

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 2337**

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S. P. 821

In Senate, January 9, 1974

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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

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

Whereas, many Acts enacted by the 106th Legislature in regular session have created inconsistencies and technical errors; and

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

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

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

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

**Sec. 1. R. S., T. 1, § 71, sub-§ 11, amended.** The last paragraph of subsection 11 of section 71 of Title 1 of the Revised Statutes is repealed and the following enacted in place thereof:

**Wherever in the Revised Statutes or any legislative Act a reference is made to several sections, subsections, paragraphs, subparagraphs, divisions, sub-**

divisions or sentences, the section, subsection, paragraph, subparagraph, division, subdivision or sentence numbers given in the reference are connected by the word "to," the reference includes both the sections, subsections, paragraphs, subparagraphs, divisions, subdivisions or sentences whose numbers are given and all intervening sections, subsections, paragraphs, subparagraphs, divisions, subdivisions and sentences.

Sec. 2. R. S., T. 2, § 6, sub-§ 1, repealed and replaced. Subsection 1 of section 6 of Title 2 of the Revised Statutes, as last repealed and replaced by section 2 of chapter 509 of the public laws of 1973 and as amended by section 8 of chapter 108 of the private and special laws of 1973, is repealed and the following enacted in place thereof:

1. The salaries of the following state officials and employees to no more than \$25,500:

Commissioner of Transportation;  
 Commissioner of Conservation;  
 Commissioner of Commerce and Industry;  
 Commissioner of Finance and Administration;  
 Commissioner of Educational and Cultural Services;  
 Commissioner of Environmental Protection;  
 Commissioner of Health and Welfare;  
 Commissioner of Mental Health and Corrections;  
 Commissioner of Public Safety.

Sec. 3. R. S., T. 3, § 163, sub-§ 15, ¶ E, repealed. Paragraph E of subsection 15 of section 163 of Title 3 of the Revised Statutes, as enacted by section 3 of chapter 14 and as amended by section 7 of chapter 625, both of the public laws of 1973, is repealed.

Sec. 4. R. S., T. 3, § 164, sub-§ 2, amended. Subsection 2 of section 164 of Title 3 of the Revised Statutes is amended to read as follows:

2. Reports. Prepare reports setting forth the political, social and economic effects of legislation enacted, or proposed to be enacted, in this State or elsewhere, when so directed by the Legislative Research Committee Council or by either or both branches of the Legislature;

Sec. 5. R. S., T. 4, § 157, amended. The first sentence of section 157 of Title 4 of the Revised Statutes, as last repealed and replaced by section 6 of chapter 509 and as amended by chapter 596, both of the public laws of 1973, is repealed and the following enacted in place thereof:

The Governor, with the advice and consent of the Council, shall appoint to the District Court 5 judges at large and 15 judges.

Sec. 6. R. S., T. 4, § 157, amended. The last sentence of section 157 of Title 4 of the Revised Statutes, as last repealed by section 1 of chapter 417 and as repealed and replaced by section 6 of chapter 509, both of the public laws of 1973, is repealed.

Sec. 7. R. S., T. 4, § 651, amended. The first sentence of section 651 of Title 4 of the Revised Statutes, as last amended by chapter 578 and by section

3 of chapter 599, both of the public laws of 1973, is repealed and the following enacted in place thereof:

The Chief Justice of the Supreme Judicial Court may appoint not more than 16 Official Court Reporters to serve at his pleasure, who shall report the proceedings in the Supreme Judicial Court and in the Superior Court and who shall be officials of the court to which they may from time to time be assigned by the Chief Justice, and be sworn to the faithful discharge of their duties, and each of whom shall receive from the State a salary of \$14,000 per year.

Sec. 8. R. S., T. 4, § 1051, amended. The first sentence of section 1051 of Title 4 of the Revised Statutes, as last amended by section 2 of chapter 114 and by section 1 of chapter 328, both of the public laws of 1973, is repealed and the following enacted in place thereof:

No court shall be held on Sunday or any day designated for the annual Thanksgiving; or for the choice of Presidential Electors; New Year's Day, January 1st; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May; the 4th of July; Labor Day, the first Monday of September; the day of the state-wide primary election; the day of the state election; the day of any special state-wide election; Columbus Day, the 2nd Monday in October; Veterans Day, November 11th; or on Christmas Day; and when the time fixed for a term of court falls on any of said days, it shall stand adjourned until the next day, which shall be deemed the first day of the term for all purposes.

Sec. 9. R. S., T. 5, § 7, amended. The first sentence of the last paragraph of section 7 of Title 5 of the Revised Statutes, as repealed and replaced by section 1 of chapter 544 of the public laws of 1969 is amended to read as follows:

The Legislative ~~Research Committee~~ Council shall biennially study and review state motor vehicle needs and uses and shall report its findings to the Legislature.

Sec. 10. R. S., T. 5, § 8-F, amended. Section 8-F of Title 5 of the Revised Statutes, as enacted by chapter 588 of the public laws of 1971 and as amended by section 15 of chapter 625 of the public laws of 1973, is further amended to read as follows:

#### § 8-F. Rules and regulations; review

Each department shall establish and promulgate, subject to the approval of the Budget Officer, rules and regulations to carry out the purposes of sections 8-B to 8-C. Such rules and regulations shall be transmitted to the Legislative ~~Research Committee~~ Council for its review biennially.

Sec. 11. R. S., T. 5, § 213, sub-§ 1, amended. Subsection 1 of section 213 of Title 5 of the Revised Statutes, as enacted by chapter 251 of the public laws of 1973, is amended to read as follows:

1. Court action. Any person who purchases or leases goods, services or property, real or personal, primarily for personal, family or household pur-

poses and thereby suffers any loss of money or property, real or personal, as a result of the use or employment by another person of a method, act or practice declared unlawful by section 207 or by any rule or regulation issued under section 207, subsection 2 may bring an action in the Superior Court for restitution and for such other equitable relief, including an injunction, as the court may deem to be necessary and proper.

**Sec. 12. R. S., T. 5, § 304, amended.** Section 304 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 458 of the public laws of 1967 and as amended, is further amended to read as follows:

**§ 304. Approval of construction projects**

No construction projects shall be initiated in the Capitol Area for the development of state buildings and grounds following the adoption of the plan or amendments and additions thereto by the Legislature without the approval of the Legislative ~~Research Committee~~ Council and the Bureau of Public Improvements of the proposals and plans for such projects.

**Sec. 13. R. S., T. 5, § 680, amended.** The first sentence of section 680 of Title 5 of the Revised Statutes, as enacted by chapter 317 of the public laws of 1971 and as amended by section 22 of chapter 513 of the public laws of 1973, is further amended to read as follows:

Whenever a warden of the Department of Inland Fisheries and Game or a warden of the Department of Marine Resources is ~~accidentally~~ injured or incapacitated by a disease as a result of law enforcement related employment, the sick leave taken shall not be charged against the accrued sick leave earned under the personnel laws and rules.

**Sec. 14. R. S., T. 5, § 1121, sub-§ 2, ¶ A, sub-¶ (2-A), amended.** The last sentence of subparagraph (2-A) of paragraph A of subsection 2 of section 1121 of Title 5 of the Revised Statutes, as enacted by section 5 of chapter 542 of the public laws of 1973, is amended to read as follows:

Adjustments in benefits already being paid under this section shall be made by the board of trustees and shall be effective as of the first day of the month following ~~the effective date of this Act~~ October 3, 1973.

**Sec. 15. R. S., T. 5, § 1121, sub-§ 2, ¶ A, sub-¶ (3), amended.** The 2nd sentence of subparagraph (3) of paragraph A of subsection 2 of section 1121 of Title 5 of the Revised Statutes, as enacted by section 6 of chapter 415 of the public laws of 1969 and as amended by section 6 of chapter 542 of the public laws of 1973, is further amended to read as follows:

Said recomputation and payments therefor shall become effective as of the first day of the month following ~~the effective date of this Act~~ October 3, 1973.

**Sec. 16. R. S., T. 5, § 1121, sub-§ 2, ¶ A, sub-¶ (4), amended.** Subparagraph (4) of paragraph A of subsection 2 of section 1121 of Title 5 of the Revised Statutes, as enacted by section 6 of chapter 415 of the public laws

of 1969 and as amended by section 7 of chapter 542 of the public laws of 1973, is further amended to read as follows:

(4) Any member who has 10 or more years of creditable service at retirement shall be entitled to a minimum of \$100 per month, further any former state employee or teacher who had 10 or more years of creditable service and who is receiving a retirement allowance including such adjustments as have been provided by section 1128, which is less than \$100 per month, shall be increased to \$100 per month the first day of the month following ~~the effective date of this Act~~ **October 3, 1973.**

**Sec. 17. R. S., T. 5, § 1122, sub-§ 1, ¶ B, amended.** The 2nd sentence of the 2nd paragraph of paragraph B of subsection 1 of section 1122 of Title 5 of the Revised Statutes, as enacted by section 8 of chapter 415 of the public laws of 1969 and as amended by section 10 of chapter 542 of the public laws of 1973, is further amended to read as follows:

Said recomputation and payments therefor shall become effective as of the first day of the month following ~~the effective date of this Act~~ **October 3, 1973.**

**Sec. 18. R. S., T. 5, § 1122, sub-§ 1, ¶ B, amended.** The last paragraph of paragraph B of subsection 1 of section 1122 of Title 5 of the Revised Statutes, as enacted by section 3 of chapter 482 of the public laws of 1971 and as amended by section 10 of chapter 542 of the public laws of 1973, is further amended to read as follows:

Any recipient of a disability retirement allowance on ~~the effective date of this Act~~ **October 3, 1973** shall be entitled to a review and a recomputation of benefits and if this amount is greater than that being paid then an adjustment shall be made, without retroactivity, and shall become effective on the first day of the next following month.

**Sec. 19. 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 and as amended by chapter 584 and by section 27 of chapter 625, both of the public laws of 1973, is repealed and the following enacted in place thereof:

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 September 3, 1965 nor shall the mandatory 10 years of coverage apply to any Judge or Justice of the Supreme, Superior and District Courts nor to any retired judge or justice who was insured and who is living on July 3, 1973.

**Sec. 20. R. S., T. 5, § 2301, sub-§ 1, ¶ H, repealed.** Paragraph H of subsection 1 of section 2301 of Title 5 of the Revised Statutes, as enacted by section 2 of chapter 582 of the public laws of 1973, is repealed.

**Sec. 21. R. S., T. 5, § 2301, sub-§ 1, ¶ J, additional.** Subsection 1 of section 2301 of Title 5 of the Revised Statutes, as amended, is further amended by adding a new paragraph J to read as follows:

**J. Approved public and private alcohol treatment facilities as defined in Title 22, section 1362.**

**Sec. 22. R. S., T. 5, § 3305, sub-§ 1, ¶ D, amended.** The 2nd sentence of paragraph D of subsection 1 of section 3305 of Title 5 of the Revised Statutes, as amended by section 1 of chapter 382 of the public laws of 1969, is further amended to read as follows:

The State Planning Office may assist in forming regional planning commissions and councils of governments and may assist with financing the cost of operation of such regional planning commissions established under Title 30, ~~sections 4501 to 4503~~ chapter 239, subchapter I-A, and of councils of governments empowered under Title 30, section 1983, subsection 3.

**Sec. 23. R. S., T. 5, § 4612, sub-§ 4, ¶ A, repealed and replaced.** 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 and as amended by section 13 of chapter 347 and by section 37 of chapter 625, both of the public laws of 1973, is repealed and the following enacted in place thereof:

**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, sex, religious, 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. 24. R. S., T. 7, § 1, amended.** The first sentence of section 1 of Title 7 of the Revised Statutes, as last amended by section 1 of chapter 95 and by section 5 of chapter 537, both of the public laws of 1973, is repealed and the following enacted in place thereof:

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

**Sec. 25. R. S., T. 8, § 353, sub-§ 1, ¶ L, amended.** Paragraph L of subsection 1 of section 353 of Title 8 of the Revised Statutes, as enacted by section 1 of chapter 570 of the public laws of 1973, is amended to read as follows:

**L.** The apportionment of the total annual revenue accruing from the sale of lottery tickets or shares and from all other sources for the payment of

prizes to the holders of winning tickets or shares, for the payment of costs incurred in the operation and administration of the lotteries, including the expense of the commission and the costs resulting from any contract or contracts entered into for promotional, advertising, consulting or operational services or for the purchase or lease of lottery equipment and materials, for the repayment of the moneys appropriated to the State Lottery Fund and for transfer to the General Fund ~~for distribution pursuant to section 366, subsection 1, paragraph D.~~

**Sec. 26. R. S., T. 9, § 472, sub-§ 2, amended.** The last sentence of subsection 2 of section 472 of Title 9 of the Revised Statutes, as repealed and replaced by section 1 of chapter 287 and as amended by section 47-A of chapter 625, both of the public laws of 1973, is further amended to read as follows:

For 3 years from ~~the effective date of this Act~~ **October 3, 1973**, this provision shall not apply to any person who is presently a trustee of a savings bank and who is presently a director, officer, employee or member of an advisory committee of a national bank, federal credit union, federal savings and loan association, bank holding company or any other financial institution as defined by section 222.

**Sec. 27. R. S., T. 9, § 561, sub-§ 1, ¶ E, amended.** Paragraph E of subsection 1 of section 561 of Title 9 of the Revised Statutes, as enacted by section 18 of chapter 401 of the public laws of 1969 and as amended by section 2 of chapter 214 of the public laws of 1973, is further amended to read as follows:

**E.** No savings bank shall have more than 80% of its deposits invested in real estate mortgages; except that it may invest more than 80% of its deposits in real estate mortgages so long as the amount in excess of 80% is invested in real estate mortgages that are insured or guaranteed, in any manner, in part or in full, by the United States or any instrumentality thereof or by this State or any instrumentality thereof, or insured by a mortgage guaranty insurer in the manner provided by ~~subsection~~ **paragraph H**, or for which there is a commitment to so insure or guarantee.

**Sec. 28. R. S., T. 9, § 1041, amended.** The last sentence of section 1041 of Title 9 of the Revised Statutes, as enacted by section 2 of chapter 287 and as amended by section 48-A of chapter 625, both of the public laws of 1973, is further amended to read as follows:

For 3 years from ~~the effective date of this Act~~ **October 3, 1973**, this provision shall not apply to any person who is presently a director of a trust company and who is presently a director, officer or employee of any other financial institution or bank holding company.

**Sec. 29. R. S., T. 9, § 1096, amended.** The last paragraph of section 1096 of Title 9 of the Revised Statutes, as enacted by chapter 9 of the public laws of 1973, is amended to read as follows:

This section shall apply to any fiduciary holding securities in its fiduciary capacity, and to any bank, trust company or private banker holding securities



as a custodian, managing agent or custodian for a fiduciary, acting on ~~the effective date of this Act~~ **October 3, 1973** or who thereafter may act regardless of the date of the agreement, instrument or court order by which it is appointed and regardless of whether or not such fiduciary, custodian, managing agent or custodian for a fiduciary owns capital stock of such clearing corporation.

**Sec. 30. R. S., T. 9, § 3005, repealed and replaced.** Section 3005 of Title 9 of the Revised Statutes, as amended by section 1 of chapter 490 and by section 50 of chapter 625, both of the public laws of 1973, is repealed and the following enacted in place thereof:

**§ 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 loan companies, trust companies or loan and building associations, nor shall they apply to any transactions involving extensions of credit pursuant to insurance premium finance agreements that are authorized by Part 13.

**Sec. 31. R. S., T. 9, Part 13, amended.** The first 2 lines of Part 13 of Title 9 of the Revised Statutes, as enacted by section 2 of chapter 490 of the public laws of 1973, are amended to read as follows:

PART 13

CHAPTER ~~373~~ 381

**Sec. 32. R. S., T. 10, § 751, amended.** The last sentence of the first paragraph of section 751 of Title 10 of the Revised Statutes, as enacted by section 1 of chapter 1 of the public laws of 1973, is repealed as follows:

~~All members of the authority shall exercise their independent judgment in arriving at management or policy making decisions of the authority with regard to whether particular proposals of guaranteeing loans or selling property are to be accepted or rejected~~

**Sec. 33. R. S., T. 10, § 753-A, amended.** Section 753-A of Title 10 of the Revised Statutes, as enacted by section 2 of chapter 1 of the public laws of 1973, is amended to read as follows:

**§ 753-A. Authority to manage**

In connection with insuring of payments of any mortgage for an ~~industrial~~ **eligible** project the authority is authorized to recommend business practices to be followed to avoid default.

**Sec. 34. R. S., T. 10, § 803, sub-§ 2, amended.** The first sentence of subsection 2 of section 803 of Title 10 of the Revised Statutes, as last amended by section 3 of chapter 1 and by section 5 of chapter 633, both of the public laws of 1973, is repealed and the following enacted in place thereof:

**Involve a principal obligation not to exceed \$2,500,000 for any one project and not to exceed 90% of the cost of project related to real estate, except 80%**

of the cost of project in the case of real estate in the form of documented fishing vessels, and 75% of the cost of project related to machinery and equipment.

**Sec. 35. R. S., T. 10, § 1401, amended.** Section 1401 of Title 10 of the Revised Statutes, as enacted by chapter 435 of the public laws of 1973, is amended to read as follows:

**§ 1401. Necessity of warranty**

After ~~the effective date of this chapter~~ **October 3, 1973**, all new mobile homes sold by a mobile home dealer situated in the State of Maine shall be covered by the warranty set forth in this chapter.

**Sec. 36. R. S., T. 10, § 8001, repealed and replaced.** Section 8001 of Title 10 of the Revised Statutes, as last repealed by section 15 of chapter 537 and as repealed and replaced by section 4 of chapter 585, both of the public laws of 1973, is repealed and the following enacted in place thereof:

**§ 8001. Department; commissioner**

There is created and established the Department of Business Regulation to regulate financial institutions and transactions and protect depositors, to regulate the business of insurance in the State, to regulate commercial sports, to award just compensation in land condemnation and to regulate real estate brokers and salesmen. The administrative head of said department shall be the Commissioner of Business Regulation, who shall be appointed by the Governor with the advice and consent of the Council to serve a term coterminous with that of the Governor, subject to removal for cause by the Governor and Council and said department shall be composed of the following bureaus, commissions and board, as heretofore created and established: The Bureau of Banks and Banking, formerly the Department of Banks and Banking; the Bureau of Insurance, formerly the Department of Insurance, except the Fire Prevention Division thereof; the Real Estate Commission; the Boxing Commission; the Running Horse Racing Commission and the Land Damage Board.

The Bureau of Banks and Banking shall be the successor to the Department of Banks and Banking and shall have all the legal authority and duties presently delegated to said department.

The Bureau of Insurance shall be the successor to the Department of Insurance and shall have all the legal authority and duties presently delegated to said department.

**Sec. 37. R. S., T. 13, § 4003, amended.** The last sentence of section 4003 of Title 13 of the Revised Statutes, as enacted by chapter 286 of the public laws of 1973, is amended to read as follows:

This rule of construction applies to gift instruments executed or in effect before or after ~~the effective date of this Act~~ **October 3, 1973**.

**Sec. 38. R. S., T. 13-A, § 1301, sub-§ 1, amended.** The first paragraph of subsection 1 of section 1301 of Title 13-A of the Revised Statutes, as enacted

by section 1 of chapter 439 of the public laws of 1971 and as amended by section 21 of chapter 483 of the public laws of 1973, is further amended to read as follows :

Each domestic corporation, unless excused as provided in subsection 4 or excluded by subsection 6, and each foreign corporation authorized to do business in this State, ~~except those doing business without qualification by virtue of section 1215, subsection 2~~ shall file, within the time prescribed by this Act, an annual report setting forth :

**Sec. 39. R. S., T. 14, § 5544, amended.** The 2nd paragraph of section 5544 of Title 14 of the Revised Statutes, as enacted by chapter 291 of the public laws of 1971, is amended to read as follows :

Any arresting officer may either take any person under arrest for a misdemeanor, ~~excepting persons arrested for violation of Title 17, section 2001~~ before a bail commissioner, who shall inquire into the charge and pertinent circumstances and admit him to bail if proper, or without fee may take the personal recognizance of any person for his appearance on a misdemeanor charge.

**Sec. 40. R. S., T. 15, § 712, amended.** The last paragraph of section 712 of Title 15 of the Revised Statutes, as enacted by chapter 561 of the public laws of 1973, is amended to read as follows :

It shall not be a violation of this chapter for a person acting under ~~cover~~ color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception, except that any evidence so obtained shall not be admissible in a court of law.

**Sec. 41. R. S., T. 15, § 2161, amended.** The last 2 sentences of section 2161 of Title 15 of the Revised Statutes, as amended by section 1 of chapter 319 of the public laws of 1969 and by section 20 of chapter 567 of the public laws of 1973, are further amended to read as follows :

If the crime for which said pardon is asked or for which commutation of sentence is sought is punishable by imprisonment in the State Prison, the Attorney General or the district attorney for the county where the case was tried shall, upon the request of the Governor and Council, attend the meeting of the Governor and Council or the ~~Probation and~~ Parole Board at which the petition is to be heard, and the Governor and Council shall allow said district attorney his necessary expenses for such attendance and a reasonable compensation for said district attorney's services to be paid from the State Treasury out of the appropriation for costs in criminal prosecutions. The Governor and Council may require the judge and prosecuting officer who tried the case to furnish them or the ~~Probation and~~ Parole Board a concise statement thereof as proved at the trial and any other facts bearing on the propriety of granting pardon or commutation.

**Sec. 42. R. S., T. 15, § 2502, sub-§ 1, amended.** The last sentence of subsection 1 of section 2502 of Title 15 of the Revised Statutes is amended to read as follows :

For the purpose of determining the guilt of any person over the age of ~~17~~ 18 years charged as an accessory to any offense committed by a juvenile, such offense shall be deemed to be the same as if committed by a person who is not a juvenile.

**Sec. 43. R. S., T. 15, § 2714, amended.** The first sentence of section 2714 of Title 15 of the Revised Statutes, as amended, is further amended to read as follows:

A boy between the ages of 11 and ~~17~~ 18 may be committed to the Boys Training Center and a girl between the ages of 11 and ~~17~~ 18 may be committed to the Stevens School, pursuant to chapters 401 to 409.

**Sec. 44. R. S., T. 15, § 2719, amended.** The 2nd and 3rd paragraphs of section 2719 of Title 15 of the Revised Statutes, as enacted by section 3 of chapter 121 of the public laws of 1971, are amended to read as follows:

Upon petition to the juvenile court, if the person is under the age of ~~17~~ 18 years, alleging that such person has committed an assault or assault and battery as defined in Title 17, section 201 upon any officer or employee of the center, or has been absent without leave from the center in 3 or more instances or has attempted to do so in 3 or more instances, or has committed any offense while under commitment to the center, specifying the fact of commitment and the offense, the juvenile court after reasonable notice to all parties, and hearing, and following a finding and adjudication, based upon all relevant evidence, that an offense covered by this section has been committed by such person, shall commit such person as provided in this section.

Upon complaint to the District Court, if the person is ~~17~~ 18 years of age or older, charging that such person has committed an assault or assault and battery as defined in Title 17, section 201 upon any officer or employee of the center, or has been absent without leave from the center in 3 or more instances, or has attempted to do so in 3 or more instances, or has committed any offense while under commitment to the center, specifying the fact of commitment and the offense, the District Court after trial, or following a plea of guilty to the charge and conviction, shall sentence and commit such person as provided in this section.

**Sec. 45. R. S., T. 17, § 902, amended.** The last paragraph of section 902 of Title 17 of the Revised Statutes, as enacted by section 1 of chapter 237 of the public laws of 1971 and as amended by section 1 of chapter 145 of the public laws of 1973, is further amended to read as follows:

Licensed or certified persons or institutions rendering treatment or services in connection with problems associated with the abuse of drugs pursuant to Title 32, sections ~~2666~~ 2595, ~~3154~~ 3292, 3817 and 4185-A and Title 22, section 1823 shall be exempt from the necessity of disclosure under this section of "possession" or "use" violations of Title 22, chapter 551, subchapter II, chapter 557 and chapter 558, known to such licensed or certified person to have been committed by the person receiving treatment or services for problems associated with the abuse of drugs.

**Sec. 46. R. S., T. 17, § 1051, repealed and replaced.** Section 1051 of Title 17 of the Revised Statutes, as amended by section 1 of chapter 37 and by

section 7 of chapter 598, both of the public laws of 1973, is repealed and the following enacted in place thereof:

§ 1051. Authority; definitions

The Commissioner of Agriculture or his agent shall, as provided in Title 7, section 2, enforce all provisions of this chapter, and, wherever used in this chapter, unless otherwise specified, the word "commissioner" means the Commissioner of Agriculture or his agent.

In this chapter and in every law relating to or affecting animals, the masculine includes the feminine, the singular includes the plural, the word "animal" includes every living sentient creature, the words "torment," "torture" and "cruelty" include every act, omission or neglect, whether by owner or other person, whereby unjustifiable physical pain, suffering or death is caused or permitted and the words "owner" or "person" include corporations as well as individuals.

Sec. 47. R. S., T. 17, § 3203, amended. The last sentence of section 3203 of Title 17 of the Revised Statutes is amended to read as follows:

If the person is the holder of dealer or transporter registration plates under Title 29, ~~sections 331 or 332~~ chapter 5, subchapter III-A, such person shall be subject to the suspension or revocation of said plates, as provided for in Title 29, section ~~331~~ 349, for the violation of this section.

Sec. 48. R. S., T. 20, § 102, sub-§ 3, repealed and replaced. Subsection 3 of section 102 of Title 20 of the Revised Statutes, as repealed by chapter 203 and as repealed and replaced by section 11 of chapter 571, both of the public laws of 1973, is repealed and the following enacted in place thereof:

3. In-service education. To take such action as he deems necessary to encourage in-service education and staff development for teachers in cooperation with local school officials.

Sec. 48-A. R. S., T. 20, § 360-A, amended. The first sentence of section 360-A of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 132 of the public laws of 1973, is amended to read as follows:

On and after ~~the effective date of this Act~~ March 28, 1973, a community school district shall be formed by 2 or more municipalities which shall be a body politic and incorporate by proceeding as set forth in section 351.

Sec. 49. R. S., T. 20, § 801, amended. The first sentence of section 801 of Title 20 of the Revised Statutes, as last amended by section 5 of chapter 114 and by section 2 of chapter 328, both of the public laws of 1973, is repealed and the following enacted in place thereof:

The following days shall be observed as school holidays, namely: Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May; Independence Day, July 4th; Labor Day, the first Monday in September; Columbus Day, the 2nd Monday in October; Veterans Day, November 11th; Christmas Day, December 25th; Thanksgiving and Arbor Day, as appointed by the Governor.

**Sec. 50. R. S., T. 20, § 1466, amended.** The first sentence of section 1466 of Title 20 of the Revised Statutes, as amended by section 15 of chapter 502 of the public laws of 1969, is further amended to read as follows:

All assessments made under sections 1462 to 1471 shall be based on the valuation of each unorganized unit as determined for the year in which the assessment is made by the State Tax Assessor, and set forth in the statement filed by him as provided in Title 36, ~~sections~~ **section 381 or 381-A.**

**Sec. 51. R. S., T. 21, § 1397, sub-§ 1-A, additional.** Section 1397 of Title 21 of the Revised Statutes, as amended, is further amended by adding a new subsection 1-A, to read as follows:

**1-A. Exception.** The state committees of the major political parties and candidates for federal office shall file one copy of the completed report required of them by federal law with the Secretary of State on the same day as required by federal law, except for the final campaign report, which shall be filed not later than 45 days after the election. Candidates for Governor shall file a report of the same form and content on the same dates as required of federal candidates by federal law, except for the final campaign report, which shall be filed not later than 45 days after the election.

**Sec. 52. R. S., T. 21, § 1576, sub-§ 1, repealed.** Subsection 1 of section 1576 of Title 21 of the Revised Statutes, as repealed and replaced by section 2 of chapter 402 of the public laws of 1973, is repealed.

**Sec. 53. R. S., T. 22, § 957, amended.** The last sentence of section 957 of Title 22 of the Revised Statutes is repealed as follows:

~~This section shall not release the State from the obligations which are imposed upon it by sections 4468 to 4471~~

**Sec. 54. R. S., T. 22, § 1363, amended.** The first sentence of section 1363 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 582 of the public laws of 1973, is amended to read as follows:

A Division of Alcoholism Services is established within the department.

**Sec. 55. R. S., T. 22, § 2054, sub-§ 1, amended.** The 7th sentence of subsection 1 of section 2054 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1971, is amended to read as follows:

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

**Sec. 56. R. S., T. 22, § 2387, repealed.** Section 2387 of Title 22 of the Revised Statutes, as enacted by chapter 501 of the public laws of 1973, is repealed.

**Sec. 57. R. S., T. 22, § 2388, additional.** Title 22 of the Revised Statutes is amended by adding a new section 2388 to read as follows:

### § 2388. Counterfeit substances

1. Definition. "Counterfeit substances" means a substance which is represented to be a particular controlled drug or substance under federal or state law, but which is in fact not that drug or substance.

2. Sale. Whoever sells, exchanges, delivers, barter, gives or furnishes a counterfeit substance to any person shall upon conviction thereof be punished by a fine of not more than \$1,000 or by imprisonment for not more than 5 years, or by both, for the first offense; and for a 2nd or subsequent offense, by imprisonment for not less than 2 years nor more than 10 years, for which the imposition or execution of such sentence shall not be suspended and probation not be granted.

Sec. 58. R. S., T. 22, § 4459-A, repealed. Section 4459-A of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 473 of the public laws of 1973, is repealed.

Sec. 59. R. S., T. 22, §§ 4463, 4465, 4466 and 4474, repealed. Sections 4463, 4465, 4466 and 4474 of Title 22 of the Revised Statutes are repealed.

Sec. 60. R. S., T. 22, § 4500-A, additional. Title 22 of the Revised Statutes is amended by adding a new section 4500-A to read as follows:

#### § 4500-A. Recovery of expense

A municipality or the State which has incurred expense for the support of an indigent person may recover the full amount expended for such support either from the person so relieved or from any person liable for his support, their executors or administrators, in a civil action.

Sec. 61. R. S., T. 22, § 4501, repealed. Section 4501 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 470 of the public laws of 1973, is repealed.

Sec. 62. R. S., T. 22, §§ 4504 - 4507, additional. Title 22 of the Revised Statutes is amended by adding 4 new sections to read as follows:

#### § 4504. Establishment of rules and regulations

A program for municipal support of the poor under this chapter shall be operated and administered in accordance with written rules and regulations. Such rules and regulations shall include standards of eligibility, governing need and amount of assistance, for the receipt of general assistance. Such rules and regulations shall be available in the town office and otherwise easily accessible to any member of the public. Notice to that effect shall be posted.

Each municipality shall, no later than 90 days from the effective date of this Act, promulgate written standards of eligibility for relief. Such standards shall:

1. Applications. Provide that all individuals wishing to make application for relief shall have opportunity to do so, and that relief shall be furnished,

within municipal guidelines, within 24 hours of the date of submission of an application, to all eligible applicants.

Within 6 months after the effective date of this Act, each municipality shall present to the Commissioner of Health and Welfare, for filing, a copy of the rules and regulations. Any amendment or modification of the municipal welfare rules and regulations shall be submitted to the commissioner for filing.

§ 4505. 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.

§ 4506. 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 with 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.

§ 4507. 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 4506. 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. 63. R. S., T. 22, § 4719, repealed. Section 4719 of Title 22 of the Revised Statutes, as enacted by chapter 353 of the public laws of 1973, is repealed.

Sec. 64. R. S., T. 22, § 4720, additional. Title 22 of the Revised Statutes is amended by adding a new section 4720 to read as follows:



### § 4720. Indian bones

From October 3, 1973 and thereafter all Indian skeletons and bones that come into the possession of any person, state department or organization, whether public or private, shall be transferred to appropriate Indian Tribes in Maine for reburial.

Prior to the time of transferral to the Indian Tribes, any such Indian bones or skeletons found may be subjected to scientific study by persons skilled in the anthropological and archaeological fields, but in no instance may such study continue longer than one year from the time of the bones discovery, before being transferred to the Indian Tribe.

**Sec. 65.** R. S., T. 22, § 4784, sub-§ 2, amended. The first sentence of subsection 2 of section 4784 of Title 22 of the Revised Statutes, as repealed and replaced by chapter 299 of the public laws of 1973, is amended to read as follows:

All deeds heretofore made prior to ~~the effective date of this Act~~ **May 3, 1973** for the conveyance of real property pursuant to subsection 1, and duly recorded in the Penobscot County registry of deeds, and otherwise valid except that the same was not in the form of a release deed as required by said subsection 1, are validated regardless of whether or not they are in the form of a quitclaim deed, quitclaim deed with covenant, warranty deed, warranty deed with covenant or such other form sufficient to pass title under the laws of the State of Maine, and whether or not said deeds contain the approval of the Commissioner of Indian Affairs as required by subsection 1.

**Sec. 66.** R. S., T. 22, § 5112, sub-§ 1, ¶ F, amended. The first sentence of paragraph F of subsection 1 of section 5112 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 630 of the public laws of 1973, is amended to read as follows:

Provide public ~~forms~~ forums including the conduct of public hearings, sponsorship of conferences, workshops and other such meetings to obtain information about, discuss, publicize the needs of and solutions to problems of older people.

**Sec. 67.** R. S., T. 22, Subtitle 4, amended. The first line of Subtitle 4 of Title 22 of the Revised Statutes is amended to read as follows:

#### SUBTITLE ~~4~~ 5. PRIORITY SOCIAL SERVICES

**Sec. 68.** R. S., T. 22, § 6113, sub-§ 1, amended. The first and 2nd sentences of subsection 1 of section 6113 of Title 22 of the Revised Statutes, as enacted by section 1 of Part B of chapter 38 of the private and special laws of 1973, is amended to read as follows:

Effective ~~with passage of this Act~~ **March 16, 1973**, the department is authorized to immediately commence administrative preparations for initiation of the program no later than July 1, 1973. Appropriations to meet necessary administrative costs between ~~the effective date of this Act~~ **March 16, 1973** and June 30, 1973 are provided in Part A ~~of this Act~~.

**Sec. 69. R. S., T. 22, § 7113, amended.** The first sentence of section 7113 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 566 of the public laws of 1973, is amended to read as follows:

Immediately upon ~~the day this Act becomes effective~~ **October 3, 1973**, the Governor shall direct the development of a comprehensive, coordinated long-term state strategy for all drug abuse prevention functions and all drug traffic prevention functions conducted, sponsored or supported by any agency of State Government.

**Sec. 70. R. S., T. 23, § 706, sub-§ 2, amended.** Subsection 2 of section 706 of Title 23 of the Revised Statutes, as enacted by chapter 311 of the public laws of 1973, is amended to read as follows:

2. **Application.** Standards set for curb ramping under subsection 1 shall not apply to any existing curb on ~~the effective date of this Act~~ **October 3, 1973**; but shall apply, to the extent reasonable, to all new curb construction and to all replacement curbs constructed in order to allow reasonable access to crosswalks.

**Sec. 71. R. S., T. 23, § 1104, amended.** The first sentence of section 1104 of Title 23 of the Revised Statutes, as amended by chapter 526 and by section 3 of chapter 595, both of the public laws of 1973, is repealed and the following enacted in place thereof:

If any town shall in a single year increase its appropriation for state aid roads to an amount of 4 or 6 times the maximum amount which is may annually appropriate under section 1101 for use only in reconstructing improved state aid highways and in constructing unimproved bridges and approaches which are located between sections of improved state aid highways or in maintaining, including resurfacing, of improved state aid highways outside compact or built up sections of highway as defined in section 754, the department shall from any balance of said fund for state aid highways, and subject to section 1105, apportion a like increase of state aid.

**Sec. 72. R. S., T. 23, § 4205, sub-§ 8, additional.** Section 4205 of Title 23 of the Revised Statutes, as enacted by section 16 of chapter 593 of the public laws of 1971, is amended by adding a new subsection 8 to read as follows:

#### 8. The Vehicle Equipment Safety Commission.

**Sec. 73. R. S., T. 24, §§ 2906-C - 2906-E, repealed.** Sections 2906-C to 2906-E of Title 24 of the Revised Statutes, as enacted by chapter 298 of the public laws of 1969, are repealed.

**Sec. 74. R. S., T. 25, § 1506, amended.** The first paragraph of section 1506 of Title 25 of the Revised Statutes, as enacted by chapter 25 of the public laws of 1969, is amended to read as follows:

When a state police officer is ~~accidentally~~ injured or incapacitated by disease as the result of law enforcement related employment, the sick leave taken shall not be charged against the accrued sick leave earned under the Personnel Law and rules.

**Sec. 75. R. S., T. 25, § 1549, amended.** Section 1549 of Title 25 of the Revised Statutes is amended to read as follows :

**§ 1549. Authorization of Governor and Council**

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

**Sec. 76. R. S., T. 25, § 1904, amended.** Section 1904 of Title 25 of the Revised Statutes is amended to read as follows :

**§ 1904. Provisions in lieu of others**

The provisions for regulation, registration and licensing of passenger tramways under this chapter shall be in lieu of all other regulations, registration or licensing requirements by the ~~Insurance~~ Commissioner of Public Safety under Title 8, sections 391 and 396.

**Sec. 77. R. S., T. 25, § 2399, amended.** The first sentence of the 2nd paragraph of section 2399 of Title 25 of the Revised Statutes, as amended by section 7-A of chapter 632 of the public laws of 1973, is further amended to read as follows :

Every fire insurance company or association which does business or collects premiums or assessments in the State shall pay to the State Tax Assessor on the first day of May, annually, in addition to the taxes now imposed by law to be paid by such companies or associations, ~~0.06%~~ 6/10th of 1% of the gross direct premiums for fire risks written in the State during the preceding calendar year, less the amount of all direct return premiums thereon and all dividends paid to policyholders on direct fire premiums during said calendar year.

**Sec. 78. R. S., T. 25, § 2543, amended.** The first paragraph of section 2543 of Title 25 of the Revised Statutes is amended to read as follows :

Such marshal shall, within Aroostook County, have the same powers and duties given to fire inspectors by virtue of section 2360, shall have the same powers and duties given the fire inspector by virtue of section 2392 and shall have the same powers and duties given to fire inspectors, boards of engineers and chiefs of fire departments by virtue of ~~sections~~ section 2453 ~~to 2456~~, except that in case of conflict in authority between state, county and town fire officials, the order of final determination or decision shall be first in the State, 2nd in the county and 3rd in the town fire officials.

**Sec. 78-A. R. S., T. 25, § 2901, repealed and replaced.** Section 2901 of Title 25 of the Revised Statutes, as enacted by section 1 of chapter 496 of the public laws of 1971 and as amended, is repealed and the following enacted in place thereof :

**§ 2901. Department; commissioner**

There is hereby created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement responsibilities of

the State of Maine, to consist of the Commissioner of Public Safety, who shall be appointed by the Governor with the advice and consent of the Council to serve a term coterminous with that of the Governor, subject to removal for cause by the Governor and Council and the following as heretofore created and established: The Department of the State Police, the Enforcement Division of the State Liquor Commission, the State Fire Marshal and the Maine Criminal Justice Academy.

Sec. 79. R. S., T. 25, § 2902, amended. The last paragraph of section 2902 of Title 25 of the Revised Statutes, as enacted by section 15 of chapter 592 of the public laws of 1971, is repealed and the following enacted in place thereof:

The Commissioner of Public Safety, subject to the Personnel Law, may hire such employees as are necessary to carry out the functions of the enforcement division of the State Liquor Commission and the State Fire Marshal.

Sec. 80. R. S., T. 26, § 178, sub-§ 1, ¶ E, amended. The last paragraph of paragraph E of subsection 1 of section 178 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 452 of the public laws of 1973, is amended to read as follows:

After ~~the effective date of this Act~~ October 3, 1973, all those holding State of Maine stationary steam engineers' licenses shall be allowed to renew their licenses without further examination and, upon application, the board shall convert a currently valid State of Maine fireman's license to a boiler operator's license.

Sec. 81. R. S., T. 26, § 178, sub-§ 1, ¶ F, repealed and replaced. Paragraph F of subsection 1 of section 178 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 452 of the public laws of 1973, is repealed and the following enacted in place thereof:

F. Any person who within 5 years prior to October 3, 1973 was employed as an engineer or boiler operator may, upon application and payment of a renewal fee, be issued a license in the highest grade in which he was employed within said 5-year period. Application for such license without examination must be made within 2 years of October 3, 1973, except that a person in the military service of the United States on October 3, 1973 shall be given 5 years from October 3, 1973 to make application without examination. A sworn statement by the applicant as to his experience must accompany his application and shall be considered as satisfactory evidence of his experience unless the board shall have clear and convincing evidence to the contrary.

Sec. 82. R. S., T. 26, § 431, amended. The 2nd sentence of section 431 of Title 26 of the Revised Statutes, as amended by chapter 47 of the public laws of 1973, is further amended to read as follows:

The said board shall consist of 6 members, of whom ~~3~~ 4 shall be appointed to membership by the director, subject to the approval of the Governor and Council.

**Sec. 83. R. S., T. 26, § 968, sub-§ 1, amended.** The last sentence of subsection 1 of section 968 of Title 26 of the Revised Statutes, as amended by section 10 of chapter 458 and as repealed and replaced by chapter 610, both of the public laws of 1973, is repealed and the following enacted in place thereof:

**The members of the board and the alternate shall receive necessary expenses on the approval of the Director of the Bureau of Labor and Industry.**

**Sec. 84. R. S., T. 26, § 1043, sub-§ 1, amended.** The next to the last paragraph, as repealed and replaced by section 1 of chapter 538 of the public laws of 1971 and as amended, and the last paragraph, as enacted by section 3 of chapter 555 of the public laws of 1973, of subsection 1 of section 1043 of Title 26 of the Revised Statutes, are repealed and the following enacted in place thereof:

**This subsection shall not be deemed to be applicable with respect to service performed in connection with commercial canning or freezing of an agricultural product; hatching or processing of poultry, transportation of poultry; grading of eggs or packing of eggs, transportation of eggs; the processing of any meat product or the transportation of any meat product.**

**Agricultural labor includes services performed on a family-type farm with not over 100,000 laying birds.**

**Sec. 85. R. S., T. 28, § 4, amended.** The last paragraph of section 4 of Title 28 of the Revised Statutes, as enacted by section 4-B of chapter 500 of the public laws of 1969, is repealed as follows:

~~Unincorporated place shall mean for purposes of this section an unincorporated place where the total number of persons resident is 20 or more as shown by returns to the State Tax Assessor as provided by Title 36, section 141.~~

**Sec. 86. R. S., T. 28, § 9, amended.** The 3rd sentence of section 9 of Title 28 of the Revised Statutes, as enacted by section 53 of chapter 513 of the public laws of 1965, is amended to read as follows:

**All persons carrying on any business, except any bank or savings and loan institution, duly organized and existing by virtue of the laws of the State of Maine or of the United States of America under the common roof and having common entranceways shall in writing to the commission agree to allow reasonable inspection of their premises by authorized enforcement agents of the ~~Liquor Commission~~ Department of Public Safety.**

**Sec. 87. R. S., T. 28, § 101, amended.** The 5th paragraph from the end of section 101 of Title 28 of the Revised Statutes, as last repealed and replaced by section 42 of chapter 590 of the public laws of 1969, is repealed and the following enacted in place thereof:

**Where a city or town has voted in favor of accepting or not accepting questions 1, 2, 3, 4, 5, 6, 6-A, 7, 8, 9, 10, 11, 12 and 13, said vote shall be effective until repealed in the manner hereinafter provided.**

**Sec. 88. R. S., T. 28, § 101, amended.** The first sentence of the 4th paragraph from the end of section 101 of Title 28 of the Revised Statutes, as repealed and replaced by section 1 of chapter 49 of the public laws of 1967 and as amended by section 3 of chapter 183 of the public laws of 1969, is further amended to read as follows:

A new vote may be held in a municipality upon one or more of questions 1 through ~~13~~ 13, upon receipt of a petition of electors resident in that municipality, in writing addressed to the Secretary of State and signed by at least 15% of the number of voters voting for the gubernatorial candidates at the last statewide election in that municipality, which petition shall be filed with the Secretary of State on or before the first day of July preceding the day of the biennial election.

**Sec. 89. R. S., T. 29, § 153, repealed and replaced.** Section 153 of Title 29 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

**§ 153. Proration after November 1st**

On any application for registration applied for by an owner or the owner's surviving spouse of a vehicle, except an automobile, not including a log hauler or traction engine, during the period between the first day of November and the last day of February,  $\frac{1}{2}$  the registration fee shall be charged; on an application for a registration for an automobile made during the last 4 months of a registration year,  $\frac{1}{2}$  the registration fee shall be charged.

**Sec. 90. R. S., T. 29, § 531, amended.** The first paragraph after subsection 4 of section 531 of Title 29 of the Revised Statutes, as enacted by section 2 of chapter 587 of the public laws of 1973, is amended to read as follows:

For a period of one year from ~~the effective date of this Act~~ **October 3, 1973**, persons holding a valid license to operate motor vehicles, issued by the Secretary of State, provided such licenses are not suspended or revoked and provided that such licenses are not restricted to the operation of motorcycles or motor driven cycles only, may apply to the Secretary of State to have such licenses endorsed "Class 1" or "Class 2" without payment of additional fee and without examination as follows:

**Sec. 91. R. S., T. 29, § 832, amended.** The first sentence of section 832 of Title 29 of the Revised Statutes, as repealed and replaced by section 10 of chapter 400 of the public laws of 1969 and as amended, is further amended to read as follows:

The Secretary of State shall not issue a ~~section 331 or section 332~~ **A chapter 5, subchapter III-A** dealer, transporter, loaner, motorcycle dealer or boat trailer dealer registration plates, until the applicant therefor shall have procured and filed with the Secretary of State a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy providing coverage as set forth in this Title with respect to the plates issued, approved by the Insurance Superintendent, insuring against any legal liability in accordance with the terms of said policy for

personal injury or death of any one person in the sum of \$20,000 and for any number of persons in the sum of \$40,000 and against property damage in the sum of \$10,000, which injury, death or damage may result from or have been caused by the operation of any vehicle bearing such registration plates.

**Sec. 92. R. S., T. 30, § 105-A, amended.** The last 2 paragraphs of section 105-A of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 312 of the public laws of 1973, are amended to read as follows :

Commissioner District number 2 consisting of the municipalities and unorganized territories of Allagash Plt., Ashland, Caribou, Eagle Lake, Easton, Ft. Fairfield, Garfield Plt., Masardis, Nashville Plt., New Canada Plt., Oxbow Plt., Perham, Portage Lake, Presque Isle, St. Francis Plt., St. John Plt., Wade, Wallagrass Plt., Washburn, Westmanland Plt., Winterville Plt., 9R7, 9R8, 10R6, 10R7, 10R8, 11R7, 11R8, 11R9, 11R10, 11R11,; 11R12, 11R13, 11R14, 11R15, 11R16, 11R17, 12R7, 12R8, 12R9, 12R10, 12R11, 12R12, 12R13, 12R14, 12R15, 12R16, 12R17, 13R5, 13R7, 13R8, 13R9, 13R10, 13R11, 13R12, 13R13, 13R14, 13R15, 13R16, 14R5, 14R6, 14R7, 14R8, 14R9, 14R10, 14R11, 14R12, 14R13, 14R14, 14R15, 14R16, 15R5, 15R6, 15R8, 15R9, 15R10, 15R11, 15R12, 15R13, 15R14, 15R15, 16R4, 16R5, 16R6, 16R8, 16R9, 16R12, 16R13, 16R14, 17R3, 17R4, 17R5, 17R12, 17R13, 17R14, 18R10, 18R11, 18R12, 18R13, 19R11, 19R12, 20R11, 20R12 WELS.

Commissioner District number 3 consisting of the municipalities and unorganized territories of Caswell Plt., Connor Twp., Cyr Plt., Fort Kent, Frenchville, Grand Isle, Hamlin Plt., Limestone, Madawaska, New Sweden, St. Saint Agatha, Stockholm, Van Bureau and Woodland.

**Sec. 93. R. S., T. 30, § 417, repealed.** Section 417 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 158 of the public laws of 1973, is repealed.

**Sec. 94. R. S., T. 30, § 419, additional.** Title 30 of the Revised Statutes is amended by adding a new section 419 to read as follows :

#### § 419. Priority social services programs

The county commissioners may expend county funds, from whatever source received, for a priority social services program pursuant to the Priority Social Services Act of 1973 contained in Title 22, Subtitle IV. They may assist in, contribute to and participate in the provision of a priority social services program through agreements between public or nonprivate organizations and the Department of Health and Welfare.

**Sec. 95. R. S., T. 30, § 420, additional.** Title 30 of the Revised Statutes is amended by adding a new section 420 to read as follows :

#### § 420. Priority social services programs

The county commissioners of Cumberland County may expend county funds, from whatever source received, for priority social services programs pursuant to the Priority Social Services Act of 1973 contained in Title 22, subtitle IV or other nonwelfare programs as authorized by the Cumberland

County legislative delegation. They may assist in, contribute to and participate in the provision of a paid social services program through agreements between public or nonprivate organizations and the Department of Health and Welfare.

**Sec. 96. R. S., T. 30, § 2454, sub-§ 3-A, amended.** Subsection 3-A of section 2454 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1973, is amended to read as follows:

**3-A. Limitation on new permits.** After ~~the effective date of this Act~~ **October 3, 1973**, no permit shall be granted for any new automobile graveyard or junkyard within 100 feet of any highway.

**Sec. 97. R. S., T. 30, § 4151, amended.** The last sentence of section 4151 of Title 30 of the Revised Statutes, as amended by section 6 of chapter 628 of the public laws of 1973, is further amended to read as follows:

The plan or outline of the lands so selected shall be entered on the plan of the township or tract in the commissioner's office and shall be filed of record in the registry of deeds in the ~~township~~ **county** in which the township is located, which shall be a sufficient location thereof.

**Sec. 98. R. S., T. 30, § 4157, amended.** Section 4157 of Title 30 of the Revised Statutes is amended to read as follows:

**§ 4157. Appeal filed**

In a proceeding for the location of such public reserved lots as provided for in sections 4153 ~~to 4156~~ and 4154, an appeal may be taken to the law court as in other actions.

**Sec. 99. R. S., T. 30, § 4162, sub-§ 3, amended.** The 2nd sentence of subsection 3 of section 4162 of Title 30 of the Revised Statutes, as last repealed and replaced by section 14 of chapter 628 of the public laws of 1973, is amended to read as follows:

He shall, beginning promptly after ~~the effective date of this Act~~ **October 3, 1973**, prepare, revise from time to time and maintain a comprehensive management plan for the management of the public reserved lands in accordance with the guidelines set forth.

**Sec. 100. R. S., T. 30, § 4163, sub-§ 2, amended.** Subsection 2 of section 4163 of Title 30 of the Revised Statutes, as last repealed and replaced by section 15 of chapter 628 of the public laws of 1973, is amended to read as follows:

**2. Public Reserved Lots Management Fund.** To accomplish the purposes of section 4162, there is established a Public Reserved Lots Management Fund. An amount equal to the General Fund pursuant to subsection 1 shall be transferred by the Treasurer of the State to the Public Reserved Lots Management Fund on the first day of each month following ~~the effective date of this Act~~ **October 3, 1973**. Moneys credited to the Public Reserved Lots Management Fund shall be available for expenditure by the Commissioner



of the Department of Conservation for the purposes set forth in section 4162 without limitation as to fiscal year.

**Sec. 101. R. S., T. 30, § 4165, amended.** The first sentence of section 4165 of Title 30 of the Revised Statutes, as last repealed and replaced by section 17 of chapter 628 of the public laws of 1973, is amended to read as follows:

There shall continue in existence the Unorganized Territory School Fund which shall include the existing principal of said fund arising from the public reserved lands prior to ~~the effective date of this Act~~ **October 3, 1973** and any accrued but unexpended income from said fund as of said date.

**Sec. 102. R. S., T. 30, § 4166, amended.** The first sentence of section 4166 of Title 30 of the Revised Statutes, as repealed and replaced by section 18 of chapter 628 of the public laws of 1973, is amended to read as follows:

There shall continue in existence the Organized Townships Fund which shall include the principal of said fund arising from the public reserved lots prior to ~~the effective date of this Act~~ **October 3, 1973** and accrued but unexpended income of said fund as of said date.

**Sec. 103. R. S., T. 30, § 4779, amended.** The first sentence of the last paragraph of section 4779, as enacted by section 5 of chapter 446 of the public laws of 1973, is amended to read as follows:

Upon complaint by a purchaser or resident of any unit bearing certification of the Maine State Housing Authority concerning an alleged defect in construction or an alleged defective component of any system, such as heating or wiring or plumbing, in any such unit sold, manufactured or delivered in the State of Maine after ~~the effective date of this Act~~ **October 3, 1973**, the authority shall send an inspector to investigate and determine whether said unit complies with establish regulations.

**Sec. 104. R. S., T. 30, § 5164, amended.** The 2nd sentence of the 3rd paragraph of section 5164 of Title 30 of the Revised Statutes, as enacted by chapter 558 of the public laws of 1971, is amended to read as follows:

Each commissioner before entering upon his duties shall take and subscribe ~~on an~~ oath to perform the duties of office faithfully, impartially and justly to the best of his ability.

**Sec. 105. R. S., T. 30, § 5326, sub-§ 6, repealed.** Subsection 6 of section 5326 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 138 of the public laws of 1973, is repealed.

**Sec. 106. R. S., T. 30, § 5326, sub-§ 9, additional.** Section 5326 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 423 of the public laws of 1965 and as amended, is further amended by adding a new subsection 9 to read as follows:

9. **Application and service fees.** "Application and service fees" shall mean the amount of money charged to a project by the board for services rendered to applicants under section 5328, subsection 2.

**Sec. 107. R. S., T. 30, § 5328, sub-§ 3, amended.** The last 2 sentences of subsection 3 of section 5328 of Title 30 of the Revised Statutes, as repealed and replaced by section 114 of chapter 622 of the public laws of 1971 and as amended by section 17 of chapter 633 of the public laws of 1973, are repealed and the following enacted in place thereof:

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

**Sec. 107-A. R. S., T. 30, § 5375, sub-§ 5, amended.** Subsection 5 of section 5375 of Title 30 of the Revised Statutes, as enacted by chapter 506 of the public laws of 1973, is amended to read as follows:

**5. Termination procedure.** The board or administrator may adjust or eliminate rent controls if, in its judgment the need for continuing rental levels no longer exists because of sufficient construction of new rental units or because the demand for rental units has been otherwise met. Any maximum rental level removed under this ~~paragraph~~ **subsection** shall be reimposed or adjusted and reimposed upon a finding by the rent board or administrator that a substantial shortage of rental units exists in such municipality and that the reimposition of rent control is necessary in the public interest. Any action under this ~~paragraph~~ **subsection** shall be subject to the hearing and notice requirements of section ~~5576~~ **5376**.

**Sec. 107-B. R. S., T. 31, § 180, sub-§ 1, amended.** The first paragraph of subsection 1 of section 180 of Title 31 of the Revised Statutes, as enacted by section 1 of chapter 324 of the public laws of 1969, is amended to read as follows:

A limited partnership formed under any statute of this State prior to ~~the adoption of this chapter~~ **October 1, 1969** may become a limited partnership under this chapter by complying with section 152, provided the certificate sets forth:

**Sec. 107-C. R. S., T. 32, § 573, sub-§ 3, amended.** The first sentence of subsection 3 of section 573 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 430 of the public laws of 1965 and as amended by section 11 of chapter 585 of the public laws of 1973, is further amended to read as follows:

Licenses granted by the superintendent under this section shall be for a period of one year from the first day of January, ~~1966 following the effective date of this Act~~ and annually thereafter such license may be renewed so long as the superintendent regards the business as responsible and safe, but in all cases to terminate unless renewed on the first day of the succeeding January.

**Sec. 108. R. S., T. 32, § 1685, sub-§ 1, amended.** Subsection 1 of section 1685 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 483 of the public laws of 1967, is amended to read as follows:

1. **Land surveyor.** The registration fee for land surveyors shall be established by the board in an amount not to exceed \$25, ½ of which shall accompany the application, ~~except for registration under section 1683~~ in which case the fee shall be not more than \$10 and shall all accompany the application.

**Sec. 109. R. S., T. 32, § 2102, sub-§ 2, ¶ E, amended.** The 3rd sentence of paragraph E of subsection 2 of section 2102 of Title 32 of the Revised Statutes, as enacted by section 2 of chapter 495 of the public laws of 1973, is amended to read as follows:

When the delegated activities are part of the practice of optometry as defined in chapter ~~35~~ 34-A, then the person to whom such activities are delegated shall possess a valid license to practice optometry in Maine, or otherwise shall perform only as a technician within the established office of a physician, and otherwise acting solely on the order of and under the responsibility of a physician skilled in the treatment of eyes as designated by the proper professional board, and without assuming evaluation or interpretation of examination findings by prescribing corrective procedures to preserve, restore or improve vision.

**Sec. 110. R. S., T. 32, § 2258-A, repealed.** Section 2258-A of Title 32 of the Revised Statutes, as enacted by chapter 535 of the public laws of 1973, is repealed.

**Sec. 111. Effective date.** Section 110 of this Act shall become effective on July 2, 1974.

**Sec. 112. R. S., T. 32, c. 34-A, additional.** Title 32 of the Revised Statutes is amended by adding a new chapter 34-A, to read as follows:

**CHAPTER 34-A**  
**OPTOMETRISTS**  
**SUBCHAPTER I**  
**GENERAL PROVISIONS**

§ 2411. Definitions

The practice of optometry is defined as any one or any combination of the following practices:

1. **Eye examination.** The examination of the eye and related structures without the use of drugs to ascertain defects or abnormalities and to detect the presence of eye diseases;

2. **Functional examination.** The determination of the accommodative or refractive states of the human eye and evaluation of visual functions without the use of drugs;

3. **Correctional treatment.** The correction of vision problems without the use of drugs, medicine or surgery by prescribing or adapting ophthalmic lenses, including contact lenses and other optical aids, and by using other corrective procedures to preserve, restore or improve vision;

4. Fitting of eyeglasses. The fitting, bending and adjusting of eyeglasses with ophthalmic lenses, except that this subsection shall not be considered as the practice of optometry providing the fitting, bending and adjusting is by order of and under the responsibility of an optometrist or ophthalmologist;

5. Replacement of lens. The replacement or duplication of an ophthalmic lens without a written prescription from a person licensed under the laws of this State to practice either optometry or medicine.

Nothing in this section shall be construed to prevent an optical mechanic from doing the merely mechanical work associated with adapting, fitting, bending, adjusting, replacing or duplicating of eyeglasses with ophthalmic lenses.

An ophthalmic lens within the meaning of this section shall be any spectacle lens or contact lens which has a spherical, cylindrical or prismatic power or value or any lens ground pursuant to a written prescription.

## SUBCHAPTER II

### BOARD OF OPTOMETRY

#### § 2415. Appointment; tenure; vacancies; removal

The State Board of Optometry, as heretofore established and hereinafter in this chapter called the "board," shall consist of 6 persons appointed by the Governor, with the advice and consent of the Council. Five of such persons shall have been resident optometrists engaged in the actual practice of optometry in this State for a period of at least 5 years prior to their appointment and one of such persons shall be a consumer member who shall be a resident of this State and shall have no pecuniary interest in optometry or in the merchandising of optical products. They shall be appointed for terms as the terms of the present members expire, so that eventually the term of one member shall expire each year and each shall hold office for a term of 5 years and until his successor is appointed and qualified. Any vacancy in said board shall be filled by the appointment of a person, qualified as aforesaid, to hold office during the unexpired term of the member whose place he fills. Any member of said board may be removed from office for cause by the Governor with the advice and consent of the Council. The board shall have a common seal.

#### § 2416. Officers; compensation; meetings; rules and regulations

The board shall annually elect from its members a president and a secretary who shall be treasurer. They shall severally have authority, during their term of office, to administer such oaths and take such affidavits as are required by this chapter, certifying thereto under their hand and the seal of the board. The treasurer shall receive all fees, charges and assessments payable to the board, and account for and pay over the same according to law. The board shall meet at least once in each year at Augusta, and, in addition thereto, whenever and wherever the president and secretary thereof shall call a meeting. A majority of said board shall constitute a quorum.

The members of the board shall each receive \$25 for each day actually engaged in the duties of his office, and actual expenses incurred in connection

therewith, except that the secretary of said board shall receive an annual salary of \$500. Any year in which the income of the board, from examination fees and annual license fees collected under this chapter, plus any unexpended balances on hand, is not sufficient to pay members of the board, available funds shall be prorated, except that the secretary's compensation shall have prior claim to available funds.

The secretary shall keep a full record of the proceedings of said board, which shall be open to public inspection at all reasonable times.

§ 2417. Standards; rules and regulations

1. Standards for admission. The following shall constitute the requirements which must be complied with by applicants for examination before they can be examined or receive a certificate:

- A. Be at least 18 years of age;
- B. Be of good moral character;
- C. Be a graduate of a recognized school of optometry;
- D. Have succeeded in an examination as described in section 2422.

Upon satisfying the foregoing requirements, an applicant shall be licensed hereunder.

2. Standards for renewal.

A. In all cases the board shall be satisfied that the applicant has previously complied with the provisions of subchapter IV or, in the case of an applicant whose license has been suspended under subchapter IV, until he has given satisfactory proof of an intent to comply in the future with such rules.

3. Standards for minimum eye examination. The following shall constitute the minimum standards for a competent professional eye examination:

- A. History of visual problems and care;
- B. Visual acuity of each eye, uncorrected and with best correction;
- C. Examination for any abnormal condition or significant characteristics of internal and external ocular tissues;
- D. Advice for medical referral when indicated;
- E. Objective and subjective refraction of the eyes;
- F. Cover test or muscle balance tests, or both.

Each optometrist shall maintain a complete record of all eye examinations given. Each optometrist shall include in his examination record the findings under paragraphs A through F, as well as any prescriptions or programs of corrective procedure. Such information shall be available from the optometrist for a period of not less than 10 years.

4. Minimum prescription requirements. The following shall constitute the minimum requirements for optometric prescriptions:

A. For ophthalmic lenses, other than contact lenses:

- (1) Dioptic power of spheres, cylinders and prisms, axis of cylinders and position of base of prisms;
- (2) Designation of pupillary distance;
- (3) Type and form of lenses;
- (4) Description of type and placements of reading segments in multi-focal lenses;
- (5) Placement of optical centers for distance-seeing and near-point seeing;
- (6) Name of patient, date of prescription and name and office location of prescriber.

B. For contact lenses:

- (1) Base curve, peripheral curve, intermediate curve;
- (2) Power;
- (3) Size of lens;
- (4) Size of optical zone;
- (5) Thickness;
- (6) Edge shape;
- (7) Color;
- (8) Form.

C. All prescriptions shall be reduced to writing and placed on file as provided in subsection 3.

5. Rules and regulations. The board shall make reasonable rules and regulations, not inconsistent with law, to govern the following:

A. The time, place and manner of conducting state board examinations in optometry and the manner and form in which applications for such examination shall be filed;

B. The fees for registration and licensing under subchapter III;

C. The conduct of the lawful practice of optometry in accordance with the standards established by this section.

The board may make such other reasonable rules and regulations as shall be otherwise necessary for the proper performance of its duties under this section.

#### § 2418. Annual report

The board shall make an annual report of its proceedings to the Governor on or about the first Monday in July of each year, which shall contain an account of all moneys received and disbursed by it.

### SUBCHAPTER III REGISTRATION

#### § 2421. Registration required

No person shall practice optometry in this State unless he shall first obtain a certificate of registration from the board, but this chapter shall not apply to persons already licensed to practice medicine within this State.

#### § 2422. Examination; fees; registration

Except as provided in section 2424, every person before beginning the practice of optometry in this State shall pass an examination before the board. At the discretion of the board, such examination may consist of tests in basic sciences; in anatomy and physiology of the eye; pathology; practical, theoretical and physiological optics; practical and theoretical optometry and such other phases of optometric knowledge and skill as the board may deem essential. Any person, having signified to said board his desire to be examined, shall appear before the board at such time and place as they may designate and, before such examination, shall pay to said board a sum not in excess of \$100, as established by the board. All persons successfully passing such examination shall be registered, in a record which shall be kept by the secretary of said board, as licensed to practice optometry and shall receive a certificate of such registration issued by said board.

#### § 2423. Licensing

1. Annual renewal. Every registered optometrist practicing in the State shall annually, before the first day of April, pay to the board a license renewal fee not in excess of \$100 as established by the board under section 2417, for each office location.

2. Nonactive license. Every registered optometrist not practicing within the State shall, upon payment of an annual license renewal fee not in excess of \$100 as established by the board, be issued a nonactive license renewal certificate. Said fee shall be payable to the board before the first day of April each year. Should a holder of such a nonactive license renewal certificate desire to practice within the State, he shall so notify the board in writing, including a statement of his proposed office location, and except as herein-after provided, he shall forthwith be issued an active license certificate by the board.

3. Examination. Every registered optometrist holding a nonactive license renewal certificate for a period of 3 years or more, who desires an active license certificate, shall be required to submit to a practical examination with regard to professional and technical proficiency conducted by the board. If he shall reasonably have demonstrated professional and technical proficiency as the result of such examination, he shall then be issued an active license certificate authorizing him to practice in this State. Said active license certificate shall be renewed annually as provided in subsection 1.

4. Default. In case of default in payment of any license renewal fees by any registered optometrist, his certificate may be revoked by the board under subchapter IV.

**§ 2424. Reciprocity**

1. Application. Upon application and payment of a sum not in excess of \$100 as established by the board by section 2417, any person practicing optometry under the laws of another state may be granted a license to practice in this State, providing:

A. Such person holds an original license obtained by examination and has practiced continuously for the immediate past 3 years in the state in which he is presently licensed.

B. The educational requirements of the original licensing state were equivalent to those of this State at the time such person commenced said practice.

C. Such person must not have previously failed the examination given by the board of optometry of this State.

D. Such person shall attest by personal affidavit that he has current legal standing to practice optometry in the state in which he is practicing. The board may verify the applicant's current legal standing to practice in such state by direct communication with the board or equivalent licensing authority of such other state.

E. Such person has submitted an affidavit to the effect that he intends to practice in this State within one year of the receipt of his license.

F. The state from which such person is applying for reciprocity allows similar reciprocal licensing for optometrists registered in this State.

G. Such person applying for a reciprocal license under the terms of this section shall have submitted to a practical examination with regard to professional and technical proficiency and shall have reasonably demonstrated such professional and technical proficiency.

2. Renewal. Licenses obtained under this section shall be renewed annually as provided in section 2423.

3. Revocation. A reciprocity license shall be revoked by the board if the applicant does not establish a practice in this State within one year after receipt of his license.

**§ 2425. Display of certificates**

Every person to whom a certificate of registration and current certificate of annual license renewal are granted shall display the same in a conspicuous part of his office wherein the practice of optometry is conducted.

**§ 2425. Educational programs**

All optometrists now or hereafter licensed in the State of Maine shall be required to take annual courses in subjects related to the practice of the profession of optometry, to the end that the utilization and application of new techniques, scientific and technical advances and the achievements of research will assure comprehensive vision care to the public. The length of



study shall be determined by the board, but in no event shall it exceed 20 hours in any calendar year. Attendance must be at a course or courses approved by the board and is to be certified to the board upon a form provided by the board and shall be submitted by each optometrist at the time he makes application to the board for the renewal of his license and shall accompany the annual renewal fee. The board shall notify all optometrists licensed in this State of all courses approved by it at least 15 days prior to the offering of such course. The board is authorized to use up to  $\frac{1}{2}$  of its annual renewal fees for the purpose of contracting with institutions of higher learning, professional organizations or qualified individuals for the providing of educational programs approved by the board.

In no instance may the board require a greater number of hours of study than are available at approved courses held within the State of Maine and the board shall be permitted to waive this requirement in cases of illness or undue hardship. If an applicant for a renewal license fails to comply with this provision and no action has been taken by the board to waive the requirements because of the causes specified, then the board shall not renew the license, except that in its discretion, it may renew the license conditionally, with the provision that within 6 months the applicant shall fulfill the requirements.

#### SUBCHAPTER IV

#### REVOCATION, REFUSAL OR SUSPENSION OF CERTIFICATE

##### § 2431. Revocation, refusal or suspension of certificate

The board shall refuse to issue or renew, or the Administrative Court Judge, as designated by Title 5, chapters 301 to 307, may suspend or revoke any certificate of registration for any one or more of the following causes:

1. General grounds. General grounds as described in section 2432.
2. Unprofessional conduct. Unprofessional conduct as described in section 2433;
3. Unauthorized associations. Unauthorized associations as described in section 2434.

No certificate shall be revoked or suspended for any of the foregoing causes, unless the accused has been given at least 10 days' notice in writing of the charge against him and has been afforded the opportunity for a public hearing before the Administrative Court Judge.

##### § 2432. General grounds

The sanctions of section 2431 may be imposed on any of the following general grounds:

1. Location. If such person practices in or on premises where any materials other than those necessary to render his services are dispensed to the public;
2. False name. If such person practices under a name other than that given in the certificate of registration;

3. False representation. If such person represents himself to the public as something other than an optometrist, by which shall be meant as an optician, eye physician or by any other designation which would confuse the nature of his licensed practice. The following titles, however, shall be considered lawful:

- A. John Doe, O.D., Optometrist;
- B. John Doe, O.D.;
- C. John Doe, Optometrist;
- D. Dr. John Doe, Optometrist;
- E. Doctor John Doe, Optometrist;

4. Fraud in practice. If such person is guilty of fraud or deceit in his practice;

5. Felony conviction. If such person has been convicted of a felony as evidenced by a certified copy of the record of the court convicting;

6. Inebriety and drug addiction. If such person is an habitual inebriate or is addicted to the use of narcotics, hallucinogenic or habit forming drug;

7. Disease. If such person practices optometry while knowingly infected with a contagious or infectious disease;

8. Incompetence. If such person is guilty of gross professional incompetence;

9. Fraud in application for practice. If such person has been guilty of fraud or deceit in the answering of any question or in submitting any affidavit required to be answered or submitted as to his qualification for the purpose of being admitted to examination or acquiring a certificate to practice optometry;

10. Solicitation and peddling. If such person engages in house to house solicitation for the purpose of fitting, selling or peddling spectacles, eyeglasses or lenses, or in any way otherwise peddles his services;

11. Maintaining an unauthorized additional office. If such person maintains more than one office to practice optometry without the prior written approval of the board. The board shall not authorize more than one principal office and one additional office;

12. Failure to display certificate. If such person fails to display his certificate of registration as required by section 2425.

#### § 2433. Unprofessional conduct

The sanctions of section 2431 may be imposed for any of the following conduct, deemed unprofessional on the part of a holder of a certificate of registration to practice optometry:

1. Fraud. The obtaining of any fee by fraud or misrepresentation, or the practice of any deception or fraud upon a patient;

2. Practice outside optometry. Offering health services outside the field of optometry and more particularly by prescribing, selling or dispensing hearing aids;

3. Solicitation. The employment of solicitors for, or the solicitation of practice directly or indirectly, but the following shall nevertheless be considered lawful:

Telephone listings that use no bold type or display form; professional cards that contain only the optometrist's name, title, address, telephone number, practice limited to a specialty or office hours; announcements in newspapers or direct mail of opening or closing a practice provided same be in keeping with size, style, frequency and duration deemed ethical by other health practices of the community; and informational lettering on doors, windows and signs that conforms to size and style used by other health practices of the community;

4. Advertising. The advertisement of prices, free services, credit terms or superior professional skills or services or the making of any form of specific guarantee;

5. Fee splitting. The splitting or dividing of any fee with any person not an associate as provided in section 2434, or the giving or acceptance of any rebates from an optician or ophthalmic dispenser;

6. Minimum examination. Failure to provide patients with a sufficient minimum examination as determined under section 2417, subsection 3, or failure to comply with the standards established under section 2417, subsection 4 for optometric prescriptions.

#### § 2434. Unauthorized associations

An optometrist shall practice only in an individual capacity under his own name or in association with a licensed practitioner of optometry or of another of the healing arts and sciences. The following shall be deemed unauthorized association subject to the sanctions of section 2431.

1. Associations. Association for the joint practice of optometry with any person, corporation or partnership not licensed to practice optometry or another of the healing arts;

2. Aiding unauthorized practice. The aiding and abetting in the practice of optometry of any person not licensed to practice in this State;

3. Loan of certificate. The lending, leasing or in any other manner placing of one's certificate of registration at the disposal of or in the service of any person not licensed to practice optometry in this State;

4. Mercantile employment. The practice of optometry as a full or part-time employee of any mercantile establishment or directly or indirectly encouraging one's optometric service to be promoted as part of any mercantile or commercial establishment. In this prohibition shall be included the practice of optometry as a lessee of a commercial or mercantile establishment involved in the selling of spectacles, frames, mounting, lenses or other optical devices;

5. Continuing unauthorized associations. The continuance of an optometrist directly or indirectly in the employ of or in association with any optometrist after knowledge that such optometrist is engaged in the violation of the provisions of this chapter.

§ 2435. Corporate practice of optometry

No registered optometrist, under this chapter, shall associate himself in any way with any person not a registered optometrist nor any copartnership, firm or corporation for the promotion of any commercial practice for profit or division of profit which enables any such person, copartnership, firm or corporation to engage, either directly or indirectly, in the practice of optometry in this State. Any optometrist registered under this chapter guilty of such conduct or violation of this section shall be punished by having his certificate and registration to practice optometry in this State suspended or revoked. No certificate of registration shall be suspended or revoked for any of the foregoing causes unless the person accused has been given at least 10 days' notice in writing of the charge against him and afforded a public hearing before the board.

§ 2436. Succession in practice

An optometrist taking over an established practice shall clearly indicate that he is responsible individually for the practice, but he shall be permitted to use the term: "succeeded by," "successor to," or "succeeding" for a period not exceeding 2 years.

## SUBCHAPTER V UNAUTHORIZED PRACTICE

§ 2441. Penalties

Whoever engages in the practice of optometry in this State, without first having been duly registered as provided in sections 2421 and 2424, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$200. To open an office for the purpose of practicing optometry or to announce to the public in any way an intention to practice optometry in any county in the State shall be prima facie evidence of engaging in the practice of optometry within the meaning of this section.

§ 2442. Fraudulent acts

It shall be unlawful for any person to falsely impersonate a licensed optometrist of like or different name, or to buy or sell or fraudulently obtain a diploma or certificate of registration issued to another. Whoever violates this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$200.

§ 2443. Referrals by optical firms prohibited

It shall be unlawful for any person engaged in the business of manufacturing, selling or dispensing any ophthalmic materials in influence in any manner or attempt to influence any patron in the choice of an optometrist or

physician for the purpose of examining, treating, dispensing or prescribing ophthalmic materials for such patrons. Any violation of this section shall constitute a misdemeanor punishable by a fine of not more than \$100.

§ 2444. Public aid ocular services

All agencies, commissions, clinics and bureaus administering relief, public assistance, public welfare assistance, social security, health insurance or health services under the laws of this State may accept the service of licensed optometrists for any service covered by their licenses relating to any persons receiving benefits from said agencies or commissions and shall pay for such services in the same way as practitioners of other professions may be paid for similar services. None of said governmental agencies, or their agents, officials or employees thereof, including the public schools, in the performance of their duties shall in any way show discrimination among licensed ocular practitioners.

Whoever violates or fails to comply with this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

§ 2445. Solicitation

It shall be unlawful for any person, firm, partnership, company or corporation to solicit eye examinations or visual services, or to advertise the sale of eyeglasses, spectacles, lenses, frames, mountings, prisms or any other optical appliances or devices commonly included in the prescription of optometrists or physicians by newspaper, radio, window display, television, telephone directory display advertisement or any other means of advertisement; or to use any method or means of baiting, persuading or enticing the public into buying eyeglasses, spectacles, lenses, frames, mountings, prisms or other optical appliances or devices for visual correction. This section shall not render any advertising media liable for publishing any advertising furnished them by a vendor of said commodity or material; nor shall anything in this section prevent ethical educational publicity or advertising by legally qualified health groups that does not violate presently existing laws of Maine, nor prevent the proper use of ethical professional notices. Nothing in this section shall prohibit the advertisement or sale of sunglasses equipped with non-prescriptive lenses, industrial glasses or goggles with nonprescriptive lenses used for industrial eye protection, when sold as merchandise at any established place of business and when the selection of these is at the discretion of the purchaser.

The term "window display" as used in this section shall not prevent the display of ophthalmic frames in windows.

This section is passed in the interest of public health, safety and welfare, and its provisions shall be literally construed to carry out its objects and purposes.

Whoever violates any provision of this section shall be punished for the first offense by a fine of not less than \$50 nor more than \$200, or by im-

prisonment for not more than 3 months, or by both, or for a subsequent offense, by a fine of not less than \$200 nor more than \$500, or by imprisonment for not less than 3 months, nor more than 6 months, or by both.

Sec. 113. R. S., T. 32, c. 35-A, repealed. Chapter 35-A of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 474 of the public laws of 1973, is repealed.

Sec. 114. R. S., T. 32, § 2561, amended. The last sentence of section 2561 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 374 of the public laws of 1973, is amended to read as follows:

Members of the board on ~~the effective date of this Act~~ **October 4, 1973** shall continue in office to the date of expiration of their current terms.

Sec. 115. R. S., T. 32, § 2594-A, additional. Title 32 of the Revised Statutes is amended by adding a new section 2549-A to read as follows:

§ 2549-A. Assistants

Nothing contained in this chapter shall be construed to prohibit an individual from rendering medical services, if such services are rendered under the supervision and control of a physician or surgeon, provided that such individual shall have satisfactorily completed a training program approved by the Board of Osteopathic Examination and Registration. Supervision and control shall not be construed as requiring the personal presence of the supervising and controlling physician at the place where such services are rendered, unless such physical presence is necessary to provide patient care of the same quality as provided by the physician. Further, nothing in this chapter shall be construed as prohibiting a physician or surgeon from delegating to his employees certain activities relating to medical care and treatment now being carried out by custom and usage when such activities are under the direct control of and in the personal presence of the physician or surgeon. The physician delegating such activities, either to his employees, program graduates or to participants in an approved training program, shall be deemed legally liable for such activities of such persons, and such person shall in this relationship be construed as the physician's agent. Nothing contained in this section shall be construed to apply to registered nurses acting pursuant to chapter 31.

When the delegated activities are part of the practice of optometry as defined in chapter 35, then the person to whom such activities are delegated shall possess a valid license to practice optometry in Maine, or otherwise shall perform only as a technician within the established office of a physician, and otherwise acting solely on the order of and under the responsibility of a physician skilled in the treatment of eyes as designated by the proper professional board, and without assuming evaluation or interpretation of examination findings by prescribing corrective procedures to preserve, restore or improve vision.

Sec. 116. R. S., T. 32, § 2608, repealed. Section 2608 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 514 of the public laws of 1973, is repealed.

**Sec. 117. R. S., T. 32, § 3270, amended.** The 2nd sentence of section 3270 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 591 of the public laws of 1971, is amended to read as follows:

Any person licensed under chapter ~~37~~ 36 may prefix the title "Doctor" or the letters "Dr." to his name, as provided in section ~~2704~~ 2581, or any chiropractor duly licensed by this State may prefix the title "Doctor" or the letters "Dr." to his name when accompanied by the word "Chiropractor," or any dentist duly licensed by this State may prefix the title "Doctor" or the letters "Dr." to his name or any optometrist duly licensed under the laws of this State may prefix the title "Doctor" or the letters "Dr." to his name when accompanied by the word "Optometrist" or any podiatrist duly licensed under the laws of this State may prefix the title "Doctor" or the letters "Dr." to his name when accompanied by the word "Podiatrist" or "Chiropodist."

**Sec. 118. R. S., T. 32, § 4909, amended.** The 4th paragraph from the end of section 4909 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 558 of the public laws of 1973, is repealed as follows:

~~A qualified geologist or soil scientist practicing geology or soil science at the time of the effective date of this chapter may be certified upon approval of the board, if he applies to the board prior to April 30, 1974~~

**Sec. 119. Effective date.** Section 118 of this Act shall become effective on April 2, 1974.

**Sec. 120. R. S., T. 33, § 461, amended.** The first sentence of section 461 of Title 33 of the Revised Statutes, as enacted by chapter 505 of the public laws of 1973, is amended to read as follows:

Any conveyance made prior to ~~the effective date of this Act~~ **October 3, 1973** which conveyed land abutting upon a town or private way, county road or highway shall be deemed to have conveyed all of the grantor's interest in the portion of such road or way, which abutted said land unless the grantor shall have expressly reserved his title to such road or way by a specific reference thereto contained in said conveyance.

**Sc. 121. R. S., T. 34, § 801, sub-§§ 1-A and 3, amended.** Subsection 1-A, as enacted by section 4 of chapter 121 of the public laws of 1971, and subsection 3, as repealed and replaced by section 3 of chapter 346 of the public laws of 1969, of section 801 of Title 34 of the Revised Statutes, are amended to read as follows:

**1-A. Males between the ages of 15 and 18 years.** Males between the ages if 15 and ~~17~~ 18 years committed thereto by the juvenile court after being adjudicated to have committed a juvenile offense;

**3. Males of not less than 18 years of age.** Males of not less than ~~17~~ 18 years of age and of not more than 26 years of age who have been convicted of, or who have pleaded guilty to, crimes in the courts of the State, and who have been duly sentenced and committed thereto.

**Sec. 122. R. S., T. 34, § 851, sub-§§ 1-A and 3, amended.** Subsection 1-A, as enacted by section 8 of chapter 121 of the public laws of 1971, and sub-

section 3, as repealed and replaced by section 15 of chapter 391 of the public laws of 1967, of section 851 of Title 34 of the Revised Statutes, are amended to read as follows:

**1-A. Women between the ages of 15 and 18 years.** Females between the ages of 15 and ~~17~~ 18 years committed thereto by the juvenile court after being adjudicated to have committed a juvenile offense;

**3. Females over 18 years of age.** Females over the age of ~~17~~ 18 years and under the age of 40 years who have been convicted of, or who have pleaded guilty to, crimes in the courts of the State, and who have been duly sentenced and committed thereto;

**Sec. 123. R. S., T. 34, § 853, amended.** The first sentence of section 853 of Title 34 of the Revised Statutes, as repealed and replaced by section 18 of chapter 391 of the public laws of 1967 and as amended, is further amended to read as follows:

When before any court having jurisdiction, a woman over the age of ~~17~~ 18 years and under the age of 40 years is convicted of, or has pleaded guilty to, an offense punishable by imprisonment in the State Prison, or by imprisonment in the county jail for more than 6 months, such court may sentence her and order her commitment to the center, or sentence her to the punishment provided by law for the same offense.

**Sec. 124. R. S., T. 34, § 1501, sub-§ 4, amended.** Subsection 4 of section 1501 of Title 34 of the Revised Statutes is amended to read as follows:

**4. Juvenile.** "Juvenile" means a person under the age of ~~17~~ 18 years or a person who is alleged to have committed, while under the age of ~~17~~ 18 years, any acts or offenses covered by Title 15, chapters 401 to 409 regardless of whether, at the time of the proceeding, such person is of the age of ~~17~~ 18 years or over.

**Sec. 125. R. S., T. 34, § 1503, amended.** The first paragraph of section 1503 of Title 34 of the Revised Statutes, as amended by section 66-B of chapter 509 of the public laws of 1969, is further amended to read as follows:

Any person over the age of ~~17~~ 18 who willfully obstructs, intimidates or otherwise abets a probationer or parolee under the supervision and control of the Division of Probation and Parole and thereby contributes or causes said probationer or parolee to violate the terms and conditions of his probation or parole, after having been warned in writing by the Division of Probation and Parole to cease and desist in said relationship or association with the probationer or parolee, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

**Sec. 126. R. S., T. 36, c. 4, repealed.** Chapter 4 of Title 36 of the Revised Statutes, as enacted by section 4 of chapter 620 of the public laws of 1973, is repealed.

**Sec. 127. R. S., T. 36, § 456, amended.** Section 456 of Title 36 of the Revised Statutes, as enacted by section 4-A of chapter 592 of the public laws of 1973, is amended to read as follows:



### § 456. Additional state property tax exemption

There shall be exempt from the tax levied by section 455 those types of personal property which were exempt from personal property tax under section 655 as it existed prior to ~~the enactment of this Act~~ **October 3, 1973.**

**Sec. 128. R. S., T. 36, § 486, sub-§ 6, amended.** The last paragraph of subsection 6 of section 486 of Title 36 of the Revised Statutes, as enacted by section 10 of chapter 620 of the public laws of 1973, is repealed.

**Sec. 129. R. S., T. 36, § 486, sub-§ 8, amended.** Subsection 8 of section 486 of Title 36 of the Revised Statutes, as enacted by section 10 of chapter 620 of the public laws of 1973, is amended to read as follows:

**8. Compensation.** Board members serving on an abatement ~~or state valuation appeal~~ shall be entitled to \$50 per diem and necessary expenses while in actual performance of their duties.

**Sec. 130. R. S., T. 36, § 655, sub-§ 1, ¶ L, repealed and replaced.** Paragraph L of subsection 1 of section 655 of Title 36 of the Revised Statutes, as repealed and replaced by section 13 of chapter 592 and as amended by section 21 of chapter 613, both of the public laws of 1973, is repealed and the following enacted in place thereof:

**L. Registered snowmobiles as defined in Title 12, section 1971, except those constituting stock in trade.**

**Sec. 131. Effective date.** Section 130 of this Act shall become effective on April 2, 1974.

**Sec. 132. R. S., T. 36, § 655, sub-§ 1, ¶ O, repealed and replaced.** Paragraph O of subsection 1 of section 655 of Title 36 of the Revised Statutes, as enacted by chapter 230 of the public laws of 1973, is repealed and the following enacted in place thereof:

**O. All beehives;**

**Sec. 133. Effective date.** Section 132 of this Act shall become effective on April 1, 1974.

**Sec. 134. R. S., T. 36, § 709-A, amended.** The first paragraph of section 709-A of Title 36 of the Revised Statutes, as enacted by section 19 of chapter 620 of the public laws of 1973, is amended to read as follows:

The municipal officers after receipt of the valuation lists from the primary assessing areas shall assess upon the ~~polls and~~ estates in their municipality all municipal taxes and their due proportion of any state or county tax, make perfect lists thereof and commit the same, when completed and signed by a majority of them, to the tax collector of their municipality, if any, otherwise to the sheriff of the county or his deputy, with a warrant under their hands in the form prescribed by section 753.

**Sec. 135. R. S., T. 36, § 710, repealed and replaced.** Section 710 of Title 36 of the Revised Statutes, as amended by section 9 of chapter 66 and by

section 20 of chapter 620, both of the public laws of 1973, is repealed and the following enacted in place thereof:

§ 710. **Overlay**

The assessors or municipal officers may assess on the estates such sum above the sum necessary for them to assess, not exceeding 5% thereof as a fractional division renders convenient, and certify that fact to their municipal treasurer.

**Sec. 136. R. S., T. 36, § 841-A, amended.** The first paragraph of section 841-A of Title 36 of the Revised Statutes, as enacted by section 32 of chapter 620 of the public laws of 1973, is amended to read as follows:

The municipal officers of municipalities comprising a primary assessing area may, on their own knowledge or on written application therefor, make such abatements as they believe reasonable in the real and personal and poll taxes on all persons who, by reason of infirmity or poverty, are in the judgment of the municipal officers unable to contribute to the public charges.

**Sec. 137. R. S., T. 36, § 841-A, amended.** The 2nd paragraph of section 841-A of Title 36 of the Revised Statutes, as enacted by section 32 of chapter 620 of the public laws of 1973, is amended to read as follows:

If after 2 years from the date of assessment a collector is satisfied that a ~~poll tax~~ or tax upon personal property, or any portion of any tax, committed to him for collection cannot be collected by reason of the death, absence, poverty, insolvency, bankruptcy or other inability of the person assessed to pay, he shall notify the municipal officers thereof in writing, under oath, stating the reason why such tax cannot be collected. The municipal officers, after due inquiry, may abate such tax or any part thereof.

**Sec. 138. R. S., T. 36, § 844, repealed.** Section 844 of Title 36 of the Revised Statutes, as amended by section 25 of chapter 536 and by section 248 of chapter 625 and repealed by section 16 of chapter 592, all of the public laws of 1973, is repealed.

**Sec. 139. R. S., T. 36, § 849, amended.** The first paragraph of section 849 of Title 36 of the Revised Statutes, as amended by section 20 of chapter 592 and by section 250 of chapter 625, both of the public laws of 1973, is repealed and the following enacted in place thereof:

If upon the trial provided for in sections 845, 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.

**Sec. 140. R. S., T. 36, § 1760, sub-§ 5-A, repealed.** Subsection 5-A of section 1760 of Title 36 of the Revised Statutes, as enacted by chapter 573 of the public laws of 1973, is repealed.

**Sec. 141. R. S., T. 36, § 1760, sub-§ 31, repealed.** Subsection 31 of section 1760 of Title 36 of the Revised Statutes, as enacted by section 5 of Section B of chapter 148 of the private and special laws of 1973, is repealed.

**Sec. 142. R. S., T. 36, § 1760, sub-§ 33, additional.** Section 1760 of Title 36 of the Revised Statutes, as amended, is further amended by adding a new subsection 33 to read as follows:

**33. Diabetic medical supplies. All medical equipment and supplies used by diabetics in the treatment of diabetes.**

**Sec. 143. R. S., T. 36, § 2351, amended.** Section 2351 of Title 36 of the Revised Statutes, as amended by section 2 of chapter 135 of the public laws of 1965, is further amended to read as follows:

**§ 2351. Failure to make return; assessment**

If any corporation, company, association or person fails to make the returns required by ~~sections section 2681 and 4751~~, the State Tax Assessor shall make an assessment of a state tax upon such corporation, company, association or person on such valuation, or on such gross receipts thereof, as the case may be, as he thinks just, with such evidence as he may obtain, and such assessment shall be final.

**Sec. 144. R. S., T. 36, § 2352, amended.** The first paragraph of section 2352 of Title 36 of the Revised Statutes, as amended by section 3 of chapter 135 of the public laws of 1965, is further amended to read as follows:

The State Tax Assessor or his duly authorized agent shall have access to the books of any corporation, company, association or person required to make returns under sections 2516, 2517, 2519 and 2520 ~~and 4751~~, to ascertain if the required returns are correctly made. If any corporation, company, association or person fails to pay the taxes required or imposed by sections 2623 and 2683 ~~and 4752~~, the State Tax Assessor shall forthwith commence a civil action in the name of the State, for the recovery of the same with interest at the rate of 10% a year.

**Sec. 145. R. S., T. 36, § 5102, sub-§ 11, amended.** The 2nd sentence of subsection 11 of section 5102 of Title 36 of the Revised Statutes, as enacted by Section F of chapter 154 of the private and special laws of 1969 and as last amended by section 4 of chapter 12 of the public laws of 1973, is further amended to read as follows:

Any reference in this part to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto and other provisions of the laws of the United States relating to federal income taxes as of January 1, ~~1973~~ 1974.

**Sec. 146. R. S., T. 36, § 5200, repealed and replaced.** Section 5200 of Title 36 of the Revised Statutes, as enacted by Section F of chapter 154 of the private and special laws of 1969 and as repealed and replaced by section 21 of chapter 592 of the public laws of 1973, is repealed and the following enacted in place thereof:

**§ 5200. Imposition and rate of tax**

**A tax is hereby imposed upon every "taxable corporation" as follows:**

1. 4% of all Maine net income attributable on or before June 30, 1973;
2. 4% of Maine net income not in excess of \$25,000, plus 6% of any Maine net income in excess of \$25,000 attributable on or after July 1, 1973 and on or before December 31, 1973;
3. 5% of Maine net income not in excess of \$25,000, plus 7% of any Maine net income in excess of \$25,000 attributable on or after January 1, 1974.

Sec. 147. R. S., T. 36, § 5205, repealed and replaced. Section