the proper functioning of his office.

**Sec. 208. R. S., T. 22, § 3024, amended.** The first sentence of section 3024 of Title 22 of the Revised Statutes, as enacted by section 2 of chapter 534 of the public laws of 1967, is amended to read as follows:

The salary of the Chief Medical Examiner of the State of Maine shall be set by the Governor ~~and Council~~.

**Sec. 209. R. S., T. 22, § 3056, amended.** The 2nd paragraph of section 3056 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 457 of the public laws of 1969, is amended to read as follows:

The department is authorized, subject to the approval of the Governor ~~and Council~~ to:

**Sec. 210. R. S., T. 22, § 3058, amended.** The first 2 sentences of section 3058 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 457 of the public laws of 1969, are amended to read as follows:

The commissioner is authorized and empowered, with the approval of the Governor ~~and Council~~, to accept and use gifts made unconditionally by will or otherwise, for carrying out the purposes of this chapter. Gifts made under such conditions as in the judgment of the department are proper and consistent with this chapter may be so accepted, with the approval of the Governor ~~and Council~~, and shall be held, invested, reinvested and used in accordance with the conditions of the gift.

**Sec. 211. R. S., T. 22, § 3059, amended.** Section 3059 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 457 of the public laws of 1969, is amended to read as follows:

#### **§ 3059. Determination of disability; federal-state agreement**

The department is designated as the state agency to make determination of disability required under the Federal Social Security Act and acts amendatory thereof and additional thereto, and the commissioner, subject to the approval of the Governor ~~and Council~~, is authorized and empowered to enter into an agreement on behalf of the State with the designated federal official to carry out the Federal Social Security Act and acts amendatory thereof and additional thereto relating to the making of determinations of disability.



**Sec. 212. R. S., T. 22, § 3103, amended.** The first sentence of section 3103 of Title 22 of the Revised Statutes is amended to read as follows:

The commissioner shall give to the Governor ~~or Council~~ or to the Legislature or any committee thereof at any time upon their request information and advice with reference to any charitable or correctional institution about which he has information.

**Sec. 213. R. S., T. 22, § 3105, amended.** The first sentence of section 3105 of Title 22 of the Revised Statutes is amended to read as follows:

The department, under the direction of the Governor ~~and Council~~, may establish, conduct and maintain rehabilitation work as part of its program of aid and assistance.

**Sec. 214. R. S., T. 22, § 4710, amended.** Section 4710 of Title 22 of the Revised Statutes is amended to read as follows:

**§ 4710. Warrants**

The Governor ~~and Council~~ may draw warrants on the Treasurer of State for such sums as are payable to the Indians for the bounties on agricultural products.

**Sec. 215. R. S., T. 22, § 4714, amended.** Section 4714 of Title 22 of the Revised Statutes is amended to read as follows:

**§ 4714. Expenditure of tribal funds**

The department, subject to the approval of the Governor ~~and Council~~, may expend for the benefit of either Indian tribe, any portion of the funds of that tribe, provided the expenditure will not decrease the principal of the fund to such an extent as to prevent compliance with any existing statute, and provided the tribe whose funds are used shall consent to the expenditure at a meeting duly called for the purpose.

**Sec. 216. R. S., T. 22, § 4789, amended.** Section 4789 of Title 22 of the Revised Statutes is amended to read as follows:

**§ 4789. Warrants for interest on 4 townships purchased; rents**

The Governor ~~and Council~~ may draw warrants on the State Treasury for any sum not exceeding the interest on the price of the 4 townships purchased by the State of the Penobscot Tribe in June, 1833, and of any other money paid into the treasury, and for the full amount of rents paid in as aforesaid. When the whole amount of such sums, in the opinion of the department, is more than is necessary for said tribe, the excess may be invested for their benefit.

**Sec. 217. R. S., T. 23, § 61, amended.** The 2nd sentence of section 61 of Title 23 of the Revised Statutes is amended to read as follows:

The Governor ~~and Council~~ on recommendation of the commission may sell and convey on behalf of the State the interests of the State in property taken or acquired by purchase under chapters 1 to 19 and deemed no longer neces-

sary for the purposes hereof, and he may lease such interests in such property pending such sale or the advantageous use of such property for highway purposes.

**Sec. 218. R. S., T. 23, § 152, amended.** The first paragraph as amended, and the 2nd paragraph of section 152 of Title 23 of the Revised Statutes, are amended to read as follows:

The Land Damage Board, as heretofore established, shall consist of 5 members. Four of said members shall be appointed by the Governor, ~~with the advice and consent of the Council~~ 2 of whom shall be qualified appraisers and 2 of whom shall be attorneys-at-law. The Governor shall designate one of the attorneys-at-law to be chairman. The members of the board appointed by the Governor shall serve for terms of 4 years, except the Governor ~~with the advice and consent of the Council~~ shall appoint the members initially so that the term of one member shall be for one year, the term of one member shall be for 2 years, the term of one member shall be for 3 years and the term of one member shall be for 4 years. They shall be sworn, and for inefficiency, willful neglect of duty or for malfeasance in office may, after notice and hearing, be removed by the Governor ~~and Council~~. In case of a vacancy occurring through death, resignation or removal, the Governor ~~with the advice and consent of the Council~~ shall appoint a successor for the whole term of the member whose place he takes, subject to removal as aforesaid.

The Governor ~~with the advice and consent of the Council~~ shall set the rate of pay on a per diem basis which each member of the Land Damage Board shall receive and they shall be remunerated for all expenses necessarily incurred in the performance of their official duties.

**Sec. 219. R. S., T. 23, § 252, amended.** Section 252 of Title 23 of the Revised Statutes is amended to read as follows:

### § 252. Construction

The Governor ~~and Council~~, with the special authorization of the Legislature, may direct the commission to lay out and construct any state highway as a parkway or a freeway road.

**Sec. 220. R. S., T. 23, § 453, amended.** The 9th sentence of section 453 of Title 23 of the Revised Statutes is amended to read as follows:

The commission may provide for the construction of the bridge on a day labor basis, or with approval of the Governor ~~and Council~~, by contract without advertising for bids.

**Sec. 221. R. S., T. 23, § 654, amended.** The 2nd sentence of section 654 of Title 23 of the Revised Statutes is amended to read as follows:

If the commission neglects to so sign, establish or maintain such detour road the same shall be done by order of the Governor ~~and Council~~.

**Sec. 222. R. S., T. 23, § 753, amended.** The 10th sentence of section 753 of Title 23 of the Revised Statutes is amended to read as follows:

The commission may construct state highways by day labor without advertising for bids; and may, with the approval of the Governor ~~and Council~~, award contracts for state highways without advertising for bids, if the same shall be for the best interest of the State.

**Sec. 223. R. S., T. 23, § 1111, amended.** The last sentence of section 1111 of Title 23 of the Revised Statutes, as enacted by section 39 of chapter 504 of the public laws of 1969, is amended to read as follows:

The Governor ~~with the advice and consent of the Council~~ shall appoint a surveyor from the State Highway Department who shall, in conjunction with a duly authorized representative of the State of New Hampshire, perambulate the boundary line from Bryant's Rock at East Pond to the Canadian Line.

**Sec. 224. R. S., T. 23, § 1112, amended.** Section 1112 of Title 23 of the Revised Statutes, as enacted by section 39 of chapter 504 of the public laws of 1969, is amended to read as follows:

#### § 1112. Notice

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

**Sec. 225. R. S., T. 23, § 1553, amended.** Section 1553 of Title 23 of the Revised Statutes, as enacted by section 11-A of chapter 593 of the public laws of 1971, is amended to read as follows:

#### § 1553. Issuance of bonds

The State, under proper authorization of the Governor ~~and Executive Council~~, shall issue all highway and bridge bonds.

**Sec. 226. R. S., T. 23, § 1601, amended.** The first sentence of section 1601 of Title 23 of the Revised Statutes is amended to read as follows:

The Treasurer of State by direction of the Governor ~~and Council~~ shall negotiate the sale of all state highway bonds and state highway and bridge bonds.

**Sec. 227. R. S., T. 23, § 1652, amended.** The 2nd paragraph of section 1652 of Title 23 of the Revised Statutes is amended to read as follows:

Transfers from one account of the General Highway Fund to another account thereof shall be made only with the approval of the Governor and Legislative Council, but in no case shall any permanent transfer be made except for purposes specifically provided for by appropriate legislative Acts for the expenditures of the General Highway Fund.

**Sec. 228. R. S., T. 23, § 4205, amended.** The first paragraph of section 4205 of Title 23 of the Revised Statutes, as enacted by section 16 of chapter 593 of the public laws of 1971, is amended to read as follows:

There is created and established the Department of Transportation to consist of a Commissioner of Transportation appointed by the Governor, with

the advice and consent of the ~~Senate Council~~, who shall serve a term coterminous with that of the Governor and until his successor is appointed and qualified subject to removal for cause by the Governor ~~and Council~~, and the following as heretofore created and established:

**Sec. 229. R. S., T. 23, § 4206, sub-§§ 3 and 4, amended.** Subsections 3 and 4 of section 4206 of Title 23 of the Revised Statutes, as enacted by section 16 of chapter 593 of the public laws of 1971, are amended to read as follows:

**3. Advisory boards.** The commissioner, subject to approval by the Governor ~~and Council~~, shall organize and create such advisory committees and boards to serve at the pleasure of the commissioner for such terms and purposes as are deemed to be in the best interest of furthering the intent and purposes of this chapter. Such committees and boards shall be made up of persons especially skilled, knowledgeable or experienced in some phase of transportation. The commissioner shall fix the compensation for those who serve on such boards and committees with the consent and approval of the Governor ~~and Council~~.

