

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 2044

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S. P. 678

In Senate, June 20, 1973

Reported by Senator Speers of Kennebec from the Committee on Judiciary  
and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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

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

Whereas, many laws enacted by previous Legislatures have created inconsistencies and technical errors; and

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

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

Whereas, section 283 of this Act is vitally necessary since the Hospital Administrative District No. 1 in Penobscot County has issued its bonds, substantially completed construction of its hospital and is without sufficient funds or the capacity to borrow such funds in order to enable it to undertake operations; and

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

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

**Sec. 1. R. S., T. 1, § 72, sub-§ 22, amended.** Subsection 22 of section 72 of Title 1 of the Revised Statutes is amended to read as follows:

**22. State paper.** "State paper" means the newspaper designated by the Legislature, in which ~~public Acts, resolves~~ advertisements and notices are required to be published.

**Sec. 2. R. S., T. 1, § 351, amended.** Section 351 of Title 1 of the Revised Statutes is amended to read as follows:

**§ 351. Effective date**

Unless otherwise provided in the ~~resolve~~ resolution submitting it, every constitutional amendment shall take effect and become part of the Constitution, on the first Wednesday of January following its adoption by the people.

**Sec. 3. R. S., T. 1, § 353, amended.** The first sentence of section 353 of Title 1 of the Revised Statutes is amended to read as follows:

The Attorney General shall prepare a brief explanatory statement which shall fairly describe the intent and content of each constitutional ~~resolve~~ resolution or state-wide referendum that may be presented to the people.

**Sec. 4. R. S., T. 1, § 551, amended.** Section 551 of Title 1 of the Revised Statutes is amended to read as follows:

**§ 551. Designation of paper**

The Daily Kennebec Journal, a newspaper printed at Augusta, shall be the state paper of this State, in which shall be published ~~all laws and resolves of a public nature and also~~ all advertisements, notices and orders required by law to be published in the state paper.

**Sec. 5. R. S., T. 1, § 902, amended.** Section 902 of Title 1 of the Revised Statutes, as enacted by chapter 597 of the public laws of 1971, is amended to read as follows:

**§ 902. State acceptance of federal funds; compliance with federal law**

Whenever the acquisition of real property for a program undertaken by the State will result in the displacement of any person on or after ~~the effective date of this Act~~ March 1, 1972 and the program is eligible for federal financial assistance, the State is authorized to receive such federal financial assistance and upon or in anticipation of receipt thereof, is authorized to comply with all of the provisions of, to be guided to the greatest extent practicable by the land acquisition policies set forth in and to do all things necessary or proper to provide the services, payments and benefits provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P. L. 91-646; 84 Stat. 1894).

**Sec. 6. R. S., T. 1, § 904, amended.** The first paragraph of section 904 of Title 1 of the Revised Statutes, as enacted by chapter 597 of the public laws of 1971, is amended to read as follows:

Nothing in this chapter shall be construed as creating in any condemnation proceeding brought under the power of eminent domain any element of value or of damage not in existence immediately prior to ~~the effective date of this Act~~ March 1, 1972.

**Sec. 7. R. S., T. 3, § 163, sub-§ 15, ¶ E, amended.** The 2nd sentence of paragraph E of subsection 15 of section 163 of Title 3 of the Revised Statutes,

as enacted by section 3 of chapter 14 of the public laws of 1973, is amended to read as follows:

He shall, with the approval of the President of the Senate and the Speaker of the House, dispose of surplus or obsolete material through the continuing property records section of the Bureau of ~~Purchases~~ **Public Improvements**.

**Sec. 8. Effective date.** Section 7 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 9. R. S., T. 4, § 164, sub-§ 12, ¶ D, amended.** The first and 2nd sentences of paragraph D of subsection 12 of section 164 of Title 4 of the Revised Statutes, as enacted by chapter 299 of the public laws of 1969, are amended to read as follows:

Any person who has been found guilty of or who has signed a plea of guilty to one or more previous traffic offenses subject to this ~~section~~ **subsection** shall not be permitted to appear before the violations clerk unless the court shall, by order, permit such appearance. Each waiver of hearing filed under this ~~section~~ **subsection** shall recite on the oath or affirmation of the offender whether or not he has been previously found guilty or has previously signed a plea of guilty to one or more traffic offenses.

**Sec. 10. R. S., T. 4, § 178, amended.** The first sentence of section 178 of Title 4 of the Revised Statutes, as enacted by chapter 129 of the public laws of 1967, is amended to read as follows:

The District Court shall file an abstract of all divorces and annulments heard, including those heard prior to ~~the effective date of this Act~~ **October 7, 1967**, with the clerk of the Superior Court in the county in which the District Court is located.

**Sec. 11. R. S., T. 4, § 406, amended.** The first sentence of section 406 of Title 4 of the Revised Statutes is amended to read as follows:

Such appeal to the supreme court of probate shall, ~~unless the court otherwise directs, be in order for hearing at the first term of court held not less than 10 days after the service of the notice of appeal~~ **be heard in accordance with the Maine Rules of Civil Procedure**, and said appellate court may reverse or affirm, in whole or in part, the sentence or act appealed from, pass such decree thereon as the judge of probate ought to have passed, remit the case to the probate court for further proceedings or make any order therein that law and justice require.

**Sec. 12. R. S., T. 4, § 553, amended.** Section 553 of Title 4 of the Revised Statutes is amended to read as follows:

### § 553. Bond

Each clerk shall give a corporate surety bond or bonds to the State, to be lodged in the office of the State Auditor, in amounts and form approved by the Chief Justice of the Supreme Judicial ~~and Superior Courts~~ **Court**, conditioned that he will faithfully perform all the duties of his office, pay over all

moneys and safely keep and immediately deliver all records, files, papers, muniments in said office and property of the county as required by law.

**Sec. 13. R. S., T. 4, § 807, amended.** The last sentence of the first paragraph of section 807 of Title 4 of the Revised Statutes, as amended by section 1 of chapter 92 of the public laws of 1965, is further amended to read as follows:

In all proceedings, the fact, as shown by the records of the ~~Secretary of State~~ **Administrative Assistant to the Chief Justice**, that such person is not recorded as a member of the bar shall be prima facie evidence that he is not a member of the bar licensed to practice law in the State.

**Sec. 14. R. S., T. 4, § 1017, amended.** The first sentence of section 1017 of Title 4 of the Revised Statutes, as enacted by chapter 364 of the public laws of 1969, is amended to read as follows:

A notarial act performed prior to ~~the effective date of this Act~~ **October 1, 1969** is not affected by this Act.

**Sec. 15. R. S., T. 5, § 8-F, amended.** The last sentence of section 8-F of Title 5 of the Revised Statutes, as enacted by chapter 588 of the public laws of 1971, is amended to read as follows:

Such rules and regulations shall be transmitted to the Legislative Research Committee for its review ~~within 60 days after passage of this Act and thereafter~~ biennially.

**Sec. 16. R. S., T. 5, c. 6, additional.** Title 5 of the Revised Statutes is amended by adding a new chapter 6 to read as follows:

## CHAPTER 6

### STATE ARCHIVIST

#### § 91. Short title

This chapter shall be known and may be cited as the "Archives and Records Management Law."

#### § 92. Declaration of plicy

The Legislature declares that it is the policy of the State to make the operations of State Government more efficient, more effective and more economical through current records management; and, to the end that the people may derive maximum benefit from a knowledge of state affairs, preserve its non-current records of permanent value for study and research.

#### § 92-A. Definitions

The following definitions are established for terms used in this chapter.

1. **Agency records.** "Agency records" means semicurrent records of government agencies to which they retain legal title, but that have been transferred to the custody of the Maine State Archives to effect economies and efficiency in their storage and use pending their ultimate disposition as authorized by law.

2. Archives. "Archives" means noncurrent government records that have been determined by the State Archivist to have sufficient value to warrant their continued preservation and that are in the physical and legal custody of the Maine State Archives.

3. Record center. "Record center" means facilities maintained by the State Archivist for the storage, security, servicing and other processing of agency records that must be preserved for varying periods of time and need not be retained in office equipment and space.

#### § 93. State Archivist

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.

This section shall not affect the term of the person holding office as State Archivist on October 1, 1969.

#### § 94. Maine State Archives

The office of the State Archivist shall be a bureau within the Department of Secretary of State and shall be organized in the manner the State Archivist and the Secretary of State shall deem best suited to the accomplishment of the functions and purposes of this chapter. It shall be known as the Maine State Archives. The State Archivist shall be the official custodian of the archival resources of the State.

#### § 95. Powers and duties of State Archivist

The State Archivist shall have the duties and powers established under the following provisions governing the creation, use, maintenance, retention, preservation and disposal of state records:

##### General Provisions

1. Administration. To administer the office of the State Archivist. In exercising his administration, the State Archivist shall formulate policies, establish organizational and operational procedures and exercise general supervision. He shall employ, with the approval of the Secretary of State subject to the Personnel Law, such assistants as may be necessary to carry out this chapter. The State Archivist shall adopt a seal for use in the official business of his office. He shall have custody and control of the facilities provided for the administration of this chapter;

2. Examination of public records. To have the right of reasonable access to and examination of all public records in Maine;

3. Rules and regulations. To promulgate such rules and regulations as are necessary to effectuate the purposes of this chapter. No restrictions or limitations shall be imposed on the use of records that are defined by law as public records or as records open to public inspection, unless necessary to

protect and preserve them from deterioration, mutilation, loss or destruction. Restrictions or limitations imposed by law on the examination and use of records transferred to the archives under subsection 7, paragraph C and subsection 8 shall remain in effect until the records have been in existence for 50 years, unless removed or relaxed by the State Archivist with the concurrence in writing of the head of the agency from which the records were transferred or his successor in function, if any. The State Archivist shall promulgate rules and regulations governing the transfer of records from the custody of one agency to that of another subject to any applicable provision of law;

4. Acceptance of gifts and bequests. To accept gifts, bequests and endowments for purposes consistent with the objectives of this chapter. Such funds, if given as an endowment shall be invested in securities by the Treasurer of State according to the laws governing the investment of trust funds. All gifts, bequests and proceeds of invested endowment funds shall be used solely to carry out the purposes for which they were made;

5. Publication. To publish archival material, reports, bulletins and other publications which will promote the objectives of this chapter. He shall establish the price at which publications, photocopies and photoduplication services may be sold and delivered. The income received under this subsection and subsection 12 shall be credited to a special revenue account which shall be carried forward and expended by the agency for these purposes;

6. Biennial report. To report biennially to the Governor and Legislature facts and recommendations relating to the work and needs of his office;

#### Records Management Provisions

7. Records management program. To establish and administer in the executive branch of State Government an active, continuing program for the economical and efficient management of state records. Upon request, the State Archivist shall assist and advise in the establishment of records management programs in the legislative and judicial branches of State Government and shall, as required by them, provide program services similar to those available to the executive branch. The State Archivist shall, with due regard for the functions of the agencies concerned:

A. Procedures. Provide standards, procedures and techniques for effective management of records in the conduct of current business;

B. Improvements. Recommend improvements in current records management practices, including the use of space, equipment and supplies employed in creating, maintaining, storing and servicing records;

C. Retention. Establish schedules, in consultation with the heads of state departments, under which each department shall retain state records of continuing value, and dispose, as provided by this chapter, of state records no longer possessing sufficient administrative, legal or fiscal value to warrant their further keeping for current business;

D. Reports. Obtain such reports from agencies as are required for the administration of the program;

The head of each agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency in compliance with the standards, procedures and regulations issued by the State Archivist.

8. Transfer of state records. To provide for the transfer to the archives of state records, disposed of under subsection 7, paragraph C, which have archival value;

9. Destruction of records. To authorize the destruction of the records of any state department which, in the opinion of the head of the department, are no longer of value to the department, and which, in the opinion of the State Archivist and the Archives Advisory Board, have no archival value to the State;

#### Archive Provisions

10. Transfer of public records. To receive all records transferred to the archives under subsection 8, and to negotiate for the transfer of public records from the custody of any public officer not governed by subsection 7. Any public officer in Maine is authorized to turn over to the State Archivist such public records legally in his custody as are not needed for the transaction of the current business of his office, whenever the State Archivist is willing and able to receive them. Whenever such transfer is made, the State Archivist shall transmit to the office from which the records are transferred a memorandum in which such records are described in terms sufficient to identify them, which shall be preserved in said office. Unless otherwise directed by law, the public records of any public office, commission or committee in the State shall, upon the termination of its existence or functions, be transferred to the custody of the State Archivist;

10-A. Records of Secretary of State. To preserve the records of the Secretary of State to the extent he deems desirable under the Constitution and the regulations of the State Archivist;

10-B. Permanent records of agency administration. To establish such standards concerning the establishment, maintenance and operation of state administered computerized and auxiliary automated information handling as may be necessary to insure the preservation of adequate and permanent records of the organization, functions, policies, procedures, decisions and essential transactions of the agencies of State Government;

10-C. Legislative records. The Secretary of the Senate and the Clerk of the House of Representatives shall obtain the noncurrent records of the Legislature and of each committee thereof at the close of each Legislature and transfer them to the Maine State Archives for preservation, subject to the orders of the Senate or the House, respectively;

11. Archives available for public use. To make archival material under his supervision available for public use at reasonable times. He shall carefully protect and preserve such materials from deterioration, mutilation, loss or destruction;



12. **Copies.** To furnish copies of archival material upon the request of any person, on payment in advance of such fees as may be required. Copies of public records transferred in pursuance of law from the office of their origin to the custody of the State Archivist, when certified by the State Archivist, under the seal of his office, shall have the same legal force and effect as if certified by their original custodian. A facsimile of the signature of the State Archivist imprinted by or at his direction upon any certificate issued by him shall have the same validity as his written signature;

#### Laboratory Provisions

13. **Photoreproduction and restoration.** To provide centralized photoreproduction and records preservation services for government agencies to the extent he deems advisable in his administration of the state program and facilities. Such services shall be furnished to such agencies at cost.

#### § 96. Archives Advisory Board

There shall be an Archives Advisory Board, the function of which shall be to advise the State Archivist in his administration of this chapter and to perform such other duties as may be prescribed by law. The board shall consist of 9 persons especially interested in the history of the State appointed by the Governor as advisors for overlapping terms of 6 years. The 3 new advisors shall be first appointed one for one year, one for 3 years and one for 5 years. Their successors shall be appointed for terms of 6 years. Each advisor shall serve for the term of his appointment and thereafter until his successor is appointed and qualified. In case of the termination of an advisor's service during his term, the Governor shall appoint a successor for the unexpired term. Advisors shall serve without compensation, but shall receive their necessary expenses.

#### § 97. Violation

Whoever violates any provision of this chapter or rules and regulations issued under section 95, subsection 3, excepting only those violations for which specific penalties are provided, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment for not more than 90 days, or by both.

**Sec. 17. R. S., T. 5, § 144, amended.** Section 144 of Title 5 of the Revised Statutes, as amended by section 1 of chapter 202 of the public laws of 1969, is further amended to read as follows:

#### § 144. Form of unregistered bonds

Unregistered bonds issued under the laws of the State shall bear the signature, or the facsimile of the signature, of the Governor, and shall be signed by the Treasurer of State or his deputy or such agent as he may designate and attested by the Commissioner of Finance and Administration, or such agent as he may designate. The seal of the State may be a facsimile.

**Sec. 18. R. S., T. 5, § 145, amended.** The last sentence of section 145 of Title 5 of the Revised Statutes, as amended by section 2 of chapter 202 of the

public laws of 1969, is further amended to read as follows:

Said bonds shall bear the facsimile of the signature of the Governor and shall be signed by the Treasurer of State or his deputy or such agent as he may designate and attested by the Commissioner of Finance and Administration, or such agent as he may designate, with the seal of the State affixed.

**Sec. 19. R. S., T. 5, § 285, sub-§ 1, amended.** Subsection 1 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:

1. **Eligibility.** Each appointed or elective officer or employee of the State of Maine who is eligible for membership in the Maine State Retirement System or the State Police Retirement System or a member of the judiciary or an employee of the Maine State Credit Union or of the Maine State Employees Association or of Council 74 of the American Federation of State, County and Municipal Employees or the Maine Turnpike Authority, including those employees in any of said categories who on the effective date of this Act April 26, 1968 have retired and who were covered under plans of insurance which by virtue of this legislation will be terminated and thereafter any such employees in any of said categories who retire and who on the date of their retirement are currently enrolled in this group accident and sickness or health insurance plan shall come within the purview of this section, excepting that it shall not be extended to include members of the Maine State Municipal Association or the Maine Teachers Association or employees of counties and municipalities and instrumentalities thereof, including quasi-municipal corporations.

**Sec. 20. R. S., T. 5, § 592, sub-§ 3, repealed.** Subsection 3 of section 592 of Title 5 of the Revised Statutes is repealed.

**Sec. 21. R. S., T. 5, § 711, sub-§ 10, amended.** Subsection 10 of section 711 of Title 5 of the Revised Statutes is amended to read as follows:

10. **Deputies and assistants of the Department of the Attorney General.** ~~Deputy~~ Deputies and assistants of the Attorney General's Department.

**Sec. 22. R. S., T. 5, § 1033, sub-§§ 1 & 2, repealed.** Subsection 1, and subsection 2, as amended by section 9 of chapter 17 of the public laws of 1971, of section 1033 of Title 5 of the Revised Statutes, are repealed.

**Sec. 23. R. S., T. 5, § 1094, sub-§ 12, ¶ C, amended.** Paragraph C of subsection 12 of section 1094 of Title 5 of the Revised Statutes, as enacted by section 4 of chapter 509 of the public laws of 1965, is amended to read as follows:

C. Anything to the contrary notwithstanding, any application for a retirement allowance that becomes effective after the effective date of this Act May 11, 1966 and for which out-of-state credits are to be granted must be accompanied by a certification that the out-of-state credits granted have not been or will not be used to obtain benefits in another state.

**Sec. 24. R. S., T. 5, § 1095, amended.** The 4th paragraph from the end of section 1095 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 288 of the public laws of 1965, is amended to read as follows:

Each fire fighter, including the chief of a fire department, shall be required to contribute 8% of earnable compensation beginning with the first full payroll period after ~~the effective date of this Act~~ **September 3, 1965** as long as he is employed as a fire fighter.

**Sec. 25. R. S., T. 5, § 1095, amended.** The 3rd paragraph from the end of section 1095 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 143 of the public laws of 1967, is amended to read as follows:

Each police officer, including the chief of a police department, shall be required to contribute 8% of earnable compensation beginning with the first full payroll period after ~~the effective date of this Act~~ **October 7, 1967** as long as he is employed as a police officer.

**Sec. 26. R. S., T. 5, § 1128, amended.** The first paragraph of section 1128 of Title 5 of the Revised Statutes, as enacted by section 4 of chapter 337 of the public laws of 1965, is amended to read as follows:

Adjustments in the retirement allowances being paid to former state employees, teachers or beneficiaries of either shall be made in accordance with the following tabulation and shall become effective on the first day of the month following ~~the effective date of this Act~~ **September 3, 1965**.

**Sec. 27. R. S., T. 5, § 1151, sub-§ 9, ¶ A, amended.** The last paragraph of paragraph A of subsection 9 of section 1151 of Title 5 of the Revised Statutes, as enacted by section 2 of chapter 34 of the public laws of 1965, is amended to read as follows:

The mandatory 10 years of coverage immediately prior to retirement clause shall apply only to those individuals who become first insured under the group life insurance program on or after the first day of the first month following ~~the effective date of this Act~~ **September 3, 1965**.

**Sec. 28. R. S., T. 5, § 1151, sub-§ 9, amended.** The last paragraph of subsection 9 of section 1151 of Title 5 of the Revised Statutes, as enacted by section 3 of chapter 411 of the public laws of 1967 and as repealed and replaced by section 5 of chapter 589 of the public laws of 1971, is amended to read as follows:

Any insured person who is retired and is living on ~~the date this Act becomes effective~~ **June 9, 1972** shall be entitled to a recomputation of insurance on the 3-year basis and which recomputation shall also be reduced equivalently from date of retirement in accordance with the procedure detailed in paragraphs A and B.

**Sec. 29. R. S., T. 5, § 1543, amended.** Section 1543 of Title 5 of the Revised Statutes, as amended by section 1 of chapter 186 of the public laws of 1969, is further amended by adding at the end the following new paragraph:

Notwithstanding the foregoing paragraphs, the treasurer of the 3 Indian school committees is authorized to prepare and sign warrants for the payment of Indian school payrolls and bills.

**Sec. 30. R. S., T. 5, § 1743-A, repealed.** Section 1743-A of Title 5 of the Revised Statutes, as enacted by chapter 176 of the public laws of 1973, is repealed.

Sec. 31. R. S., T. 5, § 1743-B, additional. Title 5 of the Revised Statutes is amended by adding a new section 1743-B to read as follows:

§ 1743-B. Design of buildings

On projects for the design of buildings, the State of Maine and all political subdivisions thereof may select, without prejudice and on an equal basis, a prime professional who may be either an engineer or an architect. The professional so retained for a project shall perform only those services for which he is competent and shall utilize the services of other qualified professionals as required to provide a proper and complete professional service to the State or subdivision thereof consistent with applicable law.

Sec. 32. Effective date. Sections 30 and 31 of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 33. R. S., T. 5, § 2301, sub-§ 1, amended. The 3rd paragraph of subsection 1 of section 2301 of Title 5 of the Revised Statutes is repealed as follows:

~~Art Commission~~

Sec. 34. R. S., T. 5, § 2301, sub-§ 1, amended. Subsection 1 of section 2301 of Title 5 of the Revised Statutes, as amended, is further amended by inserting after the 19th paragraph the following:

Commission on the Arts and Humanities;

Sec. 35. R. S., T. 5, § 2301, sub-§ 1, amended. The 8th paragraph of subsection 1 of section 2301 of Title 5 of the Revised Statutes is repealed as follows:

~~Board of Examiners of Funeral Directors and Embalmers~~

Sec. 36. R. S., T. 5, § 2301, sub-§ 1, amended. Subsection 1 of section 2301 of Title 5 of the Revised Statutes, as amended, is further amended by inserting after the 9th paragraph the following:

Board of Funeral Service;

Sec. 37. R. S., T. 5, § 4612, sub-§ 4, ¶ A, amended. Paragraph A of subsection 4 of section 4612 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:

A. Filing. If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, and further believes that irreparable injury or great inconvenience will be caused the victim of such discrimination or to members of a racial, color, religious ~~or~~, nationality group or age group if relief is not immediately granted; or if conciliation efforts under subsection 3 have not succeeded, the commission shall file in the Superior Court a civil action seeking such relief as is appropriate, including temporary restraining orders.

Sec. 38. R. S., T. 7, § 528, amended. The first paragraph of section 528 of Title 7 of the Revised Statutes, as enacted by chapter 325 of the public laws of 1969, is amended to read as follows:

Neither this subchapter nor regulations promulgated under this subchapter shall preclude the continued use of returnable or reusable glass containers for beverages in inventory or with the trade as of ~~the effective date of this subchapter~~ **October 1, 1969** or any such regulation, nor shall any regulation or this subchapter preclude the orderly disposal of packages or containers in inventory or with the trade as of the effective date of such regulation or of this subchapter.

**Sec. 39. R. S., T. 7, § 1752, amended.** The 2nd sentence of section 1752 of Title 7 of the Revised Statutes is amended to read as follows:

All such rules and regulations ~~before they shall become operative shall be approved by the Governor, and shall be~~ thereafter published in such manner as may be provided in such rules and regulations.

**Sec. 40. R. S., T. 7, § 1809, amended.** The first 2 paragraphs of section 1809 of Title 7 of the Revised Statutes, as repealed and replaced by chapter 121 of the public laws of 1973, are repealed and the following enacted in place thereof:

Any person or persons bringing horses, cattle, mules, asses, sheep, goats, swine, wild animals, avian species or fertile eggs of such species, amphibians or reptiles into the State may be required by the commissioner to obtain a permit previous to the time of entry, said permit to accompany shipment. Such animals, avian species or the fertile eggs of such species, amphibians or reptiles offered for entry into the State that do not have health status satisfactory to the commissioner, or do not comply with the Inland Fisheries and Game laws or by rules and regulations of the Commissioner of Inland Fisheries and Game, the commissioner may refuse to grant a permit or may issue one subject to quarantine at destination. The commissioner may require the owner to have such horses, cattle, mules, asses, sheep, goats, swine, wild animals, avian species or the fertile eggs of such species, amphibians or reptiles tested or examined by a veterinarian at the owner's expense. The commissioner shall release such horses, cattle, mules, asses, sheep, goats, swine, wild animals, avian species or the fertile eggs of such species, amphibians or reptiles from quarantine only after he is satisfied that such horses, cattle, mules, asses, sheep, goats, swine, wild animals, avian species or the fertile eggs of such species, amphibians or reptiles are not a menace to other wild or domestic animals, avian species or fertile eggs of such species, amphibians, reptiles or humans of the State.

Horses, cattle, mules, asses, sheep, goats, swine, wild animals, avian species or the fertile eggs of such species, amphibians or reptiles brought into the State without a permit, may be condemned by the commissioner or the Commissioner of Inland Fisheries and Game and euthanized without indemnity.

**Sec. 41. Effective date.** Section 40 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 42. R. S., T. 7, § 2156, repealed.** Section 2156 of Title 7 of the Revised Statutes is repealed.

**Sec. 43. R. S., T. 7, § 3402, amended.** Section 3402 of Title 7 of the Revised Statutes, as amended by section 12 of chapter 513 of the public laws of 1965, is further amended to read as follows:

**§ 3402. Copies of law posted**

The commissioner shall seasonably forward to the clerks of the several municipalities copies of sections 3401, 3451, 3452 and 3701 to 3703, and each clerk shall annually, at least 20 days before the first day of January, post said copies in the usual places of posting notices of the annual municipal or town elections.

**Sec. 44. R. S., T. 8, § 658, amended.** Section 658 of Title 8 of the Revised Statutes is amended to read as follows:

**§ 658. Unincorporated places**

County commissioners within their counties and counties ~~with~~ within their limits shall respectively exercise over unincorporated places all the powers of municipal officers and towns under chapters 1, 3, 7 and 15 to 25.

**Sec. 45. R. S., T. 9, § 2, amended.** The first sentence of the 2nd paragraph of section 2 of Title 9 of the Revised Statutes, as amended by section 18 of chapter 544 of the public laws of 1967, is further amended to read as follows:

To provide for the balance of the expense of the department, including overhead, transportation, and general office and administrative expenses, the commissioner shall assess semiannually each savings bank and trust company at the annual rate of 7¢ for each \$1,000 of average deposits, excluding deposits of other financial institutions, and of the United States Government, and shall assess semiannually each loan and building association and industrial ~~bank loan company~~ at the annual rate of 7¢ for each \$1,000 of average total resources as defined by the commissioner.

**Sec. 46. R. S., T. 9, § 132, amended.** The first sentence of section 132 of Title 9 of the Revised Statutes is amended to read as follows:

Any savings bank, trust company, industrial ~~bank loan company~~, loan and building association, savings and loan association or credit union organized under the laws of the State, and any national banking association, federal savings and loan association, federal credit union or licensed small loan agency doing business in the State, may remain closed, open, or may open for limited functions only, on any Saturdays as it may determine from time to time.

**Sec. 47. R. S., T. 9, § 222, sub-§ 5, amended.** Subsection 5 of section 222 of Title 9 of the Revised Statutes is amended to read as follows:

**5. Industrial loan company.** "Industrial ~~bank loan company~~" means a company organized under section 234I or having the general powers possessed by companies so organized.

**Sec. 48. R. S., T. 9, § 1003, amended.** The last sentence of section 1003 of Title 9 of the Revised Statutes, as amended by section 13 of chapter 323 of the public laws of 1965, is further amended to read as follows:

This section shall not apply to branches or agencies authorized and in existence on ~~the effective date of this Act~~ **September 3, 1965.**

**Sec. 49. R. S., T. 9, § 2382, amended.** Section 2382 of Title 9 of the Revised Statutes, as enacted by section 11 of chapter 140 of the public laws of 1967, is amended to read as follows:

**§ 2382. Prohibition of use of name "industrial bank"**

After ~~the effective date of this Act~~ **October 7, 1967**, no person, firm or corporation shall use, hold itself out as being, or advertise with the name "industrial bank," except that industrial banks which were properly authorized and doing business on or before June 1, 1967 may use such name at and in connection with their principal office and any branches which were so authorized and doing business on or before said date and may continue to sell certificates of investment, either fixed or uncertain, and to receive payments in installments or otherwise, with or without an allowance of interest upon such installments, if doing business in such certificates on or before said date.

**Sec. 50. R. S., T. 9, § 3005, amended.** Section 3005 of Title 9 of the Revised Statutes is amended to read as follows:

**§ 3005. Exceptions**

Chapters 281 to 289 shall not apply to any person, copartnership or corporation doing business under any law of this State or of the United States relating to national banks, savings banks, industrial ~~banks~~ **loan companies**, trust companies or loan and building associations.

**Sec. 51. R. S., T. 9, § 3441, sub-§ 1, amended.** The last sentence of subsection 1 of section 3441 of Title 9 of the Revised Statutes is amended to read as follows:

No bank, trust company or industrial ~~bank~~ **loan company** shall be required to obtain such a license, but shall comply with all of the other provisions of chapters 321 to 327.

**Sec. 52. R. S., T. 9, § 3919, sub-§ 3, amended.** Subsection 3 of section 3919 of Title 9 of the Revised Statutes, as enacted by section 35 of chapter 423 of the public laws of 1969, is amended to read as follows:

**3. Notice.** In the case of any open end consumer credit plan in existence on ~~the effective date of this Act~~ **July 1, 1969**, the items described in subsection 1, to the extent applicable, shall be disclosed in a notice mailed or delivered to the obligor not later than 30 days after that date.

**Sec. 53. R. S., T. 10, § 1212, sub-§ 1, ¶ F, amended.** Paragraph F of subsection 1 of section 1212 of Title 10 of the Revised Statutes, as enacted by chapter 503 of the public laws of 1969, is amended to read as follows:

**F.** Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or ~~secondhand~~ **secondhand**;

**Sec. 54. R. S., T. 10, § 1214, sub-§ 1, ¶ C, amended.** Paragraph C of subsection 1 of section 1214 of Title 10 of the Revised Statutes, as enacted by chapter 503 of the public laws of 1969, is amended to read as follows:

**C.** Actions or appeals pending on ~~the effective date of this Act~~ **October 1, 1969.**

**Sec. 55. R. S., T. 10, § 1214, sub-§ 2, amended.** Subsection 2 of section 1214 of Title 10 of the Revised Statutes, as enacted by chapter 503 of the public laws of 1969, is amended to read as follows:

**2. Limitation.** Section 1212, subsection 1, paragraphs B and C do not apply to the use of a service mark, trademark, certification mark, collective mark, trade name or other trade identification that was used and not abandoned before ~~the effective date of the Act~~ **October 1, 1969**, if the use was in good faith and is otherwise lawful except for this chapter.

**Sec. 56. R. S., T. 10, § 2205, sub-§ 1, amended.** Subsection 1 of section 2205 of Title 10 of the Revised Statutes, as enacted by chapter 472 of the public laws of 1969 and as amended by section 13 of chapter 618 of the public laws of 1971, is further amended to read as follows:

**1. Approval of mining plan.** No operator shall engage in mining without first having obtained from the board approval of his mining plan designating the area of land to be affected by the operation. An operator shall not be required to provide, in a mining plan, for the reclamation of land affected by mining operations prior to ~~the effective date of this chapter~~ **October 1, 1969**, but shall be required to provide for the reclamation of land affected by a mining operation subsequent to ~~the effective date of this chapter~~ **October 1, 1969.**

**Sec. 57. R. S., T. 10, § 3415, amended.** Section 3415 of Title 10 of the Revised Statutes, as enacted by chapter 373, of the public laws of 1967, is amended to read as follows:

#### **§ 3415. Application**

This chapter shall apply only to such charges for medical or other services furnished to persons who were injured by reason of such accidents occurring on or after ~~the effective date of this Act~~ **October 7, 1967.**

**Sec. 58. R. S., T. 10, § 3608, amended.** The first sentence of section 3608 of Title 10 of the Revised Statutes is amended to read as follows:

Whoever labors at cutting, hauling or sawing shingle, stave, lath, dowel or spool timber, or in the manufacture of shingle, stave, lath, dowel or spool timber into shingles, staves, laths, dowels or spool bars, or at piling staves, laths, dowels or spool bars, or at bunching shingles, or dowels, or at cooking for persons engaged in such labor, has a lien thereon for the amount due for his personal labor thereon and the services performed by his team which takes precedence of all other claims and continues for 60 days after ~~such shingle, stave, lath or dowel timber and~~ such shingles, staves, laths and dowels are manufactured, provided the same have not been sold and shipped, or for 60 days after such spool timber or spool bars arrive at the place of destination for sale or manufacture.

**Sec. 59. R. S., T. 10, § 7051, amended.** The 2nd sentence of section 7051 of Title 10 of the Revised Statutes, as enacted by chapter 430 of the public laws of 1969, and as amended, is further amended to read as follows:



The Mountain Resorts Airport Authority shall consist of the ~~Director of the Department Commissioner~~ of Transportation, Director of the ~~Bureau of 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.

**Sec. 60. R. S., T. 11, § 2-108, amended.** Section 2-108 of Title 11 of the Revised Statutes, as enacted by chapter 155 of the public laws of 1969, is amended to read as follows:

**§ 2-108. Miscellaneous health provisions; blood or tissue transfer services**

The procurement, processing, distribution or use of whole blood, plasma, blood products, blood derivatives and other human tissues such as corneas, bones or organs for the purpose of injecting, transfusing or transplanting any of them into the human body is declared to be, for all purposes, the rendition of a service by every person participating therein and, whether or not any remuneration is paid therefor, is declared not to be a sale of such whole blood, plasma, blood products, blood derivations or other tissues, for any purpose, subsequent to ~~the effective date of this section~~ **October 1, 1969.**

**Sec. 61. R. S., T. 12, § 501-A, sub-§ 9, repealed and replaced.** Subsection 9 of section 501-A of Title 12 of the Revised Statutes, as enacted by section 3 of Section D of chapter 91 of the private and special laws of 1971, is repealed and the following enacted in place thereof:

**9. Geological survey. Mapping inventory and interpretation of geological information.**

**Sec. 62. R. S., T. 12, § 531, amended.** The first paragraph of section 531 of Title 12 of the Revised Statutes, as enacted by section 1 of Section D of chapter 91 of the private and special laws of 1971, is amended to read as follows:

The Division of ~~Science, Technology and Mineral Resources~~ **Geological Survey** shall be established to administer the programs of the Maine Geological Survey and other natural resource functions of the State as directed by law; and to provide administrative and fiscal assistance to the Maine Mining Bureau.

**Sec. 63. R. S., T. 12, § 669, amended.** Section 669 of Title 12 of the Revised Statutes, as amended by section 1 of chapter 496 of the public laws of 1965, is further amended to read as follows:

**§ 669. Initial plan for acquisition**

As soon as possible after availability of funds after ~~May 11, 1965~~ **December 29, 1966** the commission shall proceed to acquire title in fee simple to land within the restricted zone. The commission shall ~~also~~ acquire within the restricted zone such other rights as the commission shall determine necessary or convenient to accomplish the purposes of this chapter; ~~provided that neither.~~ **Neither** anything in this section contained nor any action under this section shall in any way limit any of the powers or authority of the commission under this chapter or the exercise thereof by the commission.

**Sec. 64. R. S., T. 12, § 900, amended.** The first sentence of the 3rd paragraph from the end of section 900 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 477 of the public laws of 1971, is amended to read as follows:

While this area bears the name park, it is not to be confused with the existing state park system and is to "be separately administered free from any connection with the larger State Park Commission" (**Bureau of Parks and Recreation**).

**Sec. 65. R. S., T. 12, § 1111, amended.** Section 1111 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 485 of the public laws of 1967, is amended to read as follows:

**§ 1111. Pest Control Compact**

The Pest Control Compact is enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as provided in this ~~chapter~~ **subchapter**.

**Sec. 66. R. S., T. 12, § 1601, amended.** The 2nd sentence of section 1601 of Title 12 of the Revised Statutes, as enacted by chapter 617 of the public laws of 1971, is repealed as follows:

~~Such tax shall be increased by  $2\frac{3}{4}$  mills on the dollar assessed only for the year 1972 upon all the property in the unorganized territory located within the Maine Forestry District, including rights in public reserved lots, and buildings on leased property, to be used by the Forestry Department for spruce budworm control~~

**Sec. 67. R. S., T. 12, § 1601, amended.** The 4th sentence of section 1601 of Title 12 of the Revised Statutes, as amended by section 14 of chapter 502 of the public laws of 1969, is further amended to read as follows:

The valuation as determined by the State Tax Assessor, and set forth in the statement filed by him as provided by Title 36, ~~sections~~ **section 381 or 381-A** shall be the basis for the computation and apportionment of the tax assessed.

**Sec. 68. R. S., T. 12, § 1977, sub-§ 1, repealed and replaced.** Subsection 1 of section 1977 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969 and as amended, is repealed and the following enacted in place thereof:

1. **Crossing ways.** Properly registered snowmobiles may cross, as directly as possible, public ways, including sidewalks, bridges, culverts, underpasses and overpasses, provided that such crossing can be made in safety and that it does not interfere with the free movement of vehicular traffic approaching from either direction on such way. It shall be the responsibility of the operator of the snowmobile to yield the right-of-way to all vehicular traffic upon any way before crossing the same. In no case shall snowmobiles cross controlled access lines on highways unless permitted to do so by the Commissioner of Transportation.

**Sec. 69. R. S., T. 12, § 1977, sub-§ 3, additional.** Section 1977 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 414 of the public laws of 1969, is amended by adding a new subsection 3 to read as follows:

**3. Bridges and culverts.** Snowmobiles may cross bridges, culverts, overpasses and underpasses if the snowmobile is brought to a complete stop before entering the said way, the operator yields the right-of-way to all vehicular traffic and the snowmobile is operated on the extreme right of the travel portion. The Commissioner of Transportation may, following a public hearing, prohibit crossing of individual bridges, culverts, overpasses and underpasses if the commissioner determines crossings are hazardous.

**Sec. 70. Effective date.** Sections 68 and 69 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 71. R. S., T. 12, § 1992, amended.** Section 1992 of Title 12 of the Revised Statutes, as enacted by chapter 238 of the public laws of 1973, is amended to read as follows:

**§ 1992. Prohibition**

No person shall operate, cause to be operated or allow to be operated an airmobile anywhere within the State of Maine, except as provided in section 1995, subsection 4 and except airmobiles registered with the Bureau of Watercraft Safety on or before April 4, 1973.

**Sec. 72. R. S., T. 12, § 1995, sub-§ 4, amended.** Subsection 4 of section 1995 of Title 12 of the Revised Statutes, as enacted by chapter 238 of the public laws of 1973, is amended to read as follows:

**4. Power.** In conducting its study, the committee may operate or allow to be operated airmobiles ~~except airmobiles registered with the Bureau of Watercraft Safety on or before April 4, 1973.~~

**Sec. 73. Effective date.** Sections 71 and 72 shall become effective 91 days after adjournment of the Legislature.

**Sec. 74. R. S., T. 12, § 2401-B, sub-§ 7, ¶ B, repealed.** Paragraph B of subsection 7 of section 2401-B of Title 12 of the Revised Statutes, as enacted by chapter 259 of the public laws of 1973, is repealed.

**Sec. 75. R. S., T. 12, § 2401-B, sub-§ 7, ¶ C, additional.** Subsection 7 of section 2401-B of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 409 and as amended by section 1 of chapter 471, both of the public laws of 1971, is further amended by adding a new paragraph C to read as follows:

**C.** It shall be unlawful for any person, except members of the Passamaquoddy Tribe of Indians as defined in Title 22, sections 4701 and 4832, to hunt, trap or fish on any reservation lands of said tribe without written permission from the governor and council of the appropriate Passamaquoddy reservation. Whoever violates this paragraph shall be punished by a fine of \$100 or by imprisonment for not more than 30 days, or by both.

**Sec. 76. Effective date.** Sections 74 and 75 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 77. R. S., T. 12, § 2402, amended.** The last paragraph of section 2402 of Title 12 of the Revised Statutes, as enacted by section 42 of chapter 622 of the public laws of 1971, is repealed as follows:

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

**Sec. 78. R. S., T. 12, § 2455, amended.** The first sentence of the 2nd paragraph of section 2455 of Title 12 of the Revised Statutes, as amended by section 43 of chapter 622 of the public laws of 1971, is further amended to read as follows:

It shall be unlawful to hunt wild animals from ½ hour after sunset until ½ hour before sunrise of the following morning, except raccoons, as provided in ~~section 2358~~ chapters 301 to 335.

**Sec. 79. R. S., T. 13, § 703, sub-§ 2, amended.** The first sentence of subsection 2 of section 703 of Title 13 of the Revised Statutes, as enacted by chapter 411 of the public laws of 1969, is amended to read as follows:

~~The term "professional~~ **"Professional service"** shall mean any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization and which prior to ~~the effective date of this chapter~~ **October 1, 1969** and by reason of law could not be performed by a corporation.

**Sec. 80. R. S., T. 13, § 704, amended.** The first sentence of section 704 of Title 13 of the Revised Statutes, as enacted by chapter 411 of the public laws of 1969, is amended to read as follows:

This chapter shall not apply to any individuals or groups of individuals within this State who prior to ~~the effective date of this chapter~~ **October 1, 1969** were permitted to organize a corporation and render professional services to the public by the means of a corporation, and this chapter shall not apply to any corporations organized by such individual or group of individuals prior to ~~the effective date of this chapter~~ **October 1, 1969**.

**Sec. 81. R. S., T. 13, § 903, amended.** The last sentence of section 903 of Title 13 of the Revised Statutes, as amended, is further amended to read as follows:

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

**Sec. 82. R. S., T. 14, § 871, sub-§ 4, amended.** The 3rd sentence of the 2nd paragraph of subsection 4 of section 871 of Title 14 of the Revised Statutes, as enacted by chapter 59 of the public laws of 1971, is amended to read as follows:

Provided that in the case of a material supplier, where the amount of the claim is not ascertainable due to the unavailability of final quantity estimates, such action may be commenced ~~after~~ **before** the expiration of one year from the date on which the final quantity estimates are determined.

**Sec. 83. R. S., T. 14, § 5946, amended.** Section 5946 of Title 14 of the Revised Statutes, as enacted by chapter 430 of the public laws of 1967, is amended to read as follows:

**§ 5946. Act not retroactive**

This chapter applies only to agreements made subsequent to ~~the taking effect of this chapter~~ **October 7, 1967.**

**Sec. 84. R. S., T. 14, § 6203, sub-§ 1, amended.** The 2nd sentence of subsection 1 of section 6203 of Title 14 of the Revised Statutes, as enacted by section 28-A of chapter 513 of the public laws of 1965, is amended to read as follows:

All foreclosures of real estate mortgages between September 3, 1965 and ~~the effective date of this Act~~ **February 8, 1966** and otherwise valid, except that public notice was given in a newspaper published and printed in whole or in part in the county where the premises are located rather than in a newspaper having its principal place of business in the county where the premises are located, are validated.

**Sec. 85. R. S., T. 15, § 2611, sub-§ 4, ¶ E, amended.** Paragraph E of subsection 4 of section 2611 of Title 15 of the Revised Statutes, as amended by section 59 of chapter 622 of the public laws of 1971, is further amended to read as follows:

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

**Sec. 86. R. S., T. 15, § 2666, amended.** The 4th sentence of section 2666 of Title 15 of the Revised Statutes is amended to read as follows:

It may be used by the state probation-parole officers ~~the Cumberland County Juvenile Probation Department~~ or other correctional, enforcement or welfare authorities as a matter of course.

**Sec. 87. R. S., T. 16, § 252, amended.** The last sentence of section 252 of Title 16 of the Revised Statutes, as enacted by section 3 of chapter 261 of the public laws of 1971, is amended to read as follows:

All municipal police officers appearing at the order of a prosecuting official before the Superior Court or grand jury, whether or not called upon to give testimony, at times other than their regular working hours shall be compensated on an hourly basis equal to their present rate of employment **to be paid by the respective county treasurer.**

**Sec. 88. R. S., T. 17, § 301, amended.** The 2nd sentence of section 301 of Title 17 of the Revised Statutes, as amended by section 1 of chapter 8 of the public laws of 1965, is further amended to read as follows:

This chapter shall not be construed to apply to any other amusement or game nor to "Beano" or "Bingo" conducted during a resort season in bona fide resort hotels for the entertainment of guests registered therein, **except as provided in section 303-A.**

**Sec. 89. R. S., T. 17, § 1092, repealed and replaced.** Section 1092 of Title 17 of the Revised Statutes, as amended by section 3 of chapter 37 and by chapter 398, both of the public laws of 1973, is repealed and the following enacted in place thereof:

**§ 1092. Malicious killing or injury to domestic animals; stealing**

Whoever maliciously kills, sells, wounds, maims, disfigures or poisons any domestic animal, livestock, sheep, goats, swine, dog or cat of another, or exposes any poisonous substance with intent that the life of such animal, livestock, sheep, goats, swine, dog or cat shall be destroyed thereby, on the lands owned or in possession of another or on any public or private way or public area, or steals or entices away or confines or harbors such animal, livestock, sheep, goats, swine for the purpose of obtaining a reward or for any other illegal purpose shall, when the offense is not of a high and aggravated nature, be punished by a fine of not more than \$300 or by imprisonment for not more than 3 months, or by both, and when the offense is of a high and aggravated nature by a fine of not more than \$1,000 or by imprisonment for not more than 4 years. The court shall order the person convicted of such a crime to make restitution to the owner thereof of the fair market value for any animal so killed, wounded, maimed, disfigured or poisoned, except as provided in Title 7, section 3602. If the person convicted cannot pay, as ordered, the court may place him on probation until such sentence is fully performed. Such probation may commence as ordered by the court. If he is sentenced to the State Prison or a correctional center, one condition of parole shall be restitution.

**Sec. 90. Effective date.** Section 89 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 91. R. S., T. 17, § 3204, amended.** The 2nd paragraph of section 3204 of Title 17 of the Revised Statutes, as last amended by section 2 of chapter 27, by chapter 142 and chapter 350, all of the public laws of 1973, is repealed and the following enacted in place thereof:

This section shall not apply to: The operation or maintenance of common, contract and private carriers; taxicabs; airplanes; newspapers; radio and television stations; hotels, motels, rooming houses, tourist and trailer camps; restaurants; garages and motor vehicle service stations; retail monument dealers; automatic laundries; machines that vend anything of value, including, but not limited to, a product, money or service; pharmacies, greenhouses; seasonal stands engaged in sale of farm produce, dairy products, sea food or Christmas trees; public utilities; industries normally kept in continuous operation, including but not limited to pulp and paper plants and textile plants; processing plants handling agricultural produce or products of the sea; ship chandleries; marinas; establishments primarily selling boats, boating equipment, sporting equipment, souvenirs and novelties; motion picture theatres;

public dancing; sports and athletic events; displaying or exploding fireworks under Title 8, chapter 9; musical concerts; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities; real estate brokers and real estate salesmen; mobile home brokers and mobile home salesmen; provided that this section shall not exempt the businesses or facilities specified in sections 3205, 3206 and 3207 from closing in any municipality until the requirements of those sections have been met; stores wherein no more than 5 persons, including the proprietor, are employed in the usual and regular conduct of business; stores which have no more than 5,000 square feet of interior customer selling space, excluding back room storage, office and processing space.

**Sec. 92. Effective date.** Section 91 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 93. R. S., T. 17, § 3965, repealed.** Section 3965 of Title 17 of the Revised Statutes, as enacted by chapter 316 of the public laws of 1973, is repealed.

**Sec. 94. R. S., T. 17, § 3966, additional.** Title 17 of the Revised Statutes is amended by adding a new section 3966 to read as follows:

**§ 3966. Animals in food stores**

It is unlawful for any person, other than the owner or manager, to bring any animal into a store where food is sold for human consumption or into a restaurant where food is prepared and served on the premises. This section shall not apply to any person requiring the services of a seeing-eye dog.

**Sec. 95. Effective date.** Sections 93 and 94 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 96. R. S., T. 18, § 2656, amended.** Section 2656 of Title 18 of the Revised Statutes is amended to read as follows:

**§ 2656. Relief when claim not presented in time limited**

If the Superior Court, upon a complaint filed by a creditor whose claim has not been prosecuted within the time limited by sections ~~2402 2406~~ and 2651 to 2655, is of the opinion that justice and equity require it, and that such creditor is not chargeable with culpable neglect in not prosecuting his claim within the time so limited, it may give him judgment for the amount of his claim against the estate of the deceased person; but such judgment shall not affect any payment or distribution made before the filing of such complaint.

**Sec. 97. R. S., T. 19, § 286, amended.** Section 286 of Title 19 of the Revised Statutes, as enacted by section 2 of chapter 325 of the public laws of 1967, is further amended to read as follows:

**§ 286. Rules of civil procedure**

The rules of civil procedure as far as applicable shall apply to this subchapter to all cases of birth out of wedlock as defined in this subchapter where birth occurs after ~~the effective date of this Act~~ **October 7, 1967.**

**Sec. 98. R. S., T. 20, § 102, sub-§ 7, amended.** The 3rd paragraph of subsection 7 of section 102 of Title 20 of the Revised Statutes, as enacted by chapter 432 of the public laws of 1965, is amended to read as follows:

The officers in charge of a private school founded after ~~the effective date of this Act~~ **September 3, 1965** shall furnish the commissioner with a copy of the course of study arranged by said officers.

**Sec. 99. R. S., T. 20, § 222, amended.** The next to the last paragraph of section 222 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 180 of the public laws of 1971, is repealed and the following enacted in place thereof:

Whenever a municipality or a part of a municipality is detached from a district having outstanding indebtedness, the municipality or part of municipality shall remain as part of the district from which detached for the purpose of paying its proper portion of such indebtedness until the same shall be redeemed, but said municipality or part of municipality shall not be part of the district from which detached for the purpose of any outstanding indebtedness incurred subsequent to the date of the certificate of transfer. Outstanding indebtedness, as used in this paragraph, means that indebtedness defined in this section. Such municipality or part of municipality shall be a part of the district or municipality to which transferred for all purposes.

**Sec. 100. R. S., T. 20, § 360, amended.** The first paragraph of section 360 of Title 20 of the Revised Statutes is amended to read as follows:

The inhabitants of and territory within any town not originally in the district may be included upon vote of all the towns concerned in a manner similar to that prescribed for the establishing of the community school or schools under such terms and arrangements as may be recommended by the community school trustees and approved by such vote, provided the cost to the inhabitants and territory so applying shall be based on a fair valuation as determined by the State ~~Board of Equalization~~ **Tax Assessor**.

**Sec. 101. R. S., T. 20, § 2356-B, amended.** The first paragraph of section 2356-B of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 440 of the public laws of 1965 and as amended, is further amended to read as follows:

When any administrative unit has constructed, subsequent to ~~the effective date of this Act~~ **September 3, 1965**, an approved facility to be used as a regional technical and vocational center according to an approved plan as provided in section 2356-A, and has adequately equipped it, for the conduct of not less than 5 approved full-time courses of technical or vocational education, exclusive of, or in addition to, part-time cooperative training programs, and shall maintain and operate a regional technical and vocational center therein, or shall maintain and operate such a regional technical and vocational center in a facility already available which is approved by the Department of Educational and Cultural Services for the maintenance and operation of such a center, the Commissioner of Educational and Cultural Services shall make the following grants from any funds available for these



purposes, in the apportionment of which special funds which are or may become available to the Department of Educational and Cultural Services for distribution for these purposes from federal grants or from other sources may be used in part payment of, but shall not be in addition to, grants authorized by this section:

**Sec. 102. R. S., T. 20, § 2356-B, sub-§ 1, amended.** The first paragraph of subsection 1 of section 2356-B of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 440 of the public laws of 1965, is amended to read as follows:

Seventy-five percent of the cost of constructing and equipping subsequent to ~~the effective date of this Act~~ **September 3, 1965**, a building or buildings to be used for the maintenance and operation of a regional technical and vocational center which is approved in accordance with section 2356-A.

**Sec. 103. R. S., T. 20, § 3112, sub-§ 1, amended.** Subsection 1 of section 3112 of Title 20 of the Revised Statutes is amended to read as follows:

1. **Handicapped or exceptional child.** "Handicapped or exceptional child" shall mean any child under ~~20~~ **20** years of age able to benefit from an instructional program approved by the state board whose parents or guardian maintains a home for his family in any administrative unit within the State, and whose educational needs cannot be adequately provided for through the usual facilities and services of the public schools, because of the physical or mental deviations of such child.

**Sec. 104. R. S., T. 20, § 3458, amended.** The first sentence of section 3458 of Title 20 of the Revised Statutes, as enacted by section 10 of chapter 224 of the public laws of 1967 and as amended, is further amended to read as follows:

Any eligible administrative unit qualifying for school construction aid under section 3457 which, after ~~the effective date of this Act~~ **April 27, 1967**, has authorized a school construction project and the financing thereof may apply to the Department of Educational and Cultural Services for such aid.

**Sec. 105. R. S., T. 20, § 3458, amended.** The last paragraph of section 3458 of Title 20 of the Revised Statutes, as enacted by section 10 of chapter 224 of the public laws of 1967, is amended to read as follows:

Nothing in this section shall affect any state aid payable with respect to school construction projects authorized prior to ~~the effective date of this Act~~ **April 27, 1967**.

**Sec. 106. R. S., T. 20, § 3459, amended.** The first paragraph of section 3459 of Title 20 of the Revised Statutes, as enacted by section 11 of chapter 224 of the public laws of 1967 and as amended, is further amended to read as follows:

Notwithstanding any inconsistent provisions of sections 225, 304, 2356-B, 3457 and 3458, the school directors of any School Administrative District which, between May 11, 1966 and ~~the effective date of this Act~~ **April 27, 1967**,

has authorized its school directors to borrow funds in anticipation of state aid for school construction under section 225 as then in effect, may borrow such funds pursuant to section 304 as heretofore in effect and may issue temporary notes and renewal notes therefor, which temporary notes and renewal notes shall be legal obligations of said district and may be issued notwithstanding any debt limitation of the district, but shall thereafter be considered in computing the borrowing capacity of the district except with respect to bonds or notes issued to finance the same school project or projects.

**Sec. 107. R. S., T. 20, § 3459, amended.** The first sentence of the last paragraph of section 3459 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 491 of the public laws of 1969, is amended to read as follows:

This section shall apply to any School Administrative District which, between May 11, 1966 and April 27, 1967, voted to authorize its school directors to issue bonds or notes in the name of such district for capital outlay purposes but did not authorize the borrowing of funds in anticipation of state aid for school construction for such purposes, but only if such district has not, as of ~~the effective date of the Act~~ **July 2, 1969** pursuant to which this paragraph is enacted, issued its bonds or notes for the permanent financing of the project or projects for which such bonds or notes were authorized.

**Sec. 108. R. S., T. 20, § 3460, amended.** The 3rd paragraph of section 3460 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 373 of the public laws of 1969 and as repealed and replaced by chapter 552 and as amended by section 21 of chapter 610, both of the public laws of 1971, is further amended to read as follows:

On eligible projects for which the Department of Educational and Cultural Services has authorized the alternate method and on which the local administrative unit, subsequent to ~~the effective date of this Act~~ **February 4, 1972**, submits evidence that the appropriate local officials have contracted or arranged for the construction of the approved facility or facilities, the financial assistance due the eligible unit shall be paid according to the following schedule.

**Sec. 109. R. S., T. 20, § 3460, amended.** The last sentence of the last blocked paragraph of the 3rd paragraph of section 3460 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 373 of the public laws of 1969 and as repealed and replaced by chapter 552 of the public laws of 1971, is amended to read as follows:

Based upon the estimate, the commissioner shall make monthly payments thereafter, and the final payment in accordance with the procedure prescribed above for projects on which evidence of contract execution was submitted after ~~the effective date of this Act~~ **February 4, 1972**.

**Sec. 110. R. S., T. 20, § 3732, amended.** The 6th paragraph of section 3732 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 496 and as amended by section 13 of chapter 589, both of the public laws of 1969, is further amended to read as follows:

Per pupil valuation shall be determined by dividing the number of pupils in the municipality as defined in this section into the state valuation as filed by the ~~Board of Equalization~~ **State Tax Assessor**.

**Sec. 111. R. S., T. 20, § 3732, amended.** The last paragraph of section 3732 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 406 and as repealed and replaced by section 14 of chapter 589, both of the public laws of 1969, is repealed as follows:

~~For the purpose of computing general purpose aid under this section for the 1970-71 fiscal year, the pupil enrollment used shall be the resident pupils educated at public expense as reported April 1, 1968~~

**Sec. 112. R. S., T. 21, § 1253, sub-§ 3, repealed and replaced.** Subsection 3 of section 1253 of Title 21 of the Revised Statutes, as last amended by section 47 of chapter 414 of the public laws of 1973, is repealed and the following enacted in place thereof:

3. Clerk to list. The clerk shall keep a list of the persons to whom he furnishes absentee ballots until after election day, or the clerk shall file the applications and requests in alphabetical order.

**Sec. 113. R. S., T. 21, § 1256, sub-§ 4, repealed and replaced.** Subsection 4 of section 1256 of Title 21 of the Revised Statutes is repealed and the following enacted in place thereof:

4. Lists prepared. The clerk shall prepare in duplicate lists by districts of the names and addresses of the voters as shown on the return envelopes; he shall maintain a copy for a period for 4 years which shall be a public record.

**Sec. 114. Effective date.** Sections 112 and 113 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 115. R. S., T. 21, § 1573-B, amended.** Section 1573-B of Title 21 of the Revised Statutes, as enacted by section 69-A of chapter 622 of the public laws of 1971, is amended to read as follows:

**§ 1573-B. Sinclair, T17, R4, to have separate voting place**

The municipal officers of the Town of ~~St. Saint~~ **Saint Agatha** are directed to establish a voting place at Sinclair, T17, ~~R5~~ **R4**, an unorganized township in the County of Aroostook, for all state and national elections, including primary elections, at which voting place all residents of unorganized places entitled to vote in the Town of ~~St. Saint~~ **Saint Agatha** may cast their ballots under the conditions provided in this section. The municipal officers shall prepare a separate list of such voters, resident in unorganized places who are entitled to vote in the Town of ~~St. Saint~~ **Saint Agatha**, as may request the privilege of voting at Sinclair, T17, ~~R5~~ **R4** at the time they qualify as voters in the Town of ~~St. Saint~~ **Saint Agatha** under section 246, and all persons whose names are so included in said list shall be entitled to vote at said voting place in Sinclair, T17, ~~R5~~ **R4** instead of at the Town of ~~St. Saint~~ **Saint Agatha**.

Municipal officers of the Town of ~~St. Saint~~ **Saint Agatha** shall select 4 ballot clerks from the inhabitants of Sinclair, T17, ~~R5~~ **R4**, representing the 2 polit-

ical parties which at the gubernatorial election next preceding such appointment cast the greatest number of votes and shall select a warden who shall be a resident of the Town of ~~St.~~ Saint Agatha.

The conduct of elections at said voting place shall be the same as in towns having separate voting districts, and all the provisions of the Revised Statutes with respect to separate voting districts in towns are made applicable to said voting place at Sinclair, T17, ~~R5~~ R4, as though the same were located within the territorial limits of the Town of ~~St.~~ Saint Agatha, and the powers and duties of the municipal officers in such case are conferred upon the municipal officers of the Town of ~~St.~~ Saint Agatha.

**Sec. 116. R. S., T. 22, § 2029, sub-§ 3, amended.** The first sentence of subsection 3 of section 2029 of Title 22 of the Revised Statutes, as enacted by chapter 380 of the public laws of 1967, is amended to read as follows:

He is an individual who has acted as the director of a medical laboratory within the State for one year prior to ~~the effective date of this Act~~ **October 7, 1967.**

**Sec. 117. R. S., T. 22, § 2361, sub-§ 2, repealed.** Subsection 2 of section 2361 of Title 22 of the Revised Statutes, is repealed.

**Sec. 118. R. S., T. 22, § 2447, amended.** Section 2447 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 209 of the public laws of 1969, is amended to read as follows:

**§ 2447. Certificate from owner of particular system**

Certificates may be issued without examination to the person or persons certified by the governing body or owner to have been in direct responsible charge of a water treatment plant or a water distribution or water supply system on ~~the effective date of this chapter~~ **October 1, 1969** or within 3 years prior to said ~~effective date~~ **October 1, 1969.** A certificate so issued will be valid only for that particular classification level of treatment plant or system.

**Sec. 119. R. S., T. 22, § 2450, amended.** The first sentence of section 2450 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 209 of the public laws of 1969, is amended to read as follows:

On and after 2 years following ~~the effective date of this chapter~~ **October 1, 1969**, it shall be unlawful for any person, firm or corporation, both municipal and private, operating a water treatment plant or water distribution system to operate same unless the competency of the operator is duly certified to by the board under this chapter.

**Sec. 120. R. S., T. 22, § 2706, sub-§ 1, amended.** The last sentence of subsection 1 of section 2706 of Title 22 of the Revised Statutes is amended to read as follows:

Such a record may be disclosed or a certified copy issued upon request of the illegitimate himself, **his parent** or his legal guardian or counsel or of petitioners for adoption or in response to court process.

**Sec. 121. R. S., T. 22, §§ 4497-4499, repealed.** Sections 4497 to 4499 of Title 22 of the Revised Statutes, as enacted by section 2 of chapter 473 of the public laws of 1973, are repealed.

**Sec. 122. R. S., T. 22, §§ 4501-4503, additional.** Title 22 of the Revised Statutes is amended by adding 3 new sections, 4501 to 4503, to read as follows:

**§ 4501. Grant, denial, reduction or termination to be communicated in writing; right to a hearing**

Any action relative to the grant, denial, reduction, suspension or termination of relief provided under this chapter must be communicated to the applicant or recipient in writing and shall include the specific reason or reasons for such action and shall state that the person affected has a right to a hearing.

**§ 4502. Right to pretermination evidentiary hearing**

In any instance when it is proposed to terminate, suspend or reduce relief being provided, when it is evident that termination, suspension or reduction of relief is necessary, the recipient shall be given timely and advanced notice detailing the reasons for the proposed action and informing the recipient of his right to request an evidentiary hearing to be held within 2 working days within receipt of the notice by the recipient. Said hearing shall not be held before the person or body proposing the termination, suspension or reduction. The person requesting the hearing shall be afforded the right to confront and cross-examine any witnesses against him, present witnesses in his own behalf and be represented by counsel or other spokesman, and advised of these rights in writing. The decision of such a hearing shall be based solely on evidence adduced at the hearing. The person requesting the hearing shall, within a reasonable time after the hearing, be furnished with a written decision detailing the reasons for such decision. The impending action of termination, suspension or reduction shall not be carried out until the evidentiary hearing has been offered or held, or both, and written notice of the decision has been given.

**§ 4503. Right to fair hearing**

Any person aggrieved with a decision, act, failure to act or delay in action in regard to his request or application for relief under this chapter shall have the right to a hearing before the overseers or their designated representatives. Such hearing shall conform to the procedures detailed in section 4502. Review of any action or failure to act under this chapter shall be pursuant to Rule 80-B of the Maine Rules of Civil Procedure.

**Sec. 123. Effective date.** Sections 121 and 122 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 124. R. S., T. 22, §§ 4741-4743, repealed.** Sections 4741 to 4743 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 333 of the public laws of 1973, are repealed.

**Sec. 125. Effective date.** Section 124 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 126. R. S., T. 22, § 4780, amended.** The first sentence of section 4780 of Title 22 of the Revised Statutes is amended to read as follows:

The commissioner, on application of any Indian thereof, male or female, ~~at~~ 18 years of age or more, to whom his proportion of the tribe's lands has never been assigned, or has never come by inheritance or who does not already hold by assignment, purchase or otherwise his fair share of said lands, may cause a lot suitable for cultivation to be surveyed to such applicant from the unassigned lands of the tribe, if any, and may assign the same to him and designate the same upon the plan aforesaid.

**Sec. 127. R. S., T. 22, § 4837, amended.** Section 4837 of Title 22 of the Revised Statutes is amended to read as follows:

**§ 4837. Removal of poor to reservations; reimbursement to towns**

Any member of the Passamaquoddy Tribe requiring assistance may be removed by the Commissioner of Indian Affairs from any place in which he may be residing or be found, to either of the Indian reservations provided for said tribe, or may be removed from one of such reservations to another such reservation, whenever in the judgment of the Commissioner of Indian Affairs such removal should be made. When any member of said tribe is found destitute and in distress beyond the tribal reservation and is relieved by the town in this State where he is so found, the overseers of the poor of said town may send to the Commissioner of Health and Welfare a statement specifying the nature, dates and amounts of the supplies furnished, which shall be transmitted to the department with such additional statements of fact as said Commissioner of Health and Welfare may think proper. The State shall reimburse said town for the relief so furnished to such extent as the Department of Health and Welfare adjudges to have been necessarily expended therefor.

**Sec. 128. R. S., T. 23, § 52, amended.** The 2nd paragraph of section 52 of Title 23 of the Revised Statutes is repealed as follows:

~~By consent of all parties in interest, any investigation, inquiry or hearing which the commission is authorized to hold may be held by a single member of the commission, and his finding, when approved by the commission and so shown on its records, shall be deemed to be the finding of the commission~~

**Sec. 129. R. S., T. 23, § 242, sub-§ 3, amended.** Subsection 3 of section 242 of Title 23 of the Revised Statutes, as enacted by section 1 of chapter 333 and as amended by section 22 of chapter 593, both of the public laws of 1971, is further amended to read as follows:

3. **Displaced person.** "Displaced person" shall mean any person who, on or after the effective date of this Act January 2, 1971 moves from real property, or moves his personal property from real property as a result of the acquisition of such real property in whole or in part, or as the result of the written order of the commission to vacate real property acquired in whole or in part, for a state or state aid highway; and solely for the purposes of section 244, as a result of the acquisition of or the written order of the depart-

ment to vacate other real property on which such person conducts a business or farm operation, for such program or project.

**Sec. 130. R. S., T. 23, § 243, sub-§ 1, amended.** The first sentence of subsection 1 of section 243 of Title 23 of the Revised Statutes, as enacted by section 1 of chapter 333 and as amended by section 22 of chapter 593, both of the public laws of 1971, is further amended to read as follows:

Whenever the acquisition of real property for a project will result in the displacement of any person on or after ~~the effective date of this Act~~ **January 2, 1971**, the department shall provide a relocation assistance advisory program for displaced persons which shall offer the services described in subsection 2.

**Sec. 131. R. S., T. 23, § 244, sub-§ 1, amended.** Subsection 1 of section 244 of Title 23 of the Revised Statutes, as enacted by section 1 of chapter 333 and as amended by section 22 of chapter 593, both of the public laws of 1971, is further amended to read as follows:

1. **Payments.** Whenever the acquisition of real property for a project will result in the displacement of any person on or after ~~the effective date of this Act~~ **January 2, 1971**, the department shall make a payment to any displaced person, upon proper application on forms approved by the department, for

**A.** Actual reasonable expenses in moving himself, his family, business, farm operation or other personal property;

**B.** Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the department; and

**C.** Actual reasonable expenses in searching for a replacement business or farm.

**Sec. 132. R. S., T. 23, § 652, sub-§ 2, ¶ F, amended.** Paragraph F of subsection 2 of section 652 of Title 23 of the Revised Statutes, as enacted by chapter 435 of the public laws of 1969, is amended to read as follows:

**F.** This subsection shall not apply to private water supplies after ~~the effective date of this Act~~ **June 26, 1969** where the location does not allow for or provide for adequate surface drainage.

**Sec. 133. R. S., T. 23, c. 19, sub-c. II-A, repealed.** Subchapter II-A of chapter 19 of Title 23 of the Revised Statutes, as enacted by section II-A of chapter 593 of the public laws of 1971, is repealed.

**Sec. 134. R. S., T. 24-A, § 410, sub-§ 1, ¶ A, amended.** The first sentence of paragraph A of subsection 1 of section 410 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:

An insurer holding a valid certificate of authority to transact insurance in this State on ~~the effective date of this Act~~ **January 1, 1970** may, if otherwise

qualified therefor, continue to be so authorized while possessing paid-in capital stock, if a stock insurer, or surplus, if a mutual or reciprocal insurer, as required for such authority immediately prior to such effective date.

**Sec. 135. R. S., T. 24-A, § 428, sub-§ 3, amended.** Subsection 3 of section 428 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:

3. For the purposes of this section the domicile of an alien insurer, other than insurers formed under the laws of Canada or a province thereof, shall be that state designated by the insurer in writing filed with the commissioner at time of admission to this State or within 6 months after ~~the effective date of this Act~~ **January 1, 1970**, whichever date is the later, and may be any one of the following states:

- A. That in which the insurer was first authorized to transact insurance;
- B. That in which is located the insurer's principal place of business in the United States; or
- C. That in which is held the largest deposit of trusteed assets of the insurer for the protection of its policyholders in the United States.

**Sec. 136. R. S., T. 24-A, § 604, sub-§ 2, ¶ A, amended.** Paragraph A of subsection 2 of section 604 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:

- A. The balance, if any, remaining on ~~the effective date of this Act~~ **January 1, 1970** of funds allocated to the department pursuant to Title 24, section 372;

**Sec. 137. R. S., T. 24-A, § 1102, sub-§ 2, amended.** Subsection 2 of section 1102 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. Any particular investment held by an insurer on ~~the effective date of this Act~~ **January 1, 1970**, which was a legal investment at the time it was made, and which the insurer was legally entitled to possess immediately prior to such effective date, shall be deemed to be an eligible investment.

**Sec. 138. R. S., T. 24-A, § 1521, sub-§ 1, amended.** The last sentence of subsection 1 of section 1521 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:

For the purposes of this subsection, an agent's license covering fire insurance and existing on ~~the effective date of this Act~~ **January 1, 1970** shall be deemed to be the equivalent of a license covering "property" insurance as defined in this Title;

**Sec. 139. R. S., T. 24-A, § 1604, sub-§ 2, amended.** Subsection 2 of section 1604 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. If qualification is based upon fulfillment of the requirements of **subsection 1**, paragraph B, the applicant shall file with the commissioner an affidavit by his employer stating the period of employment, that it was substantially fulltime, and the nature of the duties performed by the applicant.

**Sec. 140. R. S., T. 24-A, § 1853, sub-§ 4, amended.** The last sentence of subsection 4 of section 1853 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:

This subsection shall not apply as to persons holding subsisting licenses as adjuster in this State immediately prior to ~~the effective date of this Act~~ **January 1, 1970.**

**Sec. 141. R. S., T. 24-A, § 2101, sub-§ 2, ¶ A, amended.** Paragraph A of subsection 2 of section 2101 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:

**A.** Matters authorized to be done by the commissioner under the Unauthorized ~~insurers~~ **Insurers Process Act**, sections ~~2104~~ **2102 to 2108**;

**Sec. 142. R. S., T. 24-A, § 2102, amended.** The first sentence of section 2102 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:

The purpose of sections ~~2103~~ **2102 to 2108** (Unauthorized Insurers Process Act) and sections 2109 to 2111 (Unauthorized Insurers False Advertising Process Act) is to subject certain insurers to the jurisdiction of the commissioner and the courts of this State in suits and disciplinary proceedings as provided therein, by or on behalf of insureds or beneficiaries under insurance contracts or the commissioner.

**Sec. 143. R. S., T. 24-A, § 2420, sub-§ 4, amended.** The first sentence of subsection 4 of section 2420 of Title 24-A of the Revised Statutes, as enacted by section 1 of chapter 132 and as amended by section 39 of chapter 177, both of the public laws of 1969, is further amended to read as follows:

Any individual insured under a group insurance policy or group annuity contract shall have the right, unless expressly prohibited under the terms of the policy or contract, to assign to any other person his rights and benefits under the policy or contract, including, but not limited to, the right to designate the beneficiary or beneficiaries and the rights as to conversion provided for in sections 2621 to 2625, and, subject to the terms of the policy relating to assignments thereunder, any such assignment, made either before or after ~~the effective date of this section~~ **January 2, 1970**, shall be valid for the purpose of vesting in the assignee all such rights and benefits so assigned.

**Sec. 144. R. S., T. 24-A, § 2529, sub-§ 1, amended.** The first paragraph of subsection 1 of section 2529 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:

In the case of policies issued on or after ~~the effective date of this Title~~ **January 1, 1970**, no policy of life insurance, except as stated in section 2534, shall

be issued or delivered in this State, unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the defaulting or surrendering policyholder:

Sec. 145. R. S., T. 24-A, c. 40, repealed. Chapter 40 of Title 24-A of the Revised Statutes, as enacted by chapter 439 of the public laws of 1973, is repealed.

Sec. 146. R. S., T. 24-A, c. 40, additional. Title 24-A of the Revised Statutes, as enacted by section 1 of chapter 132 of the public laws of 1969, is amended by adding a new chapter 40 to read as follows:

#### CHAPTER 40

### MASS MARKETING OF CASUALTY AND PROPERTY INSURANCE

#### § 2931. Purpose

The purpose of this chapter is to prevent abuses in connection with sale of casualty and property insurance in this State pursuant to mass marketing plans, while preserving for consumers the potential benefits of this form of marketing.

#### § 2932. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Casualty insurance. "Casualty insurance" means all contracts of insurance covered by section 707.

2. Mass marketing plan. "Mass marketing plan" means a method of selling property and casualty insurance wherein such insurance is offered to employees of particular employers or to members of particular associations or organizations or to persons grouped in other ways and the employer, association or organization has agreed to or otherwise affiliated itself with, or facilitated, the sale of such insurance to its employees or members and employees and includes without limitation such plans whether described as "mass merchandising," "group merchandising," "franchise merchandising" or "collective merchandising."

3. Property insurance. "Property insurance" means all contracts of insurance covered by section 705.

#### § 2933. Premium rates

Premium rates under a mass marketing plan shall comply with all standards set forth in the Maine Insurance Code, including without limitation the requirement that rates shall not be excessive, inadequate or unfairly discriminatory. Rates shall not be deemed to be unfairly discriminatory because different premiums result for policyholders with like loss exposures but different

expense factors, or like expense factors but different loss exposures, so long as the rates reflect the difference with reasonable accuracy. Rates shall not be deemed to be unfairly discriminatory if they are averaged broadly among persons insured under a mass marketing plan.

§ 2934. Statistics

An insurer selling insurance pursuant to mass marketing plans shall maintain separate statistics as to loss and expense experience pertinent thereto.

§ 2935. Compulsory participation prohibited

No insurer shall sell insurance pursuant to a mass marketing plan, if it is a condition of employment or of membership in an association, organization or other group that any employee or member purchase insurance pursuant to such plan, or if any employee or member shall be subject to any penalty by reason of his nonparticipation.

§ 2936. Tie-in sales prohibited

1. No insurer shall sell insurance pursuant to a mass marketing plan if:
  - A. Purchase of insurance available under such plan is contingent upon the purchase of any other insurance product or insurance service, or
  - B. The purchase of any other insurance product or insurance service is contingent upon the purchase of insurance available under such plan.
2. This section shall not be deemed to prohibit the reasonable requirement of safety devices, such as heat detectors, lightning rods, theft prevention equipment and the like.

§ 2937. Disclosure required

Every insurer, agent or broker selling insurance pursuant to a mass marketing plan shall, prior to sale, make full and fair disclosure to prospective insureds of all features of such plan, whether favorable or unfavorable, including, but not limited to, the stability of the premium rates, benefits, duration of coverage, policyholder services, conversion privileges available, and the financial and interlocking interests in the plan, if any, of the sponsoring employer, association, organization or group.

§ 2938. Availability

The insurer must accept all members who wish to participate in the plan except, in the case of motor vehicle insurance, any person who usually drives the motor vehicle and does not hold or is not eligible to obtain a driver's license. With respect to motor vehicle insurance, every member of the plan must be offered the same form of policy, varying only as to the amounts of insurance, limits of liability and lines of coverage, except that all policies shall provide at least the financial responsibility limits of coverage stated in Title 29, section 781, subsection 1, paragraph D. With respect to other insurance covered hereunder, every member of the plan must be offered the same policy form alternatives, varying only as to the amounts of insurance, limits of liability and lines of coverage.

**§ 2939. Cancellation and nonrenewal**

1. Cancellation and nonrenewal shall be subject to the applicable provisions set forth elsewhere in this Title.

2. The failure of an employer, association, organization or other group to remit premiums when due for any reason, including, but not limited to, interruption or termination of employment or membership, shall not be regarded as nonpayment of premium by any insured under any such plan providing for remittance of premium by such employer, association, organization or other group, unless such insured shall have been given written notice of such failure to remit and shall not himself have paid such premium by the later of 20 days after such notice, or the due date of such premium remittance under the mass marketing plan or pursuant to regulations set forth by the commissioner.

3. Upon the termination of employment or membership or upon the discontinuance of the mass marketing plan, such insured member or employee may maintain his policy in force, in the same amount, upon payment of the premium applicable to the class of risk to which he belongs, on an individual basis.

4. Any notice of cancellation or nonrenewal of any policy of any employee or member insured under a mass marketing plan shall be accompanied by a notice to the employee or member that, at his request, the insurer will afford the employer, association, organization or other group a reasonable opportunity to consult with the insured and to present facts in opposition to cancellation or nonrenewal.

**§ 2940. Applicability**

This chapter shall be applicable only to insurance policies issued or renewed in this State after November 1, 1973 and is in addition to, and not in substitution for, other applicable requirements of the Maine Insurance Code and department regulations.

**Sec. 147. Effective date.** Sections 145 and 146 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 148. R. S., T. 24-A, § 3306, sub-§ 2, amended.** The first sentence of subsection 2 of section 3306 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:

Three or more individuals, none of whom is less than ~~21~~ 18 years of age, may incorporate a stock insurer; 10 or more such individuals may incorporate a mutual insurer.

**Sec. 149. R. S., T. 24-A, § 3414, sub-§ 5, amended.** Subsection 5 of section 3414 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:

5. This section does not apply as to contracts entered into prior to ~~the effective date of this Act~~ **January 1, 1970**, or to amendment of such contracts other than extensions thereof.

**Sec. 150. R. S., T. 24-A, § 3607, sub-§§ 2 and 4, amended.** Subsections 2 and 4 of section 3607 of Title 24-A of the Revised Statutes, as enacted by section 1 of chapter 132 of the public laws of 1969, are amended to read as follows:

2. Mutual insurers organized prior to January 1968 to transact and transacting kinds of insurance other than fire, marine and glass shall have a guaranty capital fund in amount not less than as required under laws in force immediately prior to ~~the effective date of this Act~~ **January 1, 1970**, and if organized on or after January 1, 1968, shall have guaranty capital funds of not less than \$500,000. Such an insurer shall not be authorized to transact insurance until at least  $\frac{1}{4}$  of its guaranty capital funds have been paid in, in cash, and invested in such manner as is provided in chapter 13.

4. Except as hereinabove provided, all such insurers holding subsisting certificates of authority immediately prior to ~~the effective date of this Act~~ **January 1, 1970** may continue to be so authorized as long as qualified for such authority as under laws in force immediately prior to such effective date.

**Sec. 151. R. S., T. 24-A, § 3628, sub-§ 1, amended.** Subsection 1 of section 3628 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:

1. No personal examination shall be required of the applicant and no examination fee shall be charged, as to an applicant for a license as an agent of an insurer writing insurance solely on the assessment plan, if on ~~the effective date of this Act~~ **January 1, 1970** the applicant was also a director or officer of such insurer;

**Sec. 152. R. S., T. 24-A, § 3852, sub-§ 2, amended.** Subsection 2 of section 2 of section 3852 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. Existing authorized reciprocal insurers shall after ~~the effective date of this Act~~ **January 1, 1970** comply with ~~the provisions of~~ this chapter, and shall make such amendments to their subscribers' agreement, power of attorney, policies and other documents and accounts and perform such other acts as may be required for such compliance.

**Sec. 153. R. S., T. 24-A, § 4116, amended.** The last sentence of the first paragraph of section 4116 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 to certificates issued on and after ~~the effective date of this Act~~ **January 1, 1970** a society shall grant at least one paid-up nonforfeiture benefit; except in the case of pure endowment, annuity or reversionary annuity contracts, reducing term insurance contracts or contracts of term insurance of uniform amount of 15 years or less expiring before age 66.

**Sec. 154. R. S., T. 24-A, § 4123, amended.** The last sentence of section 4123 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:

It may take credit for the reserves on such ceded risks to the extent reinsured, but no credit shall be allowed as an admitted asset or as a deduction from liability, to a ceding society for reinsurance made, ceded, renewed, or otherwise becoming effective after ~~the effective date of this Act~~ **January 1, 1970**, unless the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding society under the contract or contracts reinsured without diminution because of the insolvency of the ceding society.

**Sec. 155. R. S., T. 24-A, § 4124, amended.** The first sentence of section 4124 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.

Societies which are now authorized to transact business in this State may continue such business until the first day of ~~July~~ **January next succeeding the effective date of this Title, 1970.**

**Sec. 156. R. S., T. 24-A, § 4134, sub-§ 3, amended.** The 4th sentence of subsection 3 of section 4134 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:

Such net tabular value as to certificates issued prior to one year after ~~the effective date of this chapter~~ **January 1, 1970** shall be determined in accordance with the provisions of law applicable prior to ~~the effective date of this chapter~~ **January 1, 1970** and as to certificates issued on or after one year from ~~the effective date of this chapter~~ **January 1, 1970** shall not be less than the reserves determined according to the commissioner's reserve valuation method as hereinafter defined.

**Sec. 157. R. S., T. 24-A, § 4134, sub-§ 6, ¶ A, amended.** Paragraph A of subsection 6 of section 4134 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:

**A.** The minimum standards of valuation for certificates issued prior to ~~the effective date of this chapter~~ **January 1, 1970** shall be those provided by the law applicable immediately prior to ~~the effective date of this chapter~~ **January 1, 1970** but not lower than the standards used in the calculating of rates for such certificates.

**Sec. 158. R. S., T. 24-A, § 4134, sub-§ 6, ¶ B, amended.** The first paragraph of paragraph B of subsection 6 of section 4134 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:

The minimum standard of valuation for certificates issued after ~~the effective date of this chapter~~ **January 1, 1970** shall be 3½% interest and the following tables:

**Sec. 159. R. S., T. 24-A, § 4435, sub-§ 4, amended.** The first paragraph of subsection 4 of section 4435 of Title 24-A of the Revised Statutes, as enacted by chapter 561 of the public laws of 1969, is amended to read as follows:

“Covered claim” means an unpaid claim, including one for unearned premiums, arising under and within the coverage and applicable limits of a policy of a kind of insurance referred to in section 4433 to which this subchapter applies issued by an insurer which becomes an insolvent insurer after ~~the effective date of this subchapter~~ **May 9, 1970**, and where

**Sec. 160. R. S., T. 24-A, § 4437, amended.** The last sentence of the first paragraph of section 4437 of Title 24-A of the Revised Statutes, as enacted by chapter 561 of the public laws of 1969, is amended to read as follows:

If no members are selected within 60 days after ~~the effective date of this subchapter~~ **May 9, 1970**, the commissioner may appoint the initial members of the board of directors.

**Sec. 161. R. S., T. 24-A, § 4439, sub-§ 1, ¶ B, amended.** Paragraph B of subsection 1 of section 4439 of Title 24-A of the Revised Statutes, as enacted by chapter 561 of the public laws of 1969, is amended to read as follows:

**B.** If the association fails to submit a suitable plan of operation within 90 days following ~~the effective date of this subchapter~~ **May 9, 1970** or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate this subchapter. Such rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

**Sec. 162. R. S., T. 24-A, § 4554, sub-§ 1, amended.** Subsection 1 of section 4554 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:

1. Every life insurer shall on or before May 1st of each year make to the commissioner a written report of all unclaimed funds, as defined in section 4553, held and owing by it on December 31st next preceding, but the report shall not be required to include amounts of less than \$5, or amounts which have been paid to another state or jurisdiction prior to ~~the effective date of this Act~~ **January 1, 1970**, or amounts representing claims which have been barred by the statute of limitations prior to such effective date.

**Sec. 163. R. S., T. 24-A, § 4563, amended.** Section 4563 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:

#### **§ 4563. Inapplicability of other statutes**

No other statute of this State relating to escheat or unclaimed funds in force on ~~the effective date of this Act~~ **January 1, 1970** shall apply to life insurers nor shall any such statute enacted after ~~the effective date of this Act~~ **January 1, 1970** so apply unless specifically made applicable by its terms.

**Sec. 164. R. S., T. 25, § 1505, amended.** The 2nd and 3rd sentences of section 1505 of Title 25 of the Revised Statutes are amended to read as follows:

To be eligible for membership in such reserve corps, applicants shall meet such standards as may be determined by the chief; shall enlist therein for a period of not less than 3 years, and shall take the oath prescribed in **Title 37-A, section 316 65**. Upon the issuance by the Governor of the proclamation provided for in **Title 37-A, section 307 57**, the chief may order any or all of the members of said reserve corps to active duty as State Police for the duration of the proclaimed emergency or any part thereof.

**Sec. 165. R. S., T. 25, § 1591, repealed and replaced.** Section 1591 of Title 25 of the Revised Statutes, as amended by section 1 of chapter 412 and as repealed and replaced by chapter 395, both of the public laws of 1973, is repealed and the following enacted in place thereof:

**§ 1591. System; limitation**

Any member of the State Police may retire upon completion of 20 years creditable service, but must retire no later than July 1, 1974 and be placed upon the pension rolls and receive thereafter  $\frac{1}{2}$  of the pay per year that is paid to a member of his grade at the time of his retirement. This section shall apply only to persons who were members of the State Police on July 9, 1943, except that a member appointed as chief or as Commissioner of Public Safety shall be permitted to continue in said position beyond July 1, 1974 or after completion of 20 years of creditable service until the end of the term for which he was appointed and said chief or commissioner may be appointed or reappointed regardless of attained age or length of creditable service.

Such chief or commissioner shall be credited with the number of years which he served as a member to be added to the number of years served as chief or commissioner. 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 or commissioner, provided he has at least 3 years as chief or commissioner, or a combination of both, at the time of his retirement.

**Sec. 166. Effective date.** Section 165 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 167. R. S., T. 25, § 1902, sub-§ 2, repealed and replaced.** Subsection 2 of section 1902 of Title 25 of the Revised Statutes is repealed and the following enacted in place thereof:

2. **Bureau.** "Bureau" shall mean the Bureau of Parks and Recreation.

**Sec. 168. R. S., T. 25, § 2703, sub-§ 3, amended.** Subsection 3 of section 2703 of Title 25 of the Revised Statutes, as enacted by chapter 367 of the public laws of 1967, is amended to read as follows:

3. **New buildings.** New buildings constructed after ~~the effective date of this Act~~ **October 7, 1967** shall meet all provisions of this subchapter.



**Sec. 169. R. S., T. 25, § 2805, sub-§ 1, amended.** The first sentence of subsection 1 of section 2805 of Title 25 of the Revised Statutes, as last amended by section 2 of chapter 136 and by section 2 of chapter 327, both of the public laws of 1973, is repealed and the following enacted in place thereof:

**All local full-time law enforcement officers shall be required to successfully complete, during the first year of their employment, a basic training course at the Maine Criminal Justice Academy.**

**Sec. 170. Effective date.** Section 169 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 171. R. S., T. 26, § 664, amended.** The first sentence of section 664 of Title 26 of the Revised Statutes, as last amended by chapters 420 and 467 of the public laws of 1973, is repealed and the following enacted in place thereof:

By reason of the declaration of policy set forth in section 661 and in the protection of the industry or business and in the enhancement of public interest, health, safety and welfare, it is declared unlawful for any employer to employ any employee, except as otherwise provided in this subchapter, at the rate of less than \$1.90 per hour; nor work more than 40 hours in one week, unless  $1\frac{1}{2}$  times the regular hourly rate is paid for all work done over 40 hours in any one week; and whenever the highest federal minimum wage is increased in excess of \$1.90 per hour, the minimum wage established under this section shall be increased to the same amount, effective either on the same date as the increase in the highest federal minimum wage or September 23, 1971, whichever occurs later, but in no case shall the minimum wage exceed \$3 per hour.

**Sec. 172. Effective date.** Section 171 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 173. R. S., T. 27, § 86, sub-§ 4, repealed.** Subsection 4 of section 86 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 502 of the public laws of 1965, is repealed as follows:

~~4. Property of existing museum to be transferred. All property in possession or belonging to the present museum in the State Capitol shall upon the effective date of this Act, be transferred to the Maine State Museum~~

**Sec. 174. R. S., T. 27, c. 10, repealed.** Chapter 10 of Title 27 of the Revised Statutes, as amended, is repealed.

**Sec. 175. R. S., T. 27, § 275-A, repealed.** Section 275-A of Title 27 of the Revised Statutes, as enacted by section 3 of chapter 28 of the public laws of 1973, is repealed.

**Sec. 176. Effective date.** Section 175 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 177. R. S., T. 27, § 278, sub-§ 1, amended.** The last sentence of subsection 1 of section 278 of Title 27 of the Revised Statutes, as enacted by section 4 of chapter 28 of the public laws of 1973, is repealed.

**Sec. 178. R. S., T. 27, § 278, sub-§ 3, amended.** The last sentence of subsection 3 of section 278 of Title 27 of the Revised Statutes, as enacted by section 5 of chapter 28 of the public laws of 1973, is repealed.

**Sec. 179. R. S., T. 27, § 278, sub-§ 7, amended.** The last paragraph of subsection 7 of section 278 of Title 27 of the Revised Statutes, as enacted by section 6 of chapter 28 of the public laws of 1973, is repealed.

**Sec. 180. R. S., T. 27, § 278, sub-§ 10-C, repealed.** Subsection 10-C of section 278 of Title 27 of the Revised Statutes, as enacted by section 7 of chapter 28 of the public laws of 1973, is repealed.

**Sec. 181. R. S., T. 27, § 278, sub-§ 12, amended.** The last sentence of subsection 12 of section 278 of Title 27 of the Revised Statutes, as enacted by section 8 of chapter 28 of the public laws of 1973, is repealed.

**Sec. 182. R. S., T. 27, § 278, sub-§ 13, repealed.** Subsection 13 of section 278 of Title 27 of the Revised Statutes, as enacted by section 9 of chapter 28 of the public laws of 1973, is repealed.

**Sec. 183. R. S., T. 27, § 280, repealed.** Section 280 of Title 27 of the Revised Statutes, as enacted by section 10 of chapter 28 of the public laws of 1973, is repealed.

**Sec. 184. Effective date.** Sections 177 to 183 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 185. R. S., T. 27, § 407, amended.** Section 407 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 499 of the public laws of 1965, is amended to read as follows:

#### § 407. Reports

The commission shall make a report to the Governor and the Legislature ~~not later than January, 1967, and thereafter~~ within 10 calendar days after the commencement of each regular session of the State Legislature.

**Sec. 186. R. S., T. 27, § 510, amended.** Section 510 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:

#### § 510. Reports

The commission shall approve the report of the director to the Governor and the Legislature ~~not later than January 1, 1973 and thereafter~~ within 10 days after the commencement of each regular session of the State Legislature.

**Sec. 187. R. S., T. 28, § 804, repealed.** Section 804 of Title 28 of the Revised Statutes, as amended, is repealed.

**Sec. 188. R. S., T. 29, § 540, amended.** The last paragraph of section 540 of Title 29 of the Revised Statutes, as enacted by chapter 6 of the public laws of 1971, is amended to read as follows:

Licenses issued to persons under ~~20~~ 18 years of age shall be printed on material of a different color than those issued to persons ~~20~~ 18 years of age or older.

**Sec. 189. R. S., T. 29, § 1312, sub-§ 10, ¶ A, amended.** The 2nd paragraph of paragraph A of subsection 10 of section 1312 of Title 29 of the Revised Statutes, as enacted by section 2 of chapter 185 of the public laws of 1973, is amended to read as follows:

The imposition of a fine or sentence for a person convicted of a 2nd or subsequent offense under this section shall not be suspended and probation shall not be granted, **except that a fine or sentence may be suspended and probation granted when as a condition of probation the offender is required to participate in an alcohol treatment or rehabilitative program.**

**Sec. 190. Effective date.** Section 189 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 191. R. S., T. 29, § 2011, amended.** The 4th paragraph of section 2011 of Title 29 of the Revised Statutes, as repealed and replaced by section 1 of chapter 113 of the public laws of 1967, is amended to read as follows:

All motor vehicles used as school buses shall be equipped with 2 doors, one on the right side near the front of the bus to be used for all ordinary ~~exists~~ exits and entrances; the other to be located in center of rear end of bus or in rear half of left side of bus if engine is so located as to make it impossible to place door in center of rear end.

**Sec. 192. R. S., T. 29, § 2302, amended.** Section 2302 of Title 29 of the Revised Statutes is amended to read as follows:

#### **§ 2302. Jurisdiction**

The District Court shall have original and concurrent jurisdiction with the Superior Court over all prosecutions for violation of this Title. All fines and forfeitures collected under this Title shall accrue to the ~~District Court~~ **General Fund**, except for overload violations, only \$5 or 13%, whichever is the greater, of each such overload fine or forfeiture collected through the District Court, shall accrue to the ~~District Court~~ **General Fund** and the balance thereof shall accrue to the General Highway Fund.

**Sec. 193. R. S., T. 30, § 105-A, repealed.** Section 105-A of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 120 of the public laws of 1973, is repealed.

**Sec. 194. R. S., T. 30, § 105-F, additional.** Title 30 of the Revised Statutes is amended by adding a new section 105-F to read as follows:

#### **§ 105-F. Creation of Sagadahoc County Commissioner Districts**

**Sagadahoc County shall be divided into the following 3 districts:**

**Commissioner District number 1 consisting of the municipalities of Bowdoinham, Georgetown, Arrowsic, Topsham and Bowdoin;**

Commissioner District number 2 consisting of the municipalities of Woolwich, Phippsburg and Richmond as well as Bath wards 1 and 2;

Commissioner District number 3 consisting of the following Bath wards: Three, 4, 5, 6 and 7 and the municipality of West Bath.

Members of the board of commissioners shall be residents of the Commissioner District which they represent.

**Sec. 195. Effective date.** Sections 193 and 194 shall become effective 91 days after adjournment of the Legislature.

**Sec. 196. R. S., T. 30, §§ 351 and 352, repealed.** Sections 351 and 352 of Title 30 of the Revised Statutes, as last amended by sections 11 and 12 of chapter 28 and as repealed by section 2 of chapter 289, both of the public laws of 1973, are repealed.

**Sec. 197. Effective date.** Section 196 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 198. R. S., T. 30, § 403, amended.** The last paragraph of section 403 of Title 30 of the Revised Statutes, as enacted by section 4 of chapter 541 of the public laws of 1967, is amended to read as follows:

County commissioners shall forthwith report, in writing, to the State Department of Audit the purpose and anticipated amount of all accounts which are in being on ~~the effective date of this Act~~ **April 26, 1968.**

**Sec. 199. R. S., T. 30, § 1204, amended.** Section 1204 of Title 30 of the Revised Statutes, as enacted by section 5 of chapter 616 of the public laws of 1971, is amended to read as follows:

**§ 1204. Assessments repealed**

In lieu of the assessments provided in sections 1201 ~~and~~, 1202 and 1203-A, said amounts are appropriated from the General Fund to be credited annually on the books of the State to the proper fiscal officer of each county as provided in Title 36, section 342.

**Sec. 200. R. S., T. 30, c. 211, repealed.** Chapter 211 of Title 30 of the Revised Statutes, as enacted by chapter 64 of the public laws of 1973, is repealed.

**Sec. 201. R. S., T. 30, c. 211-A, additional.** Title 30 of the Revised Statutes is amended by adding a new chapter 211-A to read as follows:

**CHAPTER 211-A**

**MUNICIPAL RECORDS**

**§ 2211. Short title**

This chapter shall be known and may be cited as the "Municipal Records Law."

### § 2212. Definitions

As used in this chapter, the following terms shall have the meanings indicated, unless the context otherwise requires.

1. Municipality. "Municipality" means any municipality operating under general law or charter.

2. Municipal official. "Municipal official" means any elected or appointed member of a municipal government.

3. Record. "Record" means all documentary material, regardless of media or characteristics, made or received and maintained by a municipality in accordance with law or regulation or in the transaction of its official business.

### § 2213. General requirements

The following provisions apply to municipal records.

1. Omissions or errors corrected. When omissions or errors exist in municipal or school district records, they shall be corrected under oath by the person whose duty it was to make them correctly, whether or not he remains in office.

A. If an original town meeting warrant is lost or destroyed, the return may be made or amended on a copy of it.

2. Safe or vault for preservation. Each municipality shall provide a fire-proof safe or vault for the preservation of all completed record books.

A. When a record book is completed, the clerk shall deposit it in the safe or vault where it shall be kept, except when required for use.

3. Attestation. The records of the clerk may be attested by volume. Each document is sufficiently attested when the volume in which it is recorded bears the attestation with the written signature of the clerk.

4. Delivery to successor in office. Municipal officials shall deliver the records of their office to their successors in office upon the expiration of their terms as provided in Title 17, section 3103.

5. Records available for public use. Each municipal official shall make records under his supervision available for public use at reasonable times unless the use of such records is otherwise restricted by law.

6. Protection of records. Municipal officials shall carefully protect and preserve the records of their office from deterioration, mutilation, loss or destruction.

7. Disposition of records. No record shall be destroyed or otherwise disposed of by any municipal official, except as provided by the Municipal Records Board. Records which have been determined by the board to possess sufficient archival value to warrant the permanent preservation shall be preserved by the municipality or deposited with the State Archivist.

8. Regulations of Municipal Records Board. Each municipal official shall comply with the standards, procedures and regulations issued by the Municipal Records Board.

**§ 2214. Municipal Records Board**

There shall be a Municipal Records Board to consist of 3 municipal officials, one of whom represents a municipality of not more than 3,500 persons, to be appointed for terms of 3 years by the Governor upon the recommendation of the governing board of the Maine Municipal Association, the State Archivist, who shall be chairman, and the State Registrar of Vital Statistics. Any person appointed to fill a vacancy in the membership of the board shall serve for the remainder of the term for which his predecessor was appointed. The board shall meet at the call of the chairman, but not less than 4 times during each calendar year. Three members of the board shall constitute a quorum. Appointive members shall serve without compensation.

**§ 2215. Powers and duties of board**

The Municipal Records Board shall establish standards, procedures and regulations for the effective management of municipal records. Such standards, procedures and regulations shall, as far as practical, follow the program established under the "Archives and Records Management Law" to govern the creation, utilization, maintenance, retention, preservation and disposal of state records, except as otherwise provided in this chapter. The board may revise such standards, procedures and regulations as it shall deem necessary. Administrative services shall be provided by the Maine State Archives which shall serve as secretariat of the board.

**§ 2216. Assistance to municipalities**

The State Archivist shall provide advice and assistance to municipalities in the establishment and administration of municipal records programs. He shall provide program services to municipalities similar to those furnished the agencies of State Government to the extent he deems desirable in his administration of the state program and facilities. The State Archivist may acquire and maintain sufficient microfilm equipment and supplies to microfilm records that the board may order microfilmed in accordance with section 2215. Such services shall be furnished to municipalities at cost.

**§ 2217. Violation**

Whoever violates any provisions of this chapter or rules and regulations of the Municipal Records Board promulgated under section 2215 shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 90 days, or by both.

**Sec. 202. Effective date.** Sections 200 and 201 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 203. R. S., T. 30, § 2320, amended.** Section 2320 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 438 of the public laws of 1969, is amended to read as follows:

**§ 2320. Application**

All municipalities operating under the repealed subchapter II shall be deemed to have made the adoption under section 2311, subsection 1, as of the effective date of this Act October 1, 1969.

**Sec. 204. R. S., T. 30, § 2460, sub-§§ 1 - 3, amended.** Subsections 1, 2 and 3 of sections 2460 of Title 30 of the Revised Statutes, as enacted by section 5 of chapter 481 of the public laws of 1965, are amended to read as follows:

1. **In existence.** Those lawfully in existence on ~~the effective date of this Act~~ **May 11, 1966** and located in areas adjacent to any portion of a highway incorporated in the Interstate or Primary Systems;

2. **On certain highways.** Those lawfully along any highway made a part of the Interstate or Primary Systems on or after ~~the effective date of this Act~~ **May 11, 1966**; and,

3. **To be established.** Those lawfully established on or after ~~the effective date of this Act~~ **May 11, 1966**.

**Sec. 205. R. S., T. 30, § 4756, amended.** The first sentence of section 4756 of Title 30 of the Revised Statutes, as enacted by section 18 of chapter 470 of the public laws of 1969, is amended to read as follows:

The state authority shall have the power to purchase or to make commitments to purchase from banks, life insurance companies, savings and loan associations, the Federal Government and other financial institutions lawfully doing business in the State of Maine, the interest bearing obligations secured by mortgages and notes which are a first lien on land and improvements in Maine constituting one family or multi-family units, except that an obligation shall not be eligible for purchase by the state housing authority if the date of said obligation is prior to ~~the effective date of this subchapter~~ **October 1, 1969**.

**Sec. 206. R. S., T. 30, § 5051, sub-§ 5, repealed.** Subsection 5 of section 5051 of Title 30 of the Revised Statutes, as enacted by section 8 of chapter 337 of the public laws of 1973, is repealed.

**Sec. 207. R. S., T. 30, § 5051, sub-§ 6, additional.** Section 5051 of Title 30 of the Revised Statutes, as last repealed and replaced by chapter 407 of the public laws of 1973, is amended by adding a new subsection 6 to read as follows:

6. **Credit unions.** Invested in credit unions located in this State organized under the laws of this State or of the United States.

**Sec. 208. Effective date.** Sections 206 and 207 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 209. R. S., T. 30, § 5055, sub-§ 6, repealed.** Subsection 6 of section 5055 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 605 of the public laws of 1971, is repealed.

**Sec. 210. R. S., T. 30, § 5343, amended.** Section 5343 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 423 and as repealed and replaced by section 68 of chapter 513, both of the public laws of 1965, is amended to read as follows:

## § 5343. Title

This chapter may be cited as the "~~Municipal Industrial and Recreational Obligations Act~~" "**Municipal Securities Approval Act.**"

Sec. 211. R. S., T. 32, § 871, amended. The first paragraph of section 871 of Title 32 of the Revised Statutes, as enacted by section 10 of chapter 484 of the public laws of 1967 and as amended by section 3 of chapter 55 and by chapter 57, both of the public laws of 1973, is repealed and the following enacted in place thereof:

No security, not exempt under section 873 or section 807, shall be sold, except in a transaction exempted by section 874 or section 807, within this State, until there shall have been filed with the Bank Commissioner a notice of intention to sell such security, accompanied by a filing fee of \$50, and this prohibition shall not extend to offers, solicitations or other preliminary negotiations, with no consideration paid or received, no transfer or delivery of any security made, and no binding option, subscription or other contract entered into.

Sec. 212. Effective date. Section 211 shall become effective 91 days after adjournment of the Legislature.

Sec. 213. R. S., T. 32, § 1658-F, sub-§ 1, amended. The first paragraph of subsection 1 of section 1658-F of Title 32 of the Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is amended to read as follows:

Applicants who do not meet the experience qualification on ~~the effective date of this chapter~~ **October 1, 1969** may obtain a license by successfully passing a qualifying examination, provided the applicant:

Sec. 214. R. S., T. 32, § 1663, amended. Section 1663 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 423 of the public laws of 1967, is amended to read as follows:

**§ 1663. Other legally recognized professions not affected**

This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession nor prevent any person who was duly registered as a professional engineer prior to ~~the effective date of this Act~~ **October 7, 1967** from engaging in the practice of land surveying. Said registered professional engineer shall upon application and payment of fee be registered as a land surveyor under this chapter, provided application is made within 2 years after ~~the effective date of this Act~~ **October 7, 1967**.

Sec. 215. R. S., T. 32, § 1683, repealed. Section 1683 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 423 of the public laws of 1967, is repealed.

Sec. 216. R. S., T. 32, § 2716, sub-§ 2, ¶ D, sub-¶ (5), amended. Sub-paragraph (5) of paragraph D of subsection 2 of section 2716 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 257 of the public laws of 1969, is amended to read as follows:



(5) Notwithstanding the other provisions of this chapter, the above criteria for spacing and lighting shall not apply to signs as of ~~the effective date hereof~~ October 1, 1969 in zoned and unzoned commercial and industrial areas in the compact or built-up sections of cities and towns adjacent to primary highways.

Sec. 217. R. S., T. 32, § 2719, sub-§ 4, §§ B - D, amended. Paragraphs B, C and D of subsection 4 of section 2719 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 257 of the public laws of 1969, are amended to read as follows:

B. Those lawfully in existence on ~~the effective date of this chapter~~ October 1, 1969;

C. Those lawfully on any highway made a part of the interstate or primary systems on or after ~~the effective date of this chapter~~ October 1, 1969;

D. Those lawfully erected on or after ~~the effective date of this chapter~~ October 1, 1969.

Sec. 218. R. S., T. 32, § 3295, additional. Title 32 of the Revised Statutes is amended by adding a new section 3295 to read as follows:

§ 3295. Communications between physicians and patients

Except at the request of, or with the consent of, the patient, no duly licensed physician shall be required to testify in any civil or criminal action, suit or proceeding at law or in equity respecting any information which he may have acquired in attending, examining or treating the patient in a professional capacity if such information was necessary to enable him to furnish professional care to the patient. However, when the physical or mental condition of the patient is at issue in such action, suit or proceeding or when a court in the exercise of sound discretion, deems such disclosure necessary to the proper administration of justice, no information communicated to, or otherwise learned by, such physician in connection with such attendance, examination or treatment shall be privileged and disclosure may be required.

Nothing in this section shall prohibit disclosure by a physician of information concerning a patient when such disclosure is required by law.

Sec. 219. R. S., T. 32, § 3836, amended. The first sentence of section 3836 of Title 32 of the Revised Statutes, as enacted by section 82 of chapter 544 of the public laws of 1967, is repealed as follows:

~~For a period of one year from October 7, 1967 the board shall grant, upon payment of the regular fee, a license as Psychologist to any applicant presently holding a valid certificate in psychology issued by the Maine Board of Examiners of Psychologists~~

Sec. 220. R. S., T. 32, § 3971, amended. The 7th sentence of section 3971 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 344 of the public laws of 1967, is amended to read as follows:

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 non-certified public accountants and whose terms shall expire as follows:

One whose term shall expire September 1st in the first year after his appointment; one whose term shall expire September 1st in the 2nd year after his appointment; and one whose term shall expire September 1st in the 3rd year after his appointment.

**Sec. 221. R. S., T. 32, § 3980, amended.** Section 3980 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 344 of the public laws of 1967, is amended to read as follows:

**§ 3980. Certificate**

Any person who shall have received from the board a certificate of his qualifications to practice as a certified public accountant, prior to ~~the effective date of this Act~~ **October 7, 1967** or as provided in section 3981, shall be styled and known as a certified public accountant, and no other persons shall assume such title or use the abbreviation C.P.A. or any other words, letters or figures to indicate that the person using the same is such certified public accountant.

**Sec. 222. R. S., T. 32, § 3994, sub-§ 11, amended.** The last sentence of subsection 11 of section 3994 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 344 of the public laws of 1967, is amended to read as follows:

A sole proprietor or partnership lawfully using such title or designation in conjunction with such names or designation on ~~the effective date of this chapter~~ **October 7, 1967** may continue to do so, if he or it otherwise complies with this chapter.

**Sec. 223. R. S., T. 32, § 4177, amended.** Section 4177 of Title 32 of the Revised Statutes, as enacted by chapter 237 of the public laws of 1969, is amended to read as follows:

**§ 4177. Without examination, other owners**

Certificates may be issued without examination to the person or persons certified by the governing body or owner to have been in direct responsible charge of a wastewater treatment plant on ~~the effective date of this chapter~~ **October 1, 1969**. A certificate so issued will be valid only for that particular classification level or treatment plant or system.

**Sec. 224. R. S., T. 32, § 4181, amended.** The first sentence of section 4181 of Title 32 of the Revised Statutes, as enacted by chapter 237 of the public laws of 1969 and as amended by section 12 of chapter 618 of the public laws of 1971, is further amended to read as follows:

On and after one year following ~~the effective date of this chapter~~ **October 1, 1969**, it shall be unlawful for any person, firm or corporation, both municipal and private, operating a wastewater treatment plant to operate same unless

the competency of the operator only is certified to by the board under this chapter.

**Sec. 225. R. S., T. 32, § 4193, amended.** Section 4193 of Title 32 of the Revised Statutes, as enacted by section 65 of chapter 590 of the public laws of 1969 and as amended, is further amended to read as follows:

**§ 4193. Registration without examination**

Any person in the Armed Forces of the United States on ~~the effective date of this chapter~~ **October 1, 1969**, who was employed as a social worker prior to entrance into the Armed Forces, shall be certified as a registered or associate social worker without examination, provided he makes application for registration within 3 months after separation or release from the Armed Forces and provided he otherwise qualifies as set forth in this section.

**Sec. 226. R. S., T. 33, § 551, amended.** The last paragraph of section 551 of Title 33 of the Revised Statutes, as enacted by chapter 18 of the public laws of 1973, is amended to read as follows:

All discharges of recorded mortgages, attachments or liens of any nature shall be recorded by a written instrument, **and except for termination statements filed pursuant to Title 11, section 9-404**, acknowledged in same manner as other instruments presented for record and no such discharges shall be permitted by entry in the margin of the instrument to be discharged.

**Sec. 227. Effective date.** Section 226 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 228. R. S., T. 33, § 751, sub-§ 5, repealed.** Subsection 5 of section 751 of Title 33 of the Revised Statutes, as repealed and replaced by chapter 321 of the public laws of 1971 and as amended by chapter 226 of the public laws of 1973, is repealed.

**Sec. 229. Effective date.** Section 228 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 230. R. S., T. 33, § 751, sub-§ 7, amended.** Subsection 7 of section 751 of Title 33 of the Revised Statutes, as repealed and replaced by chapter 321 of the public laws of 1971, is amended to read as follows:

**7. Organization of corporation.** Recording certificate of organization of corporations and certifying copies thereof for filing with the Secretary of State: Corporation ~~with capital stock, the sum of \$8, and~~ without capital stock, the sum of \$5;

**Sec. 231. R. S., T. 33, § 1001, sub-§ 2, amended.** Subsection 2 of section 1001 of Title 33 of the Revised Statutes is amended to read as follows:

**2. Bank.** A "bank" is a trust company, national banking association, savings bank or industrial ~~bank~~ loan company.

**Sec. 232. R. S., T. 33, § 1004, amended.** The 4th paragraph of section 1004 of Title 33 of the Revised Statutes, as amended by section 122 of chapter 622 of the public laws of 1971, is further amended to read as follows:

To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of ~~20~~ 18 years or, if the minor dies before attaining the age of ~~20~~ 18 years, he shall thereupon deliver or pay it over to the estate of the minor.

**Sec. 233. R. S., T. 33, § 1007, amended.** The first sentence of the 3rd paragraph from the end of section 1007 of Title 33 of the Revised Statutes, as amended by section 17 of chapter 285 of the public laws of 1967, is further amended to read as follows:

If a person designated as custodian or as successor custodian by the custodian as provided in this section is not eligible, dies or becomes legally incapacitated before the minor attains the age of ~~21~~ 18 years and if the minor has a guardian, the guardian of the minor shall be successor custodian.

**Sec. 234. R. S., T. 34, § 710, amended.** The first sentence of section 710 of Title 34 of the Revised Statutes, as last repealed and replaced by section 2 of chapter 346 of the public laws of 1969, is amended to read as follows:

If a convict sentenced to the State Prison for life or for a limited term of years or transferred thereto from the Men's Correctional Center under section 808-A or committed thereto for safekeeping under Title 15, section 453, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts to do so, he may be punished by confinement to hard labor for any term of years, to commence after the completion of his former sentence or upon termination of such sentence by the State ~~Probation and~~ Parole Board; said termination shall not take place sooner than the expiration of the parole eligibility hearing date applicable to his former sentence.

**Sec. 235. R. S., T. 34, § 859, amended.** The 2nd sentence of section 859 of Title 34 of the Revised Statutes, as repealed and replaced by section 20 of chapter 391 of the public laws of 1967, is amended to read as follows:

Whenever it is made to appear to the State ~~Probation and~~ Parole Board, by the superintendent, that the interests of the inmate and of the public indicate the desirability of discharge from the sentence being served at the time of escape or attempted escape, in order to commence the sentence for escape or attempted escape, it may parole the inmate and simultaneously order that the superintendent issue to such inmate a certificate of discharge from the sentence being served at the time of escape or attempted escape.

**Sec. 236. R. S., T. 34, § 859, amended.** The 2nd sentence of the 2nd paragraph of section 859 of Title 34 of the Revised Statutes, as repealed and replaced by section 20 of chapter 391 of the public laws of 1967, is amended to read as follows:

Any sentence imposed upon a prisoner as a result of conviction on the charge of escape or attempted escape shall begin at the expiration of the sentence being served at the time of escape or attempted escape, except that, upon recommendation of the superintendent, the State ~~Probation and~~ Parole Board, upon expiration of the parole eligibility hearing date applicable to the sentence being served at the time of escape or attempted escape, may enter the prison-

er upon execution of the sentence for escape or attempted escape, either terminating the said former sentence or continuing execution thereof.

**Sec. 237. R. S., T. 34, § 1391, amended.** The last sentence of the first paragraph of section 1391 of Title 34 of the Revised Statutes is amended to read as follows:

The request of the prisoner shall be accompanied by a certificate of the warden, Commissioner of Mental Health and Corrections or other official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner and any decisions of the State ~~Probation and~~ Parole Board relating to the prisoner.

**Sec. 238. R. S., T. 34, § 2084, amended.** The first paragraph of section 2084 of Title 34 of the Revised Statutes, as enacted by chapter 219 of the public laws of 1971, is amended to read as follows:

Upon ~~14 days~~ ~~days~~' written notice to the parent or guardian of any person admitted to the Regional Care Facility, if the person is under the age of ~~20~~ 18 years, or to the guardian of the person if he is over the age of ~~20~~ 18 years, the administrator of the Regional Care Facility may discharge any such person to the custody of the parent or guardian, whichever is applicable, or to the custody of any suitable person, agency or institution, subject to the approval of such parent or guardian.

**Sec. 239. R. S., T. 34, § 2084, amended.** The first sentence of the 2nd paragraph of section 2084 of Title 34 of the Revised Statutes, as enacted by chapter 219 of the public laws of 1971, is amended to read as follows:

Upon ~~10 days~~ ~~days~~' written notice to the administrator of the Regional Care Facility, any person admitted thereto, may be withdrawn therefrom by the parent or guardian of the person, if he is under the age of ~~20~~ 18 years, or by the guardian of the person, if he is over the age of ~~20~~ 18 years; provided that in the case of a person admitted to the Regional Care Facility when, in the opinion of the administrator of such facility, withdrawal of such person to the custody of the person making application therefor would be harmful to the severely or profoundly mentally retarded person, the administrator of the Regional Care Facility may petition for a judicial determination of such person's need for continuing residence at the Regional Care Facility as provided in section 2083, within 10 days from the receipt of the request for withdrawal, and in such case, the severely or profoundly mentally retarded person shall remain at the Regional Care Facility until disposition of the matter by the probate court.

**Sec. 240. R. S., T. 34, § 2512, amended.** The last paragraph of section 2512 of Title 34 of the Revised Statutes, as enacted by section 2 of chapter 62 of the public laws of 1971, is amended to read as follows:

~~On and after January 1, 1972, the~~ The department shall not charge any parent for the care and treatment of a child beyond the child's ~~20th~~ 18th birthday, or beyond 6 months from the date of admission, whichever occurs later.

**Sec. 241. R. S., T. 34, § 2515, sub-§ 4, repealed.** Subsection 4 of section 2515 of Title 34 of the Revised Statutes, as enacted by section 8 of chapter 62 of the public laws of 1971, is repealed as follows:

~~4. Claims. Claims filed against such estate under Title 22, section 3453~~

**Sec. 242. R. S., T. 36, § 382, amended.** Section 382 of Title 36 of the Revised Statutes, as amended by section 6 of chapter 502 of the public laws of 1969, is further amended to read as follows:

**§ 382. Failure of assessor to furnish information**

If the assessors of any town or some one of them fail to appear before the State Tax Assessor or his agent as provided in this Title, or to transmit to him the lists named within 10 days after the mailing or publication of notice or notices to them to so appear or transmit said lists, the State Tax Assessor may in his discretion report the valuation of the estates and property ~~and lists of polls~~ liable to taxation in the town so in default, as ~~if~~ he shall deem just and equitable.

**Sec. 243. R. S., T. 36, § 383, amended.** Section 383 of Title 36 of the Revised Statutes, as last repealed and replaced by section 122 of chapter 544 of the public laws of 1971, is amended to read as follows:

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

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

**Sec. 244. R. S., T. 36, § 454, amended.** Section 454 of Title 36 of the Revised Statutes, as amended by section 8 of chapter 502 of the public laws of 1969, is further amended to read as follows:

**§ 454. Payment of tax in town where charters surrendered**

When the charter of any municipality listed in the statement filed with the Secretary of State by the State Tax Assessor under section 381 ~~or section 381-A~~ is subsequently surrendered by Act of the Legislature, the tax assessed shall be an outstanding obligation of such municipality, and it shall be paid, and funds for payment thereof shall be raised by the State Tax Assessor in the same manner as provided by law in the case of other outstanding obligations of such municipality.

**Sec. 245. R. S., T. 36, § 753, amended.** The first paragraph under the Certificate of Commitment in section 753 of Title 36 of the Revised Statutes,

as amended by section 14 of chapter 66 of the public laws of 1973, is further amended to read as follows:

Herewith are committed to you true lists of the assessments of the Estates ~~or both~~ of the persons therein named; You are to levy and collect the same, of each one his respective amount, therein set down, of the sum total of \$..... (being the amount of the lists contained herein), according to the tenor of the foregoing warrant.

**Sec. 246. R. S., T. 36, § 843, amended.** The last sentence of section 843 of Title 36 of the Revised Statutes is amended to read as follows:

Either party may appeal from the decision of the board of assessment review directly to the Superior Court ~~under the conditions provided for in section 846.~~

**Sec. 247. R. S., T. 36, § 843-A, amended.** The last sentence of section 843-A of Title 36 of the Revised Statutes, as enacted by section 2 of chapter 426 of the public laws of 1965, is amended to read as follows:

Either party may appeal from the decision of said board to the Superior Court ~~under the conditions provided for in section 846.~~

**Sec. 248. R. S., T. 36, § 844, amended.** The last sentence of section 844 of Title 36 of the Revised Statutes is amended to read as follows:

Either party may appeal from the decision of said county commissioners to the Superior Court ~~under the conditions provided for in section 846.~~

**Sec. 249. R. S., T. 36, § 848-A, amended.** The first sentence of section 848-A of Title 36 of the Revised Statutes, as enacted by section 2 of chapter 343 of the public laws of 1969, is amended to read as follows:

In any proceedings under sections 841 to 845, 847 to 849, the assessment ratio of the municipality, as certified to the State Tax Assessor in accordance with section 383, shall be prima facie evidence of the proportion of just value at which property in the municipality was assessed for the year in question.

**Sec. 250. R. S., T. 36, § 849, amended.** The first paragraph of section 849 of Title 36 of the Revised Statutes is amended to read as follows:

If upon the trial provided for in sections 845 ~~to~~, 847 and 848 it appears that the applicant has complied with all provisions of law, he may be granted such abatement as the court deems reasonable, under the same circumstances as an abatement may be granted by the county commissioners.

**Sec. 251. R. S., T. 36, § 1141, amended.** The 2nd sentence of the 2nd paragraph of section 1141 of Title 36 of the Revised Statutes, as amended, is further amended to read as follows:

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

**Sec. 252. R. S., T. 36, § 1231, amended.** The 2nd sentence of section 1231 of Title 36 of the Revised Statutes is repealed and the following enacted in place thereof:

**Such property shall be taxed at the rate provided in section 451.**

**Sec. 253. R. S., T. 36, § 1232, amended.** The 2nd sentence of section 1232 of Title 36 of the Revised Statutes is amended to read as follows:

Interest on such state ~~and county~~ taxes shall be charged at the rate of 6% per year after the first day of October following the date of the assessment.

**Sec. 254. R. S., T. 36, § 1281, amended.** The first sentence of section 1281 of Title 36 of the Revised Statutes, as amended, is further amended to read as follows:

State ~~county and forestry district~~ taxes on real estate mentioned in section 1141, including supplementary taxes assessed under section 1331, shall be delinquent on the first day of February next following the date of assessment.

**Sec. 255. R. S., T. 36, § 1283, amended.** The 2nd sentence, as amended by section 8 of chapter 271 of the public laws of 1967 and the 3rd sentence of section 1283 of Title 36 of the Revised Statutes are amended to read as follows:

On the 30th day of March annually, whenever the State shall have acquired title to real estate assessed for any state ~~county and forestry district~~ taxes, the State Tax Assessor shall certify to the State Controller the amount of unpaid taxes, interest and costs then outstanding. Unpaid state ~~county and forestry district~~ taxes and interest and costs on the books of the State shall be charged against the General Fund.

**Sec. 256. R. S., T. 36, § 1284, amended.** The first sentence of section 1284 of Title 36 of the Revised Statutes, as amended, is further amended to read as follows:

The State Tax Assessor may bring a civil action in his own name to enforce the lien on real estate created by section 552, to secure the payment of ~~state, county and forestry district~~ taxes assessed under section 1141 ~~1141~~ and 1331 upon real estate not liable to be assessed in any town.

**Sec. 257. R. S., T. 36, § 1285, amended.** The first sentence of section 1285 of Title 36 of the Revised Statutes, as amended by section 10 of chapter 271 of the public laws of 1967, is further amended to read as follows:

In addition to the methods of collecting state ~~county and forestry district~~ taxes provided by law, owners of real estate in unorganized townships shall be liable to pay such taxes to the State Tax Assessor upon demand.

**Sec. 258. R. S., T. 36, § 1331, amended.** The first sentence of the first paragraph and the first sentence of the 2nd paragraph of section 1331 of Title 36 of the Revised Statutes, as amended, are further amended to read as follows:



The State Tax Assessor shall make a supplementary assessment of any state ~~county or forestry district~~ tax on real estate which has been acquired by the State for nonpayment of such tax, which has been omitted from the state valuation and which has been conveyed by legislative authorization.

The State Tax Assessor shall make a supplementary assessment of any state ~~county or forestry district~~ tax on real estate in unorganized territory omitted by error from the last previous state valuation, and of buildings located in unorganized territory built since the last previous state valuation.

**Sec. 259. R. S., T. 36, § 1541, amended.** The first sentence of section 1541 of Title 36 of the Revised Statutes is amended to read as follows:

The timber and grass on the public reserved lots shall be held to the State for the payment of such state ~~county and forestry district~~ taxes as may be lawfully assessed against them, with interest thereon at the rate of 6% a year, to commence upon the taxes for the year in which such assessment is made, on the first day of October following the date of assessment.

**Sec. 260. R. S., T. 36, § 1543, amended.** The first sentence of section 1543 of Title 36 of the Revised Statutes is amended to read as follows:

Each fractional part, or interest represented by acreage, in all such public reserved lots, upon which the state ~~county and forestry district~~ taxes and interest are not paid by the 30th day of March of the year following the assessment shall be forfeited to the State, and whenever such taxes are assessed on a biennial basis, such forfeiture shall occur on the 30th day of March following the 2nd year of the biennium.

**Sec. 261. R. S., T. 36, § 1547.** The last sentence of section 1547 of Title 36 of the Revised Statutes is amended to read as follows:

Such state ~~county and forestry district~~ taxes and interest shall be charged to the unorganized townships fund in the township in which the forfeited interest in the public reserved lot is located.

**Sec. 262. R. S., T. 36, § 2514, amended.** The 2nd sentence of section 2514 of Title 36 of the Revised Statutes, as enacted by chapter 412 of the public laws of 1969, is amended to read as follows:

Sections 2511, 2512 and 2513 shall not apply to any premium from an insurance contract, which premium is received prior to ~~the effective date of this Act~~ **October 1, 1969**, or any consideration, regardless of when received, from any retirement annuity contracts issued by an insurance or annuity company organized and operated without profit to any private shareholder or individual exclusively for the purpose of aiding nonproprietary educational scientific institutions pursuant to a retirement program established under section 403 (b) of the United States Internal Revenue Code.

**Sec. 263. R. S., T. 36, § 2963, amended.** The last sentence of section 2963 of Title 36 of the Revised Statutes, as enacted by section 1 of chapter 198 of the public laws of 1965, is amended to read as follows:

Such credit shall lapse at the end of the last quarter of the year following that in which the credit arose ~~provided that any credit to which any motor carrier is entitled as of September 30, 1965 shall not lapse until December 31, 1966.~~

**Sec. 264. R. S., T. 36, § 3742, amended.** The first sentence of section 3742 of Title 36 of the Revised Statutes is amended to read as follows:

Said estate tax shall become payable at the expiration of ~~15~~ 12 months from the date of death of the decedent, and executors, administrators, trustees, grantees, donees, beneficiaries and surviving joint owners shall be and remain liable for the tax until it is paid.

**Sec. 265. R. S., T. 36, § 4752, amended.** The 3rd sentence of the 2nd paragraph of section 4752 of Title 36 of the Revised Statutes is repealed as follows:

~~Notice and hearing of such appeal shall be given and held in the manner provided by section 846~~

**Sec. 266. R. S., T. 38, § 231, sub-§ 4, ¶ D, amended.** The first sentence of paragraph D of subsection 4 of section 231 of Title 38 of the Revised Statutes, as enacted by section 47 of chapter 403 of the public laws of 1971 and as amended by chapter 15 and by section 9 of chapter 17, both of the public laws of 1973, is repealed and the following enacted in place thereof:

**Regulations governing the horsepower of motors used to propel watercraft on all internal waters of this State.**

**Sec. 267. R. S., T. 38, § 231, sub-§ 4, ¶ D, amended.** The 3rd sentence of paragraph D of subsection 4 of section 231 of the Revised Statutes, as enacted by chapter 15 of the public laws of 1973, is repealed as follows:

~~The acreage of said waters shall be those acreages as determined from date available in the records of the Department of Inland Fisheries and Game~~

**Sec. 268. Effective date.** Sections 266 and 267 of this Act shall become effective on January 2, 1974.

**Sec. 269. R. S., T. 38, § 361-A, sub-§ 7, repealed.** Subsection 7 of section 361-A of Title 38, as enacted by section 2 of chapter 423 of the public laws of 1973, is repealed.

**Sec. 270. R. S., T. 38, § 361-A, sub-§ 1-A, additional.** Section 361-A of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 470 of the public laws of 1971, is amended by adding a new subsection 1-A to read as follows:

**1-A. Coastal streams.** "Coastal streams" means those waters of the State which drain directly or indirectly into tidal waters, except portions of streams subject to the rise and fall of the tide and those waters listed and classified in sections 368 and 370.

**Sec. 271. Effective date.** Section 270 of this Act shall become effective 91 days after adjournment of the Legislature.

**Sec. 272. R. S., T. 38, § 418, sub-§ 1, amended.** The first sentence of subsection 1 of section 418 of Title 38 of the Revised Statutes, as enacted by chapter 355 of the public laws of 1971, is amended to read as follows:

No person, firm, corporation or other legal entity shall place logs or pulpwood into the inland waters of this State after October 1, 1976 for the purpose of driving the same to pulp mills, lumber mills or any other destination.

**Sec. 273. R. S., T. 38, § 422, repealed.** Section 422 of Title 38 of the Revised Statutes, as enacted by chapter 599 of the public laws of 1971, is repealed.

**Sec. 274. R. S., T. 38, § 423, additional.** Title 38 of the Revised Statutes is amended by adding a new section 423 to read as follows:

**§ 423. Discharge of waste from watercraft**

No person, firm, corporation or other legal entity shall discharge, spill or permit to be discharged sewage, garbage or other waste material from watercraft, as defined in section 201, subsection 14, and including houseboats, into inland waters of this State, or on the ice thereof, or on the banks thereof in such a manner that the same may fall or be washed into such waters, or in such manner that the drainage therefrom may flow into such waters.

Any watercraft, as defined in section 201, subsection 14, including houseboats, operated upon the inland waters of this State and having a permanently installed sanitary waste disposal system shall have securely affixed to the interior discharge opening of said sanitary waste disposal system a holding tank or suitable container for holding sanitary waste material so as to prevent its discharge or drainage into the inland waters of the State.

Whoever violates any provision of this section or any regulation adopted under authority of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.

**Sec. 275. R. S., T. 38, § 460, amended.** The first paragraph of section 460 of Title 38 of the Revised Statutes, as enacted by section 12 of chapter 475 of the public laws of 1967 and as amended is further amended to read as follows:

In addition to the powers and duties hereinbefore specified in this Title with respect to water, the board is authorized, empowered and directed to conduct a study or studies including such research and investigation as may be necessary relating to air pollution, its causes, effects and possible prevention, control and abatement and shall make a report of its findings, including recommendations for future action to the ~~104th Legislature in regular session.~~

**Sec. 276. R. S., T. 38, § 482, sub-§ 2, amended.** Subsection 2 of section 482 of Title 38 of the Revised Statutes, as enacted by section 2 of chapter 571 of the public laws of 1969 and as amended, is further amended to read as follows:

2. Development which may substantially affect the environment. "Development which may substantially affect the environment," in this Article

called "development," means any state, municipal, quasi-municipal, educational, charitable, commercial or industrial development, including subdivisions, but excluding state highways and state aid highways, which ~~require~~ **requires** a license from the board, or which occupies a land or water area in excess of 20 acres, or which contemplates drilling for or excavating natural resources, on land or under water, excluding borrow pits for sand, fill or gravel, regulated by the Department of Transportation and pits of less than 5 acres, or which occupies on a single parcel a structure or structures in excess of a ground area of 60,000 square feet.

**Sec. 277. R. S., T. 38, § 542, sub-§ 2, repealed.** Subsection 2 of section 542 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 572 of the public laws of 1969, is repealed as follows:

**2. Board.** ~~"Board" shall mean the Board of Arbitration~~

**Sec. 278. R. S., T. 38, § 551, sub-§ 2, ¶ A, amended.** Paragraph A of subsection 2 of section 551 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 572 of the public laws of 1969 and as amended by section 12 of chapter 618 of the public laws of 1971, is further amended to read as follows:

**A.** If the claimant, the board and the person causing the discharge can agree to the damage claim, the board shall certify the amount of the claim and the name of the claimant to the Treasurer of State and the Treasurer of State shall pay the same from the Maine Coastal ~~Petroleum~~ **Protection** Fund.

**Sec. 279. R. S., T. 38, § 551, sub-§ 6, ¶ B, amended.** Paragraph B of subsection 6 of section 551 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 572 of the public laws of 1969, is amended to read as follows:

**B.** In the case of a licensee promptly reporting a discharge as required by this ~~article subchapter~~, costs involved in the abatement of any single prohibited discharge including ~~and~~ **third** party claims in excess of \$15,000, over and above payments received under any federal program.

**Sec. 280. P. & S. L., 1865, c. 532, § 4, amended.** The 7th and 8th sentences of section 4 of chapter 532 of the private and special laws of 1865, as last repealed and replaced by section 2 of chapter 229 of the private and special laws of 1967, are repealed and the following enacted in place thereof:

Subsequent terms of office shall be fixed at 7 years and each term shall expire on May 26th of the appropriate year. Until such time as a successor trustee has been appointed and qualified to assume office, a term is deemed to be vacant. Any vacancy shall be filled by the Governor with the advice and consent of the Council for the unexpired balance of the term. Trustees are eligible for reappointment only once, except that any trustee appointed to fill a vacancy where the unexpired balance of the term is 3 years or less, shall be eligible for reappointment for 2 full 7-year terms. Trustees shall retire on reaching the age of 70. In order to restore and maintain rotation of terms of office of trustees, an incumbent trustee who was appointed for a term of 7 years at a time subsequent to the expiration of the term of his predecessor in

office, shall be deemed to have commenced his 7-year term upon the date of the expiration of the term of office of his predecessor rather than from the date of his appointment and qualification.

**Sec. 281.** P. & S. L., 1891, c. 241, § 8, repealed. Section 8 of chapter 241 of the private and special laws of 1891 is repealed.

**Sec. 282.** P. & S. L., 1895, c. 56, § 3, amended. Section 3 of chapter 56 of the private and special laws of 1895, as repealed and replaced by section 2 of chapter 52 of the private and special laws of 1937, is amended by adding at the end the following new paragraph:

Said town is hereby authorized to issue its general obligation securities for the purposes hereof in such amounts and upon such terms as it may for municipal purposes under the provisions of Title 30, section 5152. All actions previously taken by the Town of Boothbay Harbor relative to the issuance of bonds or notes and by its municipal officers together with the board of water commissioners for the above purposes are hereby confirmed, validated and made effective.

**Sec. 283.** P. & S. L., 1967, c. 58, § 6, amended. The next to the last sentence of section 6 of chapter 58 of the private and special laws of 1967, as repealed and replaced by section 2 of chapter 211 of the private and special laws of 1967, and as amended by chapter 42 of the private and special laws of 1969, is further amended to read as follows:

Said notes shall not exceed, in the aggregate, the sum of ~~\$100,000~~ \$300,000.

**Sec. 284.** P. & S. L., 1971, c. 45, § 18, amended. The first paragraph of section 18 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

There shall be a lien on real estate served or benefited by the sewers or sewerage treatment facilities of the district to secure the payment of rates, tolls, rents and entrance charges, established pursuant to authority of section 17 or other lawful authority and payments due to the district under any agreement with a user under section 9 8. Said lien shall take precedence over all other claims on such real estate, excepting only claims for taxes.

**Sec. 285.** P. L., 1971, c. 86, § 2, amended. The last sentence of section 2 of chapter 86 of the public laws of 1971 is amended to read as follows:

Thereafter elections shall continue in a manner so that each district shall at all times have a commissioner elected at large from the ~~district~~ county on the board.

**Sec. 286.** P. L., 1973, c. 114, amended. Chapter 114 of the public laws of 1973 is amended by adding at the end the following section:

**Sec. 7. Effective date.** This Act shall become effective January 1, 1974.

**Sec. 287.** P. L., 1973, c. 509, § 7, amended. Section 7 of chapter 509 of the public laws of 1973 is amended to read as follows:

**Sec. 7. Application.** The salary increases herein provided shall not apply to any District Court Judge who shall have been a member of the 106th Legislature prior to being appointed and who shall have been appointed

during the 1973-74 biennium; nor shall any emoluments created or increased during the 106th Legislature applicable to District Court Judges apply to any Judge of the District Court who shall have been a member of the 106th Legislature prior to being appointed and who shall have been appointed during the 1973-74 biennium.

Sec. 288. Resolves, 1973, c. 10, amended. The last 2 paragraphs of chapter 10 of the resolves of 1973 are repealed and the following enacted in place thereof:

Certain lots or parcels of land situate in Rockland, County of Knox, State of Maine, bounded and described as follows:

**PARCEL 1:** A certain lot or parcel of land, with the buildings thereon, situate in the City of Rockland, County of Knox, State of Maine, more particularly described as follows, to wit: Beginning at a granite monument in the easterly sideline of South Main Street, which monument is located at the intersection of the said sideline with the southerly town line of the City of Rockland; thence North eleven degrees thirteen minutes forty-two seconds west (N.  $11^{\circ} 13' 42''$  W.) three hundred ninety-seven and twenty-five hundredths (397.25) feet to another granite monument in the said sideline of the said street, this monument being also the southwesterly corner of the Noyes lot, so-called; thence north seventy-one degrees forty-six minutes forty-five seconds east (N.  $71^{\circ} 46' 45''$  E.) two hundred seventy-six and forty-two hundredths (276.42) feet to an iron rod in the southeasterly corner of the said lot; thence north sixteen degrees thirty-five minutes forty-nine seconds west (N.  $16^{\circ} 35' 49''$  W.) one hundred twenty-four and sixty-five hundredths (124.65) feet to another iron rod in the northeasterly corner of the said lot; thence north sixteen degrees thirty-five minutes forty-one seconds west (N.  $16^{\circ} 35' 41''$  W.) one hundred fifteen and three tenths (115.3) feet to a granite monument in the northeasterly corner of the Davis lot, so-called, in the easterly line of a passageway; thence north seventeen degrees fifty-seven minutes three seconds west (N.  $17^{\circ} 57' 03''$  W.) twenty-two and seven tenths (22.7) feet to another granite monument; thence north seventy-two degrees forty minutes thirty-five seconds east (N.  $72^{\circ} 40' 35''$  E.) fifty-seven and twenty-nine hundredths (57.29) feet to an iron rod; thence north fifteen degrees thirty-five minutes eighteen seconds west (N.  $15^{\circ} 35' 18''$  W.) thirty-five (35.0) feet to a granite monument; thence North fifteen degrees thirty-five minutes ten seconds west (N.  $15^{\circ} 35' 10''$  W.) twenty-six and seven tenths (26.7) feet, to another granite monument in the southwesterly corner of the Barnes lot, so-called; thence north sixty-seven degrees forty-six minutes fifty-seven seconds east (N.  $67^{\circ} 46' 57''$  E.) by and along the southerly lines of the said Barnes lot and Webber lot, one hundred seventy-eight and nineteen hundredths (178.19) feet to a granite monument in the southerly line of the said Webber lot; thence north seventy-two degrees fifty-eight minutes thirty-five seconds east (N.  $72^{\circ} 58' 35''$  E.) one hundred sixty and ninety-nine hundredths (160.99) feet to an iron rod in the southeast corner of the said Webber lot; thence north fifteen degrees thirty-eight minutes seventeen seconds west (N.  $15^{\circ} 38' 17''$  W.) seventy-four and four tenths (74.4) feet to a granite monument in the original Henry Ingraham's south line, indicating the northeasterly corner of the said Webber lot;

thence north sixty-seven degrees twenty-seven minutes twenty seconds east (N.  $67^{\circ} 27' 20''$  E.) fifty-three and eight tenths (53.8) feet to a granite monument in the northeasterly corner of the Staples lot, so-called; thence north sixty-seven degrees sixteen minutes twenty seconds east (N.  $67^{\circ} 16' 20''$  E.) thirty-three and one tenth (33.1) feet to an iron rod; thence south sixty-seven degrees two minutes sixteen seconds east (S.  $67^{\circ} 02' 16''$  E.) ninety-one and sixty-two hundredths (91.62) feet to another iron rod; thence south fifty-six degrees twenty-four minutes fifty-one seconds east (S.  $56^{\circ} 24' 51''$  E.) fifteen and twenty-four hundredths (15.24) feet to an iron rod, indicating the west corner of land to be acquired by the City of Rockland as a sewer pumping station lot; thence south fifty-six degrees twenty-six minutes twenty-six seconds east (S.  $56^{\circ} 26' 26''$  E.) forty and four hundredths (40.04) feet to an iron rod, indicating the south corner of the said pumping station lot; thence south fifty-six degrees twenty-seven minutes seven seconds east (S.  $56^{\circ} 27' 07''$  E.) one hundred forty-six and fifty-eight hundredths (146.58) feet to another iron rod; thence south fifty-eight degrees thirty minutes forty-three seconds east (S.  $56^{\circ} 30' 43''$  E.) one hundred fifty-seven and eight tenths (157.8) feet to an iron rod in the southerly line of a Rip-Rap seawall; thence south seventy-six degrees thirteen minutes thirty-eight seconds west (S.  $76^{\circ} 13' 38''$  W.) thirty-two and ninety-one hundredths (32.91) feet; thence south seventy degrees ten minutes nineteen seconds west (S.  $70^{\circ} 10' 19''$  W.) thirty-eight (38.0) feet; thence south seventy-four degrees twenty-three minutes twenty-six seconds west (S.  $74^{\circ} 23' 26''$  W.) thirty-five and eight hundredths (35.08) feet; thence north eighty-five degrees twenty minutes seven seconds west (N.  $85^{\circ} 20' 07''$  W.) twenty-five and seventy-three hundredths (25.73) feet; thence south forty-eight degrees thirty-two minutes six seconds west (S.  $48^{\circ} 32' 06''$  W.) forty-one and eighty-one hundredths (41.81) feet; thence south fifty-six degrees forty-one minutes twenty-six seconds west (S.  $56^{\circ} 41' 26''$  W.) twenty-nine and three hundredths (29.03) feet; thence south thirty-five degrees twelve minutes thirty-eight seconds west (S.  $35^{\circ} 12' 38''$  W.) thirty-two and eighteen hundredths (32.18) feet; thence south twenty-one degrees twenty-eight minutes fifteen seconds west (S.  $21^{\circ} 28' 15''$  W.) thirty-six and six hundredths (36.06) feet; thence south two degrees thirty-one minutes twenty-seven seconds west (S.  $02^{\circ} 31' 27''$  W.) thirty-five and forty-four hundredths (35.44) feet; thence south eleven degrees thirty-two minutes fourteen seconds east (S.  $11^{\circ} 32' 14''$  E.) thirty-two and ninety-eight hundredths (32.98) feet; thence south thirty-one degrees forty-six minutes thirty-four seconds east (S.  $31^{\circ} 46' 34''$  E.) thirty and ninety-six hundredths (30.96) feet; thence south thirty-nine degrees fifty-three minutes thirty-seven seconds east (S.  $39^{\circ} 53' 37''$  E.) twenty-seven and thirty-four hundredths (27.34) feet; thence south twenty degrees twenty-two minutes forty-nine seconds east (S.  $20^{\circ} 22' 49''$  E.) thirty and seventeen hundredths (30.17) feet; thence south forty-six degrees forty-seven minutes thirty-seven seconds east (S.  $46^{\circ} 47' 37''$  E.) thirty-five and ninety-two hundredths (35.92) feet; thence south forty-one degrees forty-eight minutes ten seconds east (S.  $41^{\circ} 48' 10''$  E.) nineteen and four tenths (19.4) feet; thence south fifteen degrees seventeen minutes fifty-nine seconds west (S.  $15^{\circ} 17' 59''$  W.) sixty-three and fifty-nine hundredths (63.59) feet; thence south thirty-one degrees fifteen minutes twenty-

three seconds west (S.  $31^{\circ} 15' 23''$  W.) one hundred six and seventy-five hundredths (106.75) feet; thence south thirty-three degrees forty minutes six seconds west (S.  $33^{\circ} 40' 06''$  W.) twenty-eight and eighty-one hundredths (28.81) feet; thence south forty-four degrees five minutes twenty-nine seconds west (S.  $44^{\circ} 05' 29''$  W.) thirty-five and sixty-four hundredths (35.64) feet; thence south sixty-one degrees fourteen minutes thirty-seven seconds west (S.  $61^{\circ} 14' 37''$  W.) thirty and nine hundredths (30.09) feet to an iron rod on top of the bank of Rockland Harbor; thence south sixty-eight degrees nine minutes fifty-six seconds west (S.  $68^{\circ} 09' 56''$  W.) by and along the southerly town line of the City of Rockland, six hundred ninety-five and sixty-three hundredths (695.63) feet to the point of beginning.

**PARCEL 2:** A certain lot or parcel of land, with buildings thereon situate in the City of Rockland, County of Knox, State of Maine, more particularly described as follows, to wit: Beginning at an iron pipe in the southerly side of Mechanic Street, this pipe being five hundred eighty-five and forty-seven hundredths (585.47) feet distant in the northeasterly direction from a granite monument in the aforesaid side of the aforesaid street, which granite monument represents the northwesterly corner of parcel number one, described in volume two hundred twelve (212) page two hundred seventy-eight (278) recorded in the Knox County Registry of Deeds; thence south fifty-eight degrees forty-three minutes fifty-two seconds east (S.  $58^{\circ} 43' 52''$  E.) two hundred one and eighty-five hundredths (201.85) feet to a granite monument; thence south twenty-nine degrees six minutes forty-five seconds east (S.  $29^{\circ} 06' 45''$  E.) two hundred seventy-four and twenty-nine hundredths (274.29) feet to another granite monument on end of an old wharf; thence south twelve degrees forty-two minutes twenty-three seconds west (S.  $12^{\circ} 42' 23''$  W.) one hundred twenty and five hundredths (120.05) feet to an old iron rod at the high water mark of Rockland Harbor; thence south nineteen degrees eighteen minutes one second west (S.  $19^{\circ} 18' 01''$  W.) one hundred fifty-eight and fifteen hundredths (158.15) feet to a point at the said high water mark; thence south eighty-three degrees twenty-two minutes eight seconds west (S.  $83^{\circ} 22' 08''$  W.) two hundred six and eight tenths (206.8) feet to an angle in a Rip-Rap seawall; thence south seventy-six degrees seven minutes sixteen seconds west (S.  $76^{\circ} 07' 16''$  W.) one hundredth fifty-nine and eight tenths (159.8) feet to an iron rod at the southerly edge of the said wall; thence north fifty-six degrees thirty minutes forty-three seconds west (N.  $56^{\circ} 30' 43''$  W.) one hundred fifty-seven and eight tenths (157.8) feet to another iron rod; thence north fifty-six degrees twenty-seven minutes seven seconds west (N.  $56^{\circ} 27' 07''$  W.) one hundred forty-six and fifty-eight hundredths (146.58) feet to another iron rod in the most southerly corner of a parcel of land to be conveyed to the City of Rockland for a sewer pumping station; thence north fifty-six degrees twenty-six minutes twenty-six seconds west (N.  $56^{\circ} 26' 26''$  W.) forty and four hundredths (40.04) feet to another iron rod in the most westerly corner of the said pumping station lot; thence north fifty-six degrees twenty-four minutes fifty-one seconds west (N.  $56^{\circ} 24' 51''$  W.) fifteen and twenty-four hundredths (15.24) feet to another iron rod; thence north sixty-seven degrees two minutes sixteen seconds west (N.  $67^{\circ} 02' 16''$  W.) ninety-one and sixty-two



hundredths (91.62) feet to an iron rod in the original Henry Ingraham's south line; thence north sixty-seven degrees fifteen minutes three seconds east (N.  $67^{\circ} 15' 03''$  E.) by and along the said Ingraham line sixty-seven and eighty-nine hundredths (67.89) feet to a granite monument; thence north twenty-four degrees twenty-four minutes twenty-three seconds west (N.  $24^{\circ} 24' 23''$  W.) two hundred nineteen and nine tenths (219.9) feet to another granite monument in the southerly line of the above mentioned Mechanic Street; thence north sixty-eight degrees forty-five minutes thirty-five seconds east (N.  $68^{\circ} 45' 35''$  E.) five hundred eighty-five and forty-seven hundredths (585.47) feet to the point of beginning.

Together with all of the grantor's right, title and interest, if any, in and to the shore and flats appurtenant to the property above described to the low water mark.

**Sec. 289. Amendatory provision.** Wherever in the following list of sections of the Revised Statutes the term "Probation and Parole Board" appear it shall mean the "Parole Board:" Title 15, sections 2142, 2162, 2607, 2611; Title 34, section 710.

**Emergency clause.** In view of the emergency cited in the preamble and except as otherwise provided in this Act, this Act shall take effect when approved.