**4. Personnel.** The commissioner may, subject to the Personnel Law, appoint such deputies, directors, assistants, general counsel and other officers and employees as may be needed for the performance of his duties; except the Director of Aeronautics and the Director of Waterways shall be in the unclassified service and their appointments shall be made by the commissioner, with the advice and consent of the Governor ~~and Council~~, to serve at the pleasure of the commissioner.

**Sec. 230. R. S., T. 24-A, § 201, sub-§ 2, amended.** Subsection 2 of section 201 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:

2. The commissioner shall be appointed by the Governor with the advice and consent of the ~~Senate Council~~.

**Sec. 231. R. S., T. 24-A, § 217, sub-§ 1, amended.** The first sentence of subsection 1 of section 217 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:

As soon as practical after the annual financial statements have been received from the authorized insurers, the commissioner may make a written report to the Governor ~~and Council~~ showing with respect to the preceding calendar year:

**Sec. 232. R. S., T. 25, § 1501, amended.** Section 1501 of Title 25 of the Revised Statutes, as amended, is further amended to read as follows:

**§ 1501. Chief; deputy; members of force; rules and regulations**

The Commissioner of Public Safety, with the advice and consent of the Governor and ~~Senate Council~~, shall appoint a Chief of the State Police, as heretofore appointed, to serve for a term of 4 years unless removed for cause. Such appointment shall be made from the commissioned officer membership

of the State Police. It is the intent of the Legislature that the Governor may in his discretion appoint the same person to serve as Commissioner of Public Safety and Chief of the Maine State Police. In this event, the Chief of the State Police shall be appointed by the Governor with the advice and consent of the ~~Senate Council~~ for a term of 4 years, subject to removal for cause. Such appointment may be made from the membership of the State Police. He may be removed by the Governor ~~and Council~~ only after charges have been preferred in writing and, if he so requests, after public hearing. The chief shall be the executive head of the Bureau of State Police, as heretofore established, and shall execute the duties of his office under the direction and subject to the approval of the Governor ~~and Council~~. Subject to the approval of the Governor and ~~Senate Council~~, the chief may designate a commissioned officer of the State Police to act as his deputy. Subject to the Personnel Law, the Chief of the State Police may enlist suitable persons as members of the State Police to enforce the law and employ such other employees as may be necessary. The Chief of the State Police shall make rules and regulations, subject to the approval of the Personnel Board, for the discipline and control of the State Police.

**Sec. 233. R. S., T. 25, § 1504, amended.** The first sentence of section 1504 of Title 25 of the Revised Statutes is amended to read as follows:

The Governor ~~and Council~~ shall determine the salary of the chief and deputy chief.

**Sec. 234. R. S., T. 25, § 1549, amended.** Section 1549 of Title 25 of the Revised Statutes is amended to read as follows:

#### § 1549. Authorization of Governor

The law enforcement agencies of the State, upon request of the Governor ~~and Council~~, shall have the authority to take, or cause to be taken, and shall take, or cause to be taken, the fingerprints ~~of the persons enumerated in section 1548~~ and of any persons who shall request their fingerprints to be taken for civilian identification.

**Sec. 235. R. S., T. 25, § 1591, amended.** The last sentence of section 1591 of Title 25 of the Revised Statutes is amended to read as follows:

Upon his request for retirement, made in writing to the Governor ~~and Council~~, he shall receive thereafter  $\frac{1}{2}$  of the pay per year that is paid to him as chief at the time of his retirement, provided he has served at least 4 years as chief; otherwise he shall receive thereafter  $\frac{1}{2}$  of the pay per year that was paid to him as a member at the time he was appointed chief.

**Sec. 236. R. S., T. 25, § 1941, amended.** Section 1941 of Title 25 of the Revised Statutes is amended to read as follows:

#### § 1941. Membership

A Passenger Tramway Safety Board, heretofore established, shall consist of 4 appointive members and the Director of State Parks and Recreation, ex officio. The appointive members shall be appointed by the Governor ~~with the~~

~~advice and consent of the Council~~ from persons representing the following interests: 2 members from the passenger tramway industry, one of whom shall operate a rope tow, and in making such appointments consideration shall be given to recommendations made by members of the industry; one member to represent the public at large; and one member to represent insurance companies which engage in insuring passenger tramway operations, and in appointing such member consideration shall be given to recommendations made by such insurance companies. The Governor shall designate the chairman and a secretary shall be appointed by the board.

**Sec. 237. R. S., T. 25, § 2441, amended.** The first sentence of the 3rd paragraph of section 2441 of Title 25 of the Revised Statutes is amended to read as follows:

Such rules and regulations shall become effective when approved in writing by the Governor ~~and Council~~ and when a certified copy thereof has been filed with the Secretary of State.

**Sec. 238. R. S., T. 25, § 2452, sub-§ 1, amended.** Subsection 1 of section 2452 of Title 25 of the Revised Statutes is amended to read as follows:

1. **Effective date.** The regulations, and amendments thereto, become effective when a certified copy of them has been approved in writing by the Governor ~~and Council~~ and filed with the Secretary of State.

**Sec. 239. R. S., T. 25, § 2802, amended.** The first paragraph of section 2802 of Title 25 of the Revised Statutes, as enacted by section 1 of chapter 491 of the public laws of 1969 and as last repealed and replaced by section 11 of chapter 592 of the public laws of 1971, is amended to read as follows:

There is created a Board of Trustees for the academy consisting of 11 members as follows: The Commissioner of Public Safety, ex officio, the Attorney General, ex officio, and the following to be appointed by the Governor ~~with the advice and consent of the Council~~: A county sheriff, 3 other persons who shall be officers of municipal police departments, an educator, a representative from a criminal justice agency not involved in the general enforcement of Maine criminal law, a representative of a federal law enforcement agency, a citizen and a municipal officer.

**Sec. 240. R. S., T. 25, § 2901, amended.** Section 2901 of Title 25 of the Revised Statutes, as last amended by section 14 of chapter 592 of the public laws of 1971, is further amended to read as follows:

#### § 2901. Department; commissioner

There is hereby created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement responsibilities of the State of Maine, to consist of the Commissioner of Public Safety, who shall be appointed by the Governor with the advice and consent of the ~~Senate Council~~ **Senate** to serve a term coterminous with that of the Governor, subject to removal for cause by the Governor ~~and Council~~ and the following as heretofore created and established: The Department of State Police, the Enforcement Division of the State Liquor Commission, the state representatives and

employees of the Vehicle Equipment Safety Commission, the Division of State Fire Prevention of the Department of Insurance and the Maine Law Enforcement and Criminal Justice Academy.

**Sec. 241. R. S., T. 26, § 41, amended.** The 2nd sentence of section 41 of Title 26 of the Revised Statutes, as last amended by section 1 of chapter 620 of the public laws of 1971, is further amended to read as follows:

He shall be appointed by the Commissioner of Manpower Affairs, with the advice and consent of the Governor ~~and Council~~, for a term of 3 years, and shall hold office until his successor is appointed and qualified.

**Sec. 242. R. S., T. 26, § 42, amended.** The 2nd sentence of section 42 of Title 26 of the Revised Statutes, as amended by section 13 of chapter 620 of the public laws of 1971, is further amended to read as follows:

The director is authorized and empowered, subject to the approval of the Governor ~~and Council~~, to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out this section, and meet such requirements with respect to the administration of such funds, not inconsistent with this section, as are required as conditions precedent to receiving such funds.

**Sec. 243. R. S., T. 26, § 171, amended.** The first sentence of section 171 of Title 26 of the Revised Statutes is amended to read as follows:

The board of appeals, as heretofore established, shall be known as the "Board of Boiler Rules," and shall consist of 5 members, 4 of whom shall be appointed by the commissioner, with the approval of the Governor ~~and Council~~.

**Sec. 244. R. S., T. 26, § 175, amended.** The first paragraph of section 175 of Title 26 of the Revised Statutes is amended to read as follows:

The commissioner shall appoint, with the approval of the Governor ~~and Council~~ and may remove for cause when so appointed, a citizen of this State who shall have had, at the time of such appointment, not less than 5 years' practical experience with steam boilers as a steam engineer, mechanical engineer, boiler maker or boiler inspector, and who has passed the same kind of an examination as that prescribed for deputy and authorized inspectors in section 176 to be Chief Inspector of Boilers at any time the office may become vacant.

**Sec. 245. R. S., T. 26, § 372, amended.** The first, 8th and last sentences of the first paragraph of section 372 of Title 26 of the Revised Statutes are amended to read as follows:

The Board of Construction Safety Rules and Regulations as heretofore established, for the purpose of formulating and adopting reasonable safety regulations and codes in order to provide for personal, material and public safety in connection with construction, and such other activities usually associated with the construction industry, shall consist of 8 members of which 6 shall be appointed to membership by the commissioner, subject to the approval of the Governor ~~and Council~~.

At the expiration of each member's term his successor shall be appointed by the commissioner, subject to the approval of the Governor ~~and Council~~, from the same classification in accordance with this section for a term of 4 years. In case of a vacancy in board membership, the commissioner, with the approval of the Governor ~~and Council~~, shall appoint a member of the proper classification to serve the unexpired term of the absent member.

**Sec. 246. R. S., T. 26, § 431, amended.** The 2nd, 4th and 5th sentences of the first paragraph of section 431 of Title 26 of the Revised Statutes are amended to read as follows:

The said board shall consist of 5 members, of whom 3 shall be appointed to membership by the commissioner, subject to the approval of the Governor ~~and Council~~.

At the expiration of each member's term, his successor shall be appointed by the commissioner, subject to the approval of the Governor ~~and Council~~, from the same classification in accordance with this section for a term of 4 years. In case of a vacancy in board membership, the commissioner, with the approval of the Governor ~~and Council~~, shall appoint a member of the proper classification to serve the term of the absent member.

**Sec. 247. R. S., T. 26, § 433, amended.** Section 433 of Title 26 of the Revised Statutes is amended to read as follows:

**§ 433. Appointment of inspectors**

The commissioner shall appoint, with the approval of the Governor ~~and Council~~, and may remove for cause when so appointed, a citizen of the State qualified to fulfill the functions of the office to serve as supervising inspector, after he shall have successfully passed an examination prescribed by the board. The commissioner may appoint such state elevator inspectors as are necessary to carry out this subchapter from among applicants who successfully pass the examination.

**Sec. 248. R. S., T. 26, § 564, amended.** The first sentence of the 2nd paragraph of section 564 of Title 26 of the Revised Statutes, as enacted by chapter 454 of the public laws of 1969, is amended to read as follows:

The board shall consist of 7 members of which 6 shall be appointed by the Governor ~~with the advice and consent of the Council~~.

**Sec. 249. R. S., T. 26, § 564, amended.** The 4th paragraph of section 564 of Title 26 of the Revised Statutes, as enacted by chapter 454 of the public laws of 1969, is amended to read as follows:

In case of a vacancy in board membership, the Governor ~~with the advice and consent of the Council~~ shall appoint a member of the proper classification to fill the unexpired term of the absent member.

**Sec. 250. R. S., T. 26, § 882, amended.** The first and 2nd sentences of section 882 of Title 26 of the Revised Statutes are amended to read as follows: A Panel of Mediators, as heretofore established, shall consist of 5 impartial members appointed by the Governor ~~with the advice and consent of the~~



~~Council~~ from time to time upon the expiration of the terms of the several members, for terms of 3 years. One member of the panel shall be appointed chairman thereof by the Governor ~~with the advice and consent of the Council.~~

**Sec. 251. R. S., T. 26, § 911, amended.** The first and 8th sentences of the first paragraph of section 911 of Title 26 of the Revised Statutes are amended to read as follows:

The State Board of Arbitration and Conciliation, as heretofore established and hereinafter in this subchapter called the "board," shall consist of 3 members appointed by the Governor, with the advice and consent of the **Senate Council**, from time to time upon the expiration of the terms of the several members, for terms of 3 years.

The board shall from time to time make such rules of procedure as it deems necessary, and shall annually, on or before the first day of July, make a report to the Governor ~~and Council~~ which shall be incorporated in and printed with the biennial report of the department.

**Sec. 252. R. S., T. 26, § 968, sub-§ 1, amended.** The first sentence of subsection 1 of section 968 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969 and as last repealed and replaced by section 9 of chapter 609 of the public laws of 1971, is amended to read as follows:

The Public Employees Labor Relations Board shall consist of 3 members to be appointed by the Governor, with the advice and consent of the **Senate Council**.

**Sec. 253. R. S., T. 26, § 968, sub-§ 2, amended.** The next to the last sentence of subsection 2 of section 968 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969 and as last repealed and replaced by section 9 of chapter 609 of the public laws of 1971, is amended to read as follows:

The executive director shall receive such salary as shall be fixed by the Governor ~~and Council~~.

**Sec. 254. R. S., T. 26, § 968, sub-§ 7, amended.** The first sentence of subsection 7 of section 968 of Title 26 of the Revised Statutes, as enacted by section 9 of chapter 609 of the public laws of 1971 and as amended, is further amended to read as follows:

The board shall annually, on or before the first day of July, make a report to the Governor ~~and Council~~ which shall be incorporated in and printed with the biennial report of the bureau.

**Sec. 255. R. S., T. 26, § 1081, sub-§ 1, amended.** The 2nd sentence of subsection 1 of section 1081 of Title 26 of the Revised Statutes, as amended by section 2 of chapter 620 of the public laws of 1971, is further amended to read as follows:

Upon the expiration of the term of office of the labor representative or the employers' representative, his successor shall be appointed by the Governor,

with the advice and consent of the ~~Senate Council~~, to hold office for a term of 6 years or until his successor has been duly appointed and qualified, ~~or during the pleasure of unless removed for cause by the Governor and Council~~, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

**Sec. 256. R. S., T. 26, § 1082, sub-§ 4, amended.** The 4th sentence of subsection 4 of section 1082 of Title 26 of the Revised Statutes is amended to read as follows:

Special counsel may be designated by the Attorney General at the request of the commission whose services and expenses, subject to approval by the Governor ~~and Council~~, shall be paid from the funds provided for the administration of this chapter.

**Sec. 257. R. S., T. 26, § 1302, amended.** The last sentence of section 1302 of Title 26 of the Revised Statutes is amended to read as follows:

The same shall be open to the inspection of the Governor ~~and Council~~.

**Sec. 258. R. S., T. 26, § 1307, amended.** The first sentence of section 1307 of Title 26 of the Revised Statutes, as last repealed and replaced by chapter 403 of the public laws of 1967, is amended to read as follows:

A Minimum Wage Rate on Construction Projects Board to consist of 5 members, 4 of whom shall be appointed by the Governor, ~~with the advice and consent of the Council~~ to serve at the will and pleasure of the Governor.

**Sec. 259. R. S., T. 26, § 1401, amended.** The first paragraph of section 1401 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 499 and as repealed and replaced by section 12 of chapter 620, both of the public laws of 1971, is amended to read as follows:

There is created and established the Department of Manpower Affairs to achieve the most effective utilization of the manpower resources in the State by developing and maintaining an accountable state manpower policy, by insuring safe working conditions and protection against loss of income and by enhancing the opportunity of the individual to improve his economic status to consist of a Commissioner of Manpower Affairs appointed by the Governor with the advice and consent of the ~~Senate Council~~ for a term coterminous with that of the Governor subject to removal for cause and the following is heretofore created and established: The Employment Security Commission, the Department of Labor and Industry, the Maine Manpower Advisory Committee, the Cooperative Area Manpower Planning System and the Manpower Development Training Program.

**Sec. 260. R. S., T. 27, § 38, amended.** The first sentence of section 38 of Title 27 of the Revised Statutes is amended to read as follows:

The State Librarian, with the approval of the Governor ~~and Council~~, may make any regulations necessary to enable the State to comply with any law of the United States, heretofore or hereafter enacted, intended to promote public library services.

**Sec. 261. R. S., T. 27, § 261, amended.** The first sentence of section 261 of Title 27 of the Revised Statutes is amended to read as follows:

A State Historian, as heretofore appointed, shall be appointed by the Governor ~~with the advice and consent of the Council.~~

**Sec. 262. R. S., T. 27, § 267, amended.** The 2nd sentence of section 267 of Title 27 of the Revised Statutes, as repealed and replaced by section 2 of chapter 318 of the public laws of 1969, is amended to read as follows:

Any portion of said amount may be expended by the State Historian, under the direction of the Governor ~~and Council,~~ in the publication of historical matter and data relating to the history of the State.

**Sec. 263. R. S., T. 27, § 276, amended.** The first paragraph of section 276 of Title 27 of the Revised Statutes, as amended, is further amended to read as follows:

The Secretary of State, with the advice and consent of the Governor ~~and Council,~~ shall appoint a State Archivist who shall be qualified by special training or experience in archival or historical work. He shall hold office for a term of 6 years from the date of his appointment and until his successor has been appointed and qualified. The compensation of the State Archivist shall be fixed by the Governor ~~and Council.~~

**Sec. 264. 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 and as amended by section 89 of chapter 622 of the public laws of 1971, is further 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 Department, director or representative of the State Planning Office and 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. 265. R. S., T. 27, § 504, sub-§ 4, amended.** The last sentence of subsection 4 of section 504 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:

All gifts, devises, bequests and proceeds of endowment funds shall be used solely to carry out the purposes for which they were made; provided, however, that the commission shall not accept any gifts, devises or bequests with-

out the consent of the Governor ~~and Council~~ that will require the expenditure of any state, federal or federal-matching funds for its repair, maintenance, preservation or operation; and

**Sec. 266. R. S., T. 27, § 505, amended.** The 3rd sentence of section 505 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:

Compensation of the director shall be established by the commission with the approval of the Governor ~~and Council~~.

**Sec. 267. R. S., T. 27, § 506, amended.** Section 506 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:

**§ 506. Hearings; contracts**

The commission is authorized and empowered to hold public and private hearings related to the field of historic preservation and to enter into contracts within the limit of funds available therefor with individuals or organizations and institutions for services furthering the objectives of the commission's programs; to enter into contracts, within the limit of funds available therefor, with public or private local or regional organizations or associations for cooperative endeavors furthering the commission's programs; approve the acceptance or, when necessary, make initial approval and recommendations for acceptance to the Governor ~~and Council~~, of gifts, contributions, devises and bequests of funds and objects from individuals, foundations, corporations and other organizations, and institutional or governmental bodies for the purpose of furthering the commission's programs; to make and sign any agreements and to do and perform any acts that may be necessary to carry out the purposes of this chapter.

**Sec. 268. R. S., T. 28, § 51, amended.** The first sentence of section 51 of Title 28 of the Revised Statutes is amended to read as follows:

The State Liquor Commission, as heretofore established, shall consist of 3 members to be appointed by the Governor, with the advice and consent of the ~~Senate Council~~, to serve for 3 years and may after notice and hearing be removed for cause by the Governor ~~and Council~~.

**Sec. 269. R. S., T. 28, § 54, amended.** The last sentence of the first paragraph of section 54 of Title 28 of the Revised Statutes, as repealed and replaced by section 11 of chapter 615 of the public laws of 1971, is amended to read as follows:

The salary of the director shall be fixed by the Governor ~~and Council~~.

**Sec. 270. R. S., T. 28, § 56, amended.** The last 2 sentences of section 56 of Title 28 of the Revised Statutes are amended to read as follows:

The maximum permanent working capital of the commission is established at \$3,500,000 and permanent advances up to this amount may be authorized by the Governor ~~and Council~~ upon recommendation of the commission with

the approval of the Commissioner of Finance and Administration. The permanent working capital of the commission may be supplemented by temporary loans from other state funds upon recommendation of the commission and by approval of the Commissioner of Finance and Administration and the Governor ~~and Council~~.

**Sec. 271. R. S., T. 28, § 101, amended.** The next to the last paragraph of section 101 of Title 28 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 49 of the public laws of 1967, is amended to read as follows:

The inhabitants of the several municipalities shall vote by ballot on said questions, those in favor voting "Yes" on their ballots and those opposed "No," and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and return made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature and the Governor ~~and Council~~ shall canvass the same and the result shall be determined as provided in Title 21.

**Sec. 272. R. S., T. 28, § 204, amended.** The 3rd 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 amended to read as follows:

The commission may sell spirituous and vinous liquor, except table wine to approved government instrumentalities within the State at a price to be set by the commission which shall be approved by the Governor ~~and Council~~.

**Sec. 273. 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 87 of chapter 544 of the public laws of 1971, is amended to read as follows:

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. 274. R. S., T. 29, § 51, amended.** The 2nd sentence of section 51 of Title 29 of the Revised Statutes is amended to read as follows:

The rules and regulations of the Secretary of State and any changes therein shall take effect when approved by the Governor ~~and Council~~ and published at least once in each daily newspaper in the State.

**Sec. 275. R. S., T. 29, § 55, amended.** The last sentence of the first paragraph of section 55 of Title 29 of the Revised Statutes, as amended, is further amended to read as follows:

He shall, from time to time as required by the Governor ~~and Council~~, make report of his doings and of the fees received from vehicle registrations, licenses issued and from other sources, with such recommendations as he may consider appropriate.

**Sec. 276. R. S., T. 29, § 193, amended.** The first and 3rd sentences of section 193 of Title 29 of the Revised Statutes are amended to read as follows:

The Secretary of State shall, upon application therefor by Maine members of the United States Senate, Maine members of the United States House of Representatives, ~~members of the Executive Council~~ Members of the Legislature, Representatives of the Indian Tribes at the Legislature, President of the Senate, Speaker of the House, Secretary of the Senate and the Clerk of the House, issue one pair of specially designed number plates and a certificate of registration for one designated motor vehicle owned or controlled by each of the officials named.

~~Plates issued to members of the Executive Council shall bear a numeral designating the councillor or district they represent~~

**Sec. 277. R. S., T. 29, § 783, sub-§ 4, ¶ A, amended.** The 3rd and 5th sentences of paragraph A of subsection 4 of section 783 of Title 29 of the Revised Statutes are amended to read as follows:

Thereafter any lawful claimant may petition the Governor ~~and Council~~ for payment of such moneys to the claimant.

The Governor ~~and Council~~, after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.

**Sec. 278. R. S., T. 29, § 1801, amended.** Section 1801 of Title 29 of the Revised Statutes is amended to read as follows:

#### § 1801. Weighing points

From time to time the Chief of the State Police shall designate, of his own motion or by order of the Governor ~~and Council~~, along the main highways of this State, weighing points, stations or barracks at which a suitable set of platform or portable scales for the weighing of motor vehicles shall be available for use.

The Chief of the State Police shall designate, of his own motion or by order of the Governor ~~and Council~~ certain state police officers who will be empowered to examine loads and replace seals as provided by section 1802.

**Sec. 279. R. S., T. 30, § 101, amended.** The first sentence of section 101 of Title 30 of the Revised Statutes is amended to read as follows:

There shall be a board of commissioners for each county consisting of a chairman and 2 other citizens, all resident in the county, who shall be elected, or in case of a vacancy, appointed by the Governor with the advice and consent of the ~~Senate Council~~.

**Sec. 280. R. S., T. 30, § 103, amended.** Section 103 of Title 30 of the Revised Statutes is amended to read as follows:

#### § 103. Other times

When no choice is effected or a vacancy happens in the office of county commissioner by death, resignation, removal from the county or for any other

reason, the Governor ~~with the advice and consent of the Council~~ shall appoint a person to fill the vacancy, who shall hold office until the first day of January after another has been chosen to fill the place.

**Sec. 281. R. S., T. 30, § 104, amended.** The 2nd sentence of section 104 of Title 30 of the Revised Statutes is amended to read as follows:

From the time of his induction into such service, he shall be regarded as on leave of absence without pay from his said office, and the Governor with the advice and consent of the ~~Senate Council~~, shall appoint a competent citizen, a resident of the county so affected, to fill said office while said county commissioner is in the federal service, but not for a longer period than the remaining portion of the term of said county commissioner.

**Sec. 282. R. S., T. 30, § 451, amended.** The last sentence of section 451 of Title 30 of the Revised Statutes is amended to read as follows:

Whenever the Governor ~~and Council~~ upon complaint and due notice and hearing, shall find that a county attorney has violated any statute or is not performing his duties faithfully and efficiently, he may remove him from office and **the Governor, with the advice and consent of the Attorney General, shall** appoint another attorney in his place for the remainder of the term for which he was elected.

**Sec. 283. R. S., T. 30, § 452, amended.** The 2nd sentence of section 452 of Title 30 of the Revised Statutes is amended to read as follows:

From the time of his induction into such service he shall be regarded as on leave of absence without pay from his said office, and the Governor with the advice and consent of the ~~Council~~ **Attorney General** shall appoint a competent attorney, a resident of the county so affected, to fill said office while said county attorney is in the federal service but not for a longer period than the remaining portion of the term of said county attorney.

**Sec. 284. R. S., T. 30, § 552, amended.** Section 552 of Title 30 of the Revised Statutes is amended to read as follows:

#### § 552. Appointment of substitute on death or removal

Whenever the office of county attorney becomes vacant by reason of the death, permanent incapacity or removal from the county of the incumbent of the office, except as provided for in section 452, the Governor ~~with the advice and consent of the Council~~ shall appoint a competent attorney, a resident of the county affected, to fill out the term of office of said incumbent.

**Sec. 285. R. S., T. 30, § 601, amended.** The last paragraph of section 601 of Title 30 of the Revised Statutes is amended to read as follows:

If a person so chosen declines to accept or a vacancy occurs, the Governor with the advice and consent of the ~~Council~~ **State Auditor** may appoint a suitable resident of the county who, having accepted the trust, given bond and been sworn, shall be treasurer until the first day of January following the next biennial election, at which said election a treasurer shall be chosen

for the remainder of the term, if any; but in any event he shall hold office until another is chosen and qualified.

**Sec. 286. R. S., T. 30, § 602, amended.** The last sentence of section 602 of Title 30 of the Revised Statutes is amended to read as follows:

The Governor ~~and Council~~ shall forthwith notify the county commissioners of the county where such person resides of his election.

**Sec. 287. R. S., T. 30, § 905, amended.** The last 2 sentences of section 905 of Title 30 of the Revised Statutes are amended to read as follows:

The clerk of courts of his county shall certify such sheriff's name to the Governor ~~and Council~~ and the Attorney General. Unless reasonable cause therefor is shown, or within 20 days after the clerk has so certified, he gives or renews his security to the satisfaction of the Governor ~~and Council~~, he thereby vacates his office.

**Sec. 288. R. S., T. 30, § 906, amended.** Section 906 of Title 30 of the Revised Statutes is amended to read as follows:

**§ 906. Governor may require new bond**

When the Treasurer of State certifies to the Governor ~~and Council~~ that moneys due to the State on warrants or any other sums or balances are in the hands of a sheriff and furnishes the names of his sureties, and it appears to ~~them~~ him that the sureties are insufficient or have removed from the State, ~~they~~ the Governor may require him to give a new bond with sufficient sureties within 60 days after he is notified to be filed as aforesaid, and if he neglects it, his office becomes vacant.

**Sec. 289. R. S., T. 30, § 1105, amended.** The 3rd sentence of section 1105 of Title 30 of the Revised Statutes is amended to read as follows:

If the execution is returned unsatisfied and he has not made such disclosure or if the judgment was rendered for his own official delinquency, the creditor may file an attested copy of such execution and return with the Governor ~~and Council~~, and serve on such sheriff a copy of such copy, attested by the Secretary of State, with a notice under his hand of the day on which such first copy was filed.

**Sec. 290. R. S., T. 30, § 1155, amended.** The first and last sentences of section 1155 of Title 30 of the Revised Statutes are amended to read as follows:

When the meridian line or standard of length is established, repaired or rebuilt in any county, the Governor ~~with the advice and consent of the Council~~ shall appoint a competent commissioner, not necessarily a resident of this State, to inspect and verify the same.

Such commissioner shall receive from the State such just compensation as the Governor ~~and Council~~ shall allow.

**Sec. 291. R. S., T. 30, § 3553, sub-§ 2, amended.** The first sentence of subsection 2 of section 3553 of Title 30 of the Revised Statutes is amended to read as follows:



The Governor ~~with the advice and consent of the Council~~ may do the following with regard to such a project:

**Sec. 292. R. S., T. 30, § 3757, amended.** The last paragraph of section 3757 of Title 30 of the Revised Statutes is amended to read as follows:

All sums so apportioned to unorganized places shall be expended for the benefit of public schools and public roads in the counties in which such places are located, in such manner as the Governor ~~and Council~~ may from time to time determine.

**Sec. 293. R. S., T. 30, § 4162, amended.** The first paragraph of section 4162 of Title 30 of the Revised Statutes, as repealed and replaced by section 65 of chapter 226 of the public laws of 1965, is amended to read as follows:

The Forest Commissioner shall have the care of the public reserved lands in all townships or tracts until they are incorporated as a town and the fee becomes vested in the town. He may under the direction of the Governor ~~and Council~~ on such terms as ~~they direct~~ **he directs** take the following action on such lands until such town is incorporated.

**Sec. 294. R. S., T. 30, § 4602, sub-§ 2, ¶ B, amended.** The first sentence of paragraph B of subsection 2 of section 4602 of Title 30 of the Revised Statutes, as enacted by section 8 of chapter 470 of the public laws of 1969, is amended to read as follows:

The state authority shall have 5 commissioners appointed by the Governor with the advice and consent of the ~~Executive Senate Council~~.

**Sec. 295. R. S., T. 30, § 4602, sub-§ 2, ¶ C, amended.** The first and 6th sentences of paragraph C of subsection 2 of section 4602 of Title 30 of the Revised Statutes, as enacted by section 8 of chapter 470 of the public laws of 1969, are amended to read as follows:

The state authority shall have a director, who shall be a person qualified by training and experience to perform the duties of his office, and who shall be appointed by the Governor ~~with the advice and consent of the Executive Council~~.

The rate and amount of compensation of the director shall be established by the Governor ~~with the advice and consent of the Executive Council~~.

**Sec. 296. R. S., T. 30, § 5164, amended.** The first sentence of the 2nd paragraph of section 5164 of Title 30 of the Revised Statutes, as enacted by chapter 558 of the public laws of 1971 is amended to read as follows:

The bank shall consist of a board of commissioners of the following 5 commissioners: The Treasurer of State who shall be a commissioner ex officio, the Commissioner of Finance and Administration who shall also be a commissioner ex officio, and 3 commissioners appointed by the Governor, ~~with the advice and consent of the Council~~ for terms of 3 years, provided that the 3 commissioners appointed by the Governor shall be residents of the State, and that initial appointments shall be one for one year, one for 2 years and one for 3 years.

**Sec. 297. R. S., T. 30, § 5327, amended.** The first sentence of section 5327 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 423 of the public laws of 1965 and as amended by section 2 of chapter 340 of the public laws of 1969, is further amended to read as follows:

The Municipal Securities Approval Board, hereinafter in this chapter called the "board," shall consist of 7 members, including the Treasurer of State and 6 members at large appointed by the Governor ~~with the advice and consent of the Council~~ for a period of 3 years, provided that, of the members first appointed, 2 shall be appointed for a term of one year, 2 for a term of 2 years and 2 for a term of 3 years, and in each case until their respective successors shall be appointed and qualified.

**Sec. 298. R. S., T. 30, § 5327, amended.** The 3rd sentence of section 5327 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 423 of the public laws of 1965, is amended to read as follows:

Appointive members may be removed by the Governor ~~with the advice and consent of the Council~~ for cause.

**Sec. 299. R. S., T. 30, § 5329, amended.** The first sentence of section 5329 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 423 of the public laws of 1965, is amended to read as follows:

The manager shall be the chief administrative officer for the board and as such shall direct and supervise the administrative affairs and technical activities of the board in accordance with rules, regulations and policies as set forth by the board and he shall receive such compensation as shall be fixed by the board with the approval of the Governor ~~and Council~~.

**Sec. 300. R. S., T. 30, § 5608, amended.** The last 2 sentences of section 5608 of Title 30 of the Revised Statutes are amended to read as follows:

When such return is not made by any such plantation, the Secretary of State shall not furnish it with blanks for election returns, and no votes purporting to be cast by such plantation shall be counted or allowed by the Governor ~~and Council~~. When a plantation is organized after the first day of July, such return is not required to be made by the clerk thereof during that year, but the votes of such plantations shall not be counted or allowed by the Governor ~~and Council~~ for any purpose, during the year of its organization, unless it is organized at least 60 days prior to the Tuesday following the first Monday of November.

**Sec. 301. R. S., T. 32, § 63, sub-§ 1, amended.** The first sentence of subsection 1 of section 63 of Title 32 of the Revised Statutes, as enacted by chapter 350 of the public laws of 1969, is amended to read as follows:

There shall be a State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals consisting of 7 members appointed by the Governor ~~with the advice and consent of the Executive Council~~.

**Sec. 302. R. S., T. 32, § 151, amended.** The last paragraph of section 151 of Title 32 of the Revised Statutes is amended to read as follows:

The board shall be composed of 5 practicing architects, or 4 practicing architects and one professor of architecture, who shall be appointed by the Governor ~~with the advice and consent of the Council~~, to serve for 3 years and until their successors are duly appointed and qualified. Each member of the board shall receive a certificate of his appointment from the Governor.

**Sec. 303. R. S., T. 32, § 155, amended.** The first paragraph of section 155 of Title 32 of the Revised Statutes is amended to read as follows:

The Governor ~~with the advice and consent of the Council~~ may by due process of law remove any member of the board for misconduct, incompetency, neglect of duty or for any malfeasance in office. Vacancies in the membership of the board shall be immediately filled for the unexpired term.

**Sec. 304. R. S., T. 32, § 351, amended.** The 3rd and 4th sentences of section 351 of Title 32 of the Revised Statutes are amended to read as follows:

The tenure of each barber member of the board shall be for 3 years, initially appointed as follows: The present senior barber board member, as appointed under section 1601 prior to September 16, 1961, shall serve for a term of 3 years, the junior barber board member, similarly elected, shall serve for a term of 2 years and its 3rd barber member, created by this section, shall serve for a term of one year, and shall be appointed by the Governor ~~with the advice and consent of the Council~~. Thereafter, each of the barber members of the board shall be appointed by the Governor ~~with the advice and consent of the Council~~ for a term of 3 years and until his successor is appointed and qualified.

**Sec. 305. R. S., T. 32, § 351, amended.** The 3rd sentence of the 2nd paragraph of section 351 of Title 32 of the Revised Statutes is amended to read as follows:

The executive secretary of said board shall keep a record of all proceedings, issue all notices except those required to be issued by the Administrative Hearing Commissioner under Title 5, chapters 301 to 307, certificates of registration and licenses, attest all such papers and orders as said board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to license under this chapter as directed by said board, and shall report annually to the Governor ~~and Council~~ giving a full statement of all receipts and expenditures and a statement of the work performed by the board during the year, together with such recommendations as deemed necessary.

**Sec. 306. R. S., T. 32, § 351, amended.** The 3rd paragraph of section 351 of Title 32 of the Revised Statutes is amended to read as follows:

No person operating or employed by a school of barbering shall be appointed as a member of the board, and if any member of the board, after appointment, shall affiliate himself in any way with any such school of barbering, his membership on the board shall immediately terminate and the unexpired term of such member shall be filled by the Governor ~~and Council~~.

**Sec. 307. R. S., T. 32, § 501, amended.** The first and last sentences of section 501 of Title 32 of the Revised Statutes are amended to read as follows:

The Board of Chiropractic Examination and Registration, as heretofore established and in this chapter called the "board," shall consist of 5 persons, who shall be appointed by the Governor ~~with the advice and consent of the Council.~~

Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council.~~

**Sec. 308. R. S., T. 32, § 1071, amended.** The first sentence of section 1071 of Title 32 of the Revised Statutes, as enacted by section 80 of chapter 544 of the public laws of 1967, is amended to read as follows:

The Board of Dental Examiners, as heretofore established and hereinafter in this chapter called the "board," shall consist of 5 members of the dental profession appointed by the Governor ~~with the advice and consent of the Council.~~

**Sec. 293. R. S., T. 32, § 1071, amended.** The last sentence of the first paragraph of section 1071 of Title 32 of the Revised Statutes, as enacted by section 80 of chapter 544 of the public laws of 1967, is amended to read as follows:

The Governor ~~with the advice and consent of the Council~~ upon recommendation of the Attorney General may remove any member of said board on proven charges of inefficiency, incompetence, immorality or unprofessional conduct.

**Sec. 310. R. S., T. 32, § 1151, amended.** The first sentence of section 1151 of Title 32 of the Revised Statutes, as amended, is further amended to read as follows:

An Electricians Examining Board, as heretofore established, and in this chapter called the "board," shall consist of an executive secretary, who shall be the Commissioner of Public Safety or his representative and subject to the approval of a majority of the board and 5 other members, hereinafter called the appointive members who shall be appointed by the Governor ~~with the advice and consent of the Council.~~

**Sec. 311. R. S., T. 32, § 1151, amended.** The 6th sentence of section 1151 of Title 32 of the Revised Statutes is amended to read as follows:

Any member of said board may be removed from office for cause, by the Governor ~~with the advice and consent of the Council.~~

**Sec. 312. R. S., T. 32, § 1301, amended.** The first paragraph of section 1301 of Title 32 of the Revised Statutes is amended to read as follows:

The State Board of Registration for Professional Engineers, as heretofore established, shall administer this chapter. The board shall consist of 5 professional engineers, who shall be appointed by the Governor ~~with the advice~~

~~and consent of the Council~~, from among nominees recommended by the representative engineering societies in the State and who shall have the qualifications required by section 1302.

**Sec. 313. R. S., T. 32, § 1304, amended.** Section 1304 of Title 32 of the Revised Statutes is amended to read as follows:

**§ 1304. Removal; vacancies**

The Governor ~~with the advice and consent of the Council~~ may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the Governor as provided in section 1301.

**Sec. 314. R. S., T. 32, § 1451, amended.** The first 2 sentences of section 1451 of Title 32 of the Revised Statutes, as repealed and replaced by section 2 of chapter 253 of the public laws of 1967, are amended to read as follows:

There is created a State Board of Funeral Service, and in this chapter called the "board," which shall consist of 7 members, one of whom shall be the Director of Health, who shall be secretary of the board, and each of the other members shall be a person licensed for the practice of funeral service for 10 consecutive years or who has had 10 consecutive years' experience as an embalmer or funeral director in this State immediately preceding his appointment. Members, other than the Director of Health, shall be appointed by the Governor ~~with the advice and consent of the Council~~ for a term of 4 years.

**Sec. 315. R. S., T. 32, § 1601, amended.** The first sentence of the 2nd paragraph of section 1601 of Title 32 of the Revised Statutes, as amended, is further amended to read as follows:

The 5 members of the board who are hairdressers shall be appointed by the Governor ~~with the advice and consent of the Council~~.

**Sec. 316. R. S., T. 32, § 1601, amended.** The 3rd and last sentences of the 4th paragraph of section 1601 of Title 32 of the Revised Statutes are amended to read as follows:

The executive secretary of said board shall keep a record of all proceedings, issue all notices, except those required to be issued by the Administrative Hearing Commissioner under Title 5, chapters 301 to 307, certificates of registration and licenses, attest all such papers and orders as said board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to a license under this chapter as directed by said board, and shall report annually to the Governor ~~and Council~~ giving a full statement of all receipts and expenditures and a statement of the work performed by the board during the year, together with such recommendations as deemed necessary.

If any member of the board after appointment shall affiliate himself in any way with any such school of hairdressing and beauty culture, his member-

ship on the board shall immediately terminate and the vacancy shall be filled by the Governor ~~and Council~~ in the manner provided for the appointment of new members for the remaining unexpired term of their predecessor.

**Sec. 317. R. S., T. 32, § 2151, amended.** The first sentence and the last paragraph of section 2151 of Title 32 of the Revised Statutes are amended to read as follows:

A State Board of Nursing, as heretofore created, shall consist of 5 professional nurses, one of whom, when feasible, shall be active in practical nurse education or in a school of practical nursing at the time of appointment, who shall be appointed by the Governor ~~with the advice and consent of the Council~~.

The Governor may remove any member from the board for cause ~~with the advice and consent of the Council~~.

**Sec. 318. R. S., T. 32, § 2153, sub-§ 10, amended.** Subsection 10 of section 2153 of Title 32 of the Revised Statutes is amended to read as follows:

10. **Report.** Make an annual report to the Governor ~~and Council~~ for each fiscal year showing its receipts and disbursements and giving a full account of its activities during the previous 12-month period;

**Sec. 319. R. S., T. 32, § 2351, amended.** The first sentence of section 2351 of Title 32 of the Revised Statutes, as amended, is further amended to read as follows:

An Oil Burner Men's Licensing Board, as heretofore established and in this chapter called the "board," shall consist of an executive secretary who shall be the Commissioner of Public Safety or his representative subject to the approval of the majority of the board, and 4 other members, called the appointive members, who shall be appointed by the Governor ~~with the advice and consent of the Council~~.

**Sec. 320. R. S., T. 32, § 2351, amended.** The 7th sentence of section 2351 of Title 32 of the Revised Statutes is amended to read as follows:

Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council~~.

**Sec. 321. R. S., T. 32, § 2501, amended.** The first and 5th sentences of section 2501 of Title 32 of the Revised Statutes are amended to read as follows:

The State Board of Registration and Examination in Optometry, as heretofore established and hereinafter in this chapter called the "board," shall consist of 5 persons appointed by the Governor ~~with the advice and consent of the Council~~.

Any member of said board may be removed from office, for cause, by the Governor ~~with the advice and consent of the Council~~.

**Sec. 322. R. S., T. 32, § 2651, amended.** The first and last sentence of section 2651 of Title 32 of the Revised Statutes are amended to read as follows:

The Board of Osteopathic Examination and Registration, as heretofore established and in this chapter called the "board," shall consist of 5 persons appointed by the Governor ~~with the advice and consent of the Council.~~

Any member of said board may be removed from office, for cause, by the Governor ~~with the advice and consent of the Council.~~

**Sec. 323. R. S., T. 32, § 2851, amended.** The first sentence of section 2851 of Title 32 of the Revised Statutes is amended to read as follows:

A Board of Commissioners of the Profession of Pharmacy, as heretofore established and in this chapter called the "board," shall consist of 5 pharmacists all of whom shall be residents of the State and actually engaged in the practice of their profession, who shall be appointed and may be removed for cause by the Governor ~~with the advice and consent of the Council.~~

**Sec. 324. R. S., T. 32, § 2854, amended.** The last sentence of section 2854 of Title 32 of the Revised Statutes is amended to read as follows:

Said board shall annually in July make to the Governor ~~and Council~~ a report stating the condition of pharmacy in the State, with a full and complete record of all its official acts during the year and of the receipts and disbursements of the board to the last day of the preceding month.

**Sec. 325. R. S., T. 32, § 3263, amended.** The first and last sentences of the first paragraph of section 3263 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 591 of the public laws of 1971, are amended to read as follows:

The Board of Registration in Medicine, as heretofore established, and in this chapter called the "board" shall consist of 6 persons appointed by the Governor ~~with the advice and consent of the Council.~~

Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council.~~

**Sec. 326. R. S., T. 32, § 3401, amended.** The first and 5th sentences of section 3401 of Title 32 of the Revised Statutes are amended to read as follows:

A Plumbers' Examining Board, as heretofore established, shall consist of an executive officer who shall be the Director of the Division of Sanitary Engineering of the Bureau of Health and 2 other members, hereinafter called the appointive members, who shall be appointed by the Governor ~~with the advice and consent of the Council.~~

Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council.~~

**Sec. 327. R. S., T. 32, § 3601, amended.** The first sentence of section 3601 of Title 32 of the Revised Statutes is amended to read as follows:

The Examiners of Podiatrists, as heretofore appointed and in this chapter called the "examiners," shall be 2 members of the Board of Registration in Medicine together with 2 podiatrists appointed by the Governor ~~with the advice and consent of the Council.~~

**Sec. 328. R. S., T. 32, § 3806, amended.** The first paragraph of section 3806 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 582 of the public laws of 1971, is amended to read as follows:

The Governor ~~with the advice and consent of the Council~~ may grant to an applicant complying with section 3805 a license to engage in the private detective business or a license to engage in the business of watch, guard or patrol agency, provided that no such license shall be granted to any person who has been convicted in any state of the United States of a felony.

**Sec. 329. R. S., T. 32, § 3806, amended.** The first sentence of the last paragraph of section 3806 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 582 of the public laws of 1971, is amended to read as follows:

The Governor ~~with the advice and consent of the Council~~ may annually renew and may at any time for cause, after notice and hearing, revoke any such license.

**Sec. 330. R. S., T. 32, § 3971, amended.** The first, 7th and last sentences of section 3971 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 344 of the public laws of 1967, are amended to read as follows:

The Board of Accountancy shall consist of 6 members appointed by the Governor ~~with the advice and consent of the Council~~.

Within 90 days following ~~the effective date of this Act~~ October 7, 1967, the Governor ~~with the advice and consent of the Council~~ shall appoint 3 additional members to the board, who shall be noncertified public accountants and whose terms shall expire as follows:

The Governor ~~with the advice and consent of the Council~~ shall remove from the board any member whose permit to practice has become void, revoked or suspended, and may, after hearing, remove any member of the board for neglect of duty or other just cause.

**Sec. 331. R. S., T. 32, § 4751, amended.** The first and last sentences of the first paragraph of section 4751 of Title 32 of the Revised Statutes are amended to read as follows:

The Board of Veterinary Examiners, as heretofore established and in this chapter called the "board," shall consist of 3 members who shall be veterinarians, appointed by the Governor ~~with the advice and consent of the Council~~.

Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council~~.

**Sec. 332. R. S., T. 32, § 4752, amended.** The last sentence of section 4752 of Title 32 of the Revised Statutes is amended to read as follows:

The treasurer shall receive all fees, charges and assessments payable to the board and account for and pay over the same according to law and shall annually, on the first day of July, make written report to the Governor ~~and Council~~ for all receipts and expenditures of said board.



**Sec. 333. R. S., T. 33, § 601, amended.** The last sentence of section 601 of Title 33 of the Revised Statutes is amended to read as follows:

In the meantime, the Governor ~~with the advice and consent of the Council~~ may fill vacancies by appointment, and the person so appointed shall hold his office until the first day of January, next after the election last mentioned.

**Sec. 334. R. S., T. 33, § 602, amended.** The 2nd sentence of section 602 of Title 33 of the Revised Statutes is amended to read as follows:

The Governor ~~and Council~~ shall open and examine the same and the list of votes of citizens in the military service returned to said office.

**Sec. 335. R. S., T. 33, § 606, amended.** The last sentence of section 606 of Title 33 of the Revised Statutes, as repealed and replaced by section 2 of chapter 230 of the public laws of 1971, is amended to read as follows:

If the deputy register does not assume the office of acting register within 3 days after the vacancy occurs, or having assumed such office thereafter vacates it, the Governor ~~with the advice and consent of the Council~~ shall appoint an acting register to hold office as provided in section 601.

**Sec. 336. R. S., T. 33, § 656, amended.** Section 656 of Title 33 of the Revised Statutes, as amended, is further amended to read as follows:

**§ 656. Owner of original records reimbursed for safekeeping**

Whoever, having possession of or owning any such original records, delivers them to the State Archivist as provided in section 655 shall be paid from the State Treasury the reasonable expenses incurred by him in obtaining possession or becoming the owner thereof, whenever the amount of such expenses shall have been certified to by the State Archivist and approved by the Governor ~~and Council~~. The cost of making said copy and of filing it in the registry of deeds shall be paid by the Treasurer of State whenever said cost shall have been certified to and approved by the Governor ~~and Council~~. The sums expended in any year under this section shall not exceed in the aggregate the sum of \$500.

**Sec. 337. R. S., T. 34, § 1, amended.** The first sentence of the 2nd paragraph of section 1 of Title 34 of the Revised Statutes is amended to read as follows:

The department shall be under the control and supervision of a Commissioner of Mental Health and Corrections, as heretofore appointed and hereinafter in this Title called the "commissioner," who shall be appointed by the Governor with the advice and consent of the ~~Council~~ Senate; said appointment shall be for 3 years and until his successor is appointed and qualified ~~or during the pleasure of the Governor and Council~~.

**Sec. 338. R. S., T. 34, § 3, amended.** The first paragraph of section 3 of Title 34 of the Revised Statutes is amended to read as follows:

The department may make frequent inspections of all county jails and shall inspect all county jails at least twice in each year and report annually, before

December 1st, to the Governor ~~and Executive Council~~ in respect to the conditions of said jail.

**Sec. 339. R. S., T. 34, § 9, amended.** The last paragraph of section 9 of Title 34 of the Revised Statutes, as enacted by section 1 of chapter 324 of the public laws of 1967, is amended to read as follows:

Any deposits made with the Treasurer of State under this section remaining unclaimed for 15 years shall then be free from the claim of any heir or any other person. Within 15 years from the deposit with the Treasurer of State of the funds of any deceased patient or inmate, any person entitled thereto by law as an heir may petition the Governor ~~and Council~~ for payment of such amount. The Governor ~~and Council~~ on receiving satisfactory proof of the legal entitlement of any such person to the funds of the deceased patient or inmate shall, by his order, authorize the Treasurer of State to pay from the trust fund, established with respect to the institution in which the deceased patient or inmate was hospitalized or incarcerated, an amount equal to the funds of the deceased patient or inmate originally deposited.

**Sec. 340. R. S., T. 34, § 41, amended.** The 3rd sentence of section 41 of Title 34 of the Revised Statutes is amended to read as follows:

No member of the Legislature ~~or the Governor's Council~~ shall serve on any Board of Visitors.

**Sec. 341. R. S., T. 34, § 132, amended.** Section 132 of Title 34 of the Revised Statutes is amended to read as follows:

§ 132. —Governor

Whenever a prisoner convicted of or charged with a capital crime or other high offense escapes from prison; or there is reasonable cause to believe that a person who is charged with such offense and has not been apprehended therefor cannot be arrested and secured in the ordinary course of proceedings, the Governor may, upon application in writing of the Attorney General or county attorney for the county in which such offense was committed, and upon such terms and conditions as he deems expedient and proper, offer a suitable reward, not exceeding \$1,000 for the arrest, return and delivery into custody of such escaped prisoner or fugitive from justice; and upon satisfactory proof that the terms and conditions of such offer have been complied with, he may ~~with the advice and consent of the Council~~ draw his warrant upon the Treasurer of State for the payment thereof.

**Sec. 342. R. S., T. 34, § 557, amended.** The 2nd sentence of section 557 of Title 34 of the Revised Statutes is amended to read as follows:

If it is returned unsatisfied, the creditor may file with the Governor ~~and Council~~ a copy of such execution and return, and serve on the warden a copy of such copy attested by the Secretary of State, with a notice under his hand of the day on which such copy was filed.

**Sec. 343. R. S., T. 34, § 708, amended.** The 3rd sentence of section 708 of Title 34 of the Revised Statutes is amended to read as follows:

When the warden believes that there are more convicts in the State Prison than can be confined there securely, he shall certify the fact to the Governor ~~and Council~~, who may authorize him to transfer them, so far as is necessary, to some jail.

**Sec. 344. R. S., T. 34, § 902, amended.** Section 902 of Title 34 of the Revised Statutes is amended to read as follows:

**§ 902. Jailer's duties when office of sheriff vacant**

When a vacancy occurs in the office of sheriff, the jailer lawfully acting continues in office and shall retain charge of the jail and of all prisoners therein or committed thereto, and his official neglects and misdoings are a breach of his principal's official bond until a new sheriff is qualified, or the Governor ~~and Council remove~~ **removes** such jailer and ~~appoint~~ **appoints** another, which ~~they~~ **he** may do. The jailer so appointed shall give bond in the manner required of a sheriff for the faithful discharge of his duties.

**Sec. 345. R. S., T. 34, § 1551, amended.** The 2nd and 4th sentences of section 1551 of Title 34 of the Revised Statutes are amended to read as follows:

Two of the members shall be appointed by the Governor with the advice and consent of the ~~Senate Council~~ from persons with special training or experience in law, sociology, psychology or related branches of social science. The term of the regularly appointed members of the board shall be 4 years and until their successors have been appointed and qualified, or during the pleasure of the Governor ~~and Council~~.

**Sec. 346. R. S., T. 34, § 1552, sub-§ 2, amended.** Subsection 2 of section 1552 of Title 34 of the Revised Statutes, as repealed and replaced by section 2 of chapter 319 of the public laws of 1969, is amended to read as follows:

**2. Advise; hearings; recommendations.** The board shall, when requested by the Governor ~~and Council~~, advise concerning applications for pardon, reprieve or commutation, and shall, when so requested, hold hearings and cause an investigation to be made, and collect such records concerning the facts and circumstances of an inmate's or prisoner's crime, his past criminal record, social history, and physical and mental condition as may bear on such application, and make recommendations regarding action by the Governor on the application.

**Sec. 347. R. S., T. 35, § 1, amended.** The first sentence of section 1 of Title 35 of the Revised Statutes is amended to read as follows:

The Public Utilities Commission, as heretofore established, shall consist of 3 members appointed by the Governor, with the advice and consent of the ~~Senate Council~~, from time to time upon the expiration of the terms of the several members, for terms of 7 years.

**Sec. 348. R. S., T. 35, § 1, amended.** The 2nd sentence of the last paragraph of section 1 of Title 35 of the Revised Statutes, as amended by section 48 of chapter 504 of the public laws of 1969, is further amended to read as follows:

The salary of the Secretary shall be left to the discretion of the commission, subject to the approval of the Governor ~~and Council~~.

**Sec. 349. R. S., T. 35, § 2, amended.** The last sentence of section 2 of Title 35 of the Revised Statutes is amended to read as follows:

Any willful violation of chapters 1 to 17 by any commissioner shall constitute sufficient cause for his removal by the Governor ~~with the advice and consent of the Council~~.

**Sec. 350. R. S., T. 35, § 70, amended.** The last sentence of section 70 of Title 35 of the Revised Statutes is amended to read as follows:

The commission may, with the consent of the Governor ~~and Council~~, hold joint hearings with the Interstate Commerce Commission with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of the commission and the Interstate Commerce Commission, in accord with the Act to regulate commerce and applicable amendments.

**Sec. 351. R. S., T. 35, § 1191, amended.** The last sentence of section 1191 of Title 35 of the Revised Statutes is amended to read as follows:

Upon proper proof of any such payment, the Governor ~~and Council~~ shall cause  $\frac{1}{2}$  thereof to be paid by the State to such municipality.

**Sec. 352. R. S., T. 36, § 54, amended.** Section 54 of Title 36 of the Revised Statutes, as amended by section 1 of chapter 502 of the public laws of 1969, is further amended to read as follows:

#### § 54. Annual report to Governor

The State Tax Assessor shall annually, before the first day of January, make a report to the Governor ~~and Council~~ of the proceedings of the Bureau of Taxation, and shall include therein tabular summaries derived from returns from local assessors, with summaries showing the taxes assessed against corporations, and such statistics and other information concerning revenue and taxation as may be deemed of public interest, and for the years in which the State Tax Assessor shall have equalized the valuation of the State, the report shall include tabular statements of the state valuation by towns.

**Sec. 353. R. S., T. 36, § 101, amended.** The first sentence of section 101 of Title 36 of the Revised Statutes is amended to read as follows:

The State Tax Assessor may, subject to the approval of the Governor ~~and Council~~, within 3 years from the assessment, if justice requires, make an abatement of any state, county or forestry district taxes.

**Sec. 354. R. S., T. 36, § 291, amended.** The first sentence of the 2nd paragraph of section 291 of Title 36 of the Revised Statutes, as repealed and replaced by section 3 of chapter 502 of the public laws of 1969, is amended to read as follows:

Municipal Valuation Appeals Board shall consist of 5 members appointed by the Governor ~~with the consent of the Executive Council~~.

**Sec. 355. R. S., T. 36, § 584, amended.** The first and 4th sentences of section 584 of Title 36 of the Revised Statutes, as enacted by section 8 of chapter 616 of the public laws of 1971, are amended to read as follows:

There is established a Forest Land Valuation Advisory Council, hereinafter called the "Advisory Council," which shall consist of the State Forest Commissioner ex officio and 3 members, serving staggered 4-year terms, to be appointed by the Governor ~~with the advice and consent of the Council.~~

Thereafter, said appointees shall be appointed to serve 4-year terms and, in the event of the death or resignation of such an appointee, the Governor shall make an appointment to the Advisory Council ~~with the advice and consent of the Council~~ for the unexpired term.

**Sec. 356. R. S., T. 36, § 652, sub-§ 1, ¶ I, amended.** Paragraph I of subsection 1 of section 652 of Title 36 of the Revised Statutes is amended to read as follows:

I. Any college in this State authorized to confer the degree of bachelor of arts or of bachelor of science and having real estate liable to taxation shall, on the payment of such tax and proof of the same to the satisfaction of the Governor ~~and Council~~, be reimbursed from the State Treasury to the amount of the tax so paid, provided the aggregate amount reimbursed to any college in any one year shall not exceed \$1,500 and this right of reimbursement shall not apply to real estate bought after April 12, 1889.

**Sec. 357. R. S., T. 36, § 1332, amended.** Section 1332 of Title 36 of the Revised Statutes is amended to read as follows:

**§ 1332. Abatement where double tax**

Whenever it appears to the State Tax Assessor that any parcel of property in the State has been doubly taxed in any year, and it appears by the records that a moiety of such tax has been paid, the State Tax Assessor may, subject to the approval of the Governor ~~and Council~~, abate the balance remaining unpaid, and said tax or taxes shall be canceled upon the books of the State.

**Sec. 358. R. S., T. 37-A, § 15, amended.** The first 2 sentences of the 2nd paragraph of section 15 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, are amended to read as follows:

The Director of the Bureau is authorized and empowered, with the consent of the Governor and ~~Council~~ **the Attorney General**, to take and acquire by eminent domain on behalf of the State of Maine real estate or any interest therein, with or without improvements, for the purpose of carrying into effect the provisions for a Veterans' Memorial Cemetery. The consent of the Governor and ~~Council~~ **the Attorney General** shall be given according to Title 1, chapter 21.

**Sec. 359. R. S., T. 37-A, § 56, amended.** The 2nd and 3rd sentences of the first paragraph of section 56 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, are amended to read as follows:

All members shall be appointed by the Governor ~~with the advice and consent of the Executive Council~~. They shall serve during the pleasure of the Governor ~~and Executive Council~~.

**Sec. 360. R. S., T. 37-A, § 71, repealed and replaced.** Section 71 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is repealed and the following enacted in place thereof:

**§ 71. Appropriations and authorization of expenditures**

The Governor is authorized and empowered, whenever an emergency has been declared as provided in section 57, to transfer to the "Emergency Civil Defense and Public Safety Fund," as heretofore established, any state moneys in the General Fund of the State, including unexpended appropriation balances of any state department or agency allotted or otherwise. The Governor is authorized to expend the moneys in the said fund for the purpose of carrying out this chapter.

**Sec. 361. R. S., T. 37-A, § 202, repealed and replaced.** Section 202 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is repealed and the following enacted in place thereof:

**§ 202. Armed vessels to protect coast**

When the Governor deems it necessary to protect the coast of the State from invasion, he may procure, equip, officer and man, such armed vessels as he thinks expedient, to cruise along the coast of the State for the purpose of protecting the inhabitants thereof; and fix the relative rank and compensation of the officers, and the number and compensation of seamen employed.

**Sec. 362. R. S., T. 37-A, § 1057, amended.** The 2nd sentence of section 1057 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is repealed and the following enacted in place thereof:

Upon order of the Governor, the quartermaster general is authorized to issue to the municipal officers of any city or town field ordnance of obsolete pattern under such regulations as the Governor may prescribe.

**Sec. 363. R. S., T. 38, § 81, amended.** Section 81 of Title 38 of the Revised Statutes is amended to read as follows:

**§ 81. Appointment; bond**

The Governor ~~with the advice and consent of the Council~~ may appoint pilots for any port in which a majority of the ship owners and masters apply in writing therefor and recommend suitable persons, and shall give to each of them branches or warrants for the execution of the duties of his office. Such pilots shall, before entering upon said duties, give bond to the Treasurer of State.

**Sec. 364. R. S., T. 38, § 83, amended.** Section 83 of Title 38 of the Revised Statutes is amended to read as follows:

### § 83. Fees; complaints; suspension or removal

The Governor ~~and Council~~ may fix the fees of pilotage, specify the same in the branch of each pilot, transmit to each collector of customs in said ports a schedule thereof, to be hung up by him for public inspection, hear and determine all complaints against such pilots for misconduct, and suspend or remove them and appoint others in their places.

**Sec. 365. R. S., T. 38, § 89, amended.** Section 89 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 410 of the public laws of 1969, is amended to read as follows:

### § 89. Pilotage commission

There is created a Penobscot Bay and River Pilotage Commission consisting of 3 members appointed by the Governor ~~and Council~~, one of whom shall be a licensed pilot of the Penobscot Bay and River Pilots Association, one of whom shall represent the marine interest of Penobscot Bay and River industry, and one, with a marine background, who shall represent the public. During the first year that sections 85 to 105 shall become law, the Governor ~~and Council~~ shall appoint one member to serve through December 31st of that same year, another member to serve through December 31st of the following year, and another member to serve through December 31st of the 3rd full year after sections 85 to 105 shall become law, or until their successors shall be appointed and qualified. Starting with the year sections 85 to 105 become law, in the month of December annually, the Governor ~~and Council~~ shall appoint a member to hold office from the first day of January to the 31st day of December in the 3rd year of his appointment, each member thereby serving for a term of 3 years or until his successor shall be appointed and qualified. The members appointed by the Governor ~~and Council~~ initially who will serve less than 3 full-year terms will do so only for the purpose of establishing a rotating basis for appointments to the commission. Any vacancy which may occur in said commission shall be filled by the Governor ~~and Council~~, as in the case of an original appointment, for the remainder of the unexpired term. Any member shall be eligible to succeed himself. The members of said commission shall receive no compensation.

**Sec. 366. R. S., T. 38, § 341, amended.** Section 341 of Title 38 of the Revised Statutes, as enacted by section 8 of chapter 618 of the public laws of 1971, is amended to read as follows:

### § 341. Department

There is created and established a Department of Environmental Protection, hereinafter called "the department," to protect and improve the quality of our natural environment and the resources which constitute it, and to enhance the public's opportunity to enjoy the environment by directing growth and development which will preserve for all time an ecologically sound and aesthetically pleasing environment to consist of a Commissioner of Environmental Protection, appointed by the Governor with the advice and consent of the **Senate Council** to serve a term coterminous with the Governor and until his successor is appointed and qualified, and the Board of Environ-

mental Protection, which is the successor of the Environmental Improvement Commission.

**Sec. 367. R. S., T. 38, § 361, amended.** The first sentence of section 361 of Title 38 of the Revised Statutes, as amended, is further amended to read as follows:

The Board of Environmental Protection, as heretofore established and hereinafter in this subchapter called the "board," shall consist of 10 members appointed by the Governor with the advice and consent of the ~~Senate Council~~, 2 of whom shall represent manufacturing interests of the State, 2 of whom shall be representatives of municipalities, 2 of whom shall represent the public generally, 2 of whom shall represent the conservation interests in the State and 2 other members knowledgeable in matters relating to air pollution, and the Commissioner of Environmental Protection ex officio.

**Sec. 368. R. S., T. 38, § 362, amended.** The 2nd sentence of section 362 of Title 38 of the Revised Statutes, as amended by section 3 of chapter 475 of the public laws of 1967, is further amended to read as follows:

The commission is authorized, subject to the approval of the Governor ~~and Council~~, to accept federal funds available for water pollution control, water resources and air pollution studies and control and meet such requirements with respect to the administration of such funds, not inconsistent with this subchapter, as are required as conditions precedent to receiving federal funds.

**Sec. 369. R. S., T. 38, § 532, amended.** The 4th sentence of section 532 of Title 38 of the Revised Statutes is amended to read as follows:

The Governor ~~by and with the consent and advice of the Council~~ shall appoint 3 more commissioners who shall be citizens of the State, one to represent municipal interests, one to represent industrial interests and one to represent the public generally.

**Sec. 370. R. S., T. 38, § 811, amended.** Section 811 of Title 38 of the Revised Statutes is amended to read as follows:

**§ 811. Appointment of engineer; duties**

The Governor ~~with the advice and consent of the Council~~ shall annually appoint a competent and practical engineer, a citizen of the State, who shall hold said office until his successor is appointed and qualified, and who shall, upon petition of 10 resident taxpayers of any town or several towns, the selectmen or assessors of any town or the county commissioners of any county, inspect any dam or reservoir located in such town or county erected for the saving of water for manufacturing or other uses, and after personal examination and hearing the testimony of witnesses summoned for the purpose, shall forthwith report to the Governor his opinion of the safety and sufficiency thereof.

**Sec. 371. R. S., T. 39, § 91, amended.** The 2nd sentence of section 91 of Title 39 of the Revised Statutes is amended to read as follows:

They (Industrial Accident Commission) shall be appointed by the Governor, with the advice and consent of the ~~Senate Council~~.



**Sec. 372. R. S., T. 39, § 91, amended.** The 2nd paragraph of section 91 of Title 39 of the Revised Statutes is amended to read as follows:

The commissioners so appointed shall hold office for the terms aforesaid, unless removed, and until their successors are appointed and qualified. They shall all have the same authority and powers, but their respective duties shall be determined by the chairman. They shall be sworn, and for inefficiency, willful neglect of duty or for malfeasance in office may, after notice and hearing, be removed by the Governor ~~and Council~~. In case of a vacancy occurring through death, resignation or removal, the Governor, **with the advice and consent of the Senate**, shall appoint a successor for the whole term of the member whose place he takes, subject to removal. In case the office of chairman becomes vacant, the senior commissioner shall act as chairman until the Governor makes an appointment to fill such vacancy.

**Sec. 373. R. S., T. 39, § 108, amended.** Section 108 of Title 39 of the Revised Statutes is amended to read as follows:

**§ 108. Biennial report of commission**

The commission shall make a report to the Governor ~~and Council~~ for the biennial period ending December 31st of each even year, giving such statistical information as may be contained in its department in relation to the administration of this Act, particularly with reference to the number of employees under the Act, the number injured, the amount of compensation and other benefits paid and the cost of the same to the employers.

**Sec. 374. Amendatory clause.** Wherever the words "with the advice and consent of the Council" appear in any legislation enacted by the 106th Legislature, these words shall be stricken from such legislation and wherever the words "Governor and Council" or "Governor and Executive Council" appear, these words shall be stricken and shall be interpreted as meaning "Governor."

## STATEMENT OF FACT

The purpose of this bill is to reassign the statutory responsibilities of the Executive Council.

This bill transfers to the Senate the responsibility for confirming major appointments made by "advice and consent" of the Governor. Other responsibilities now vested in the Executive Council would be assigned to the Governor, in certain instances, with the advice of administrative agencies.

Although the bill does not affect the constitutional duties of the Executive Council, it is consistent with legislative proposals that have been presented to transfer these constitutional duties to the Senate.

This bill would preserve the separation of legislative and executive powers as provided for in Article III, Section 2 of the Maine Constitution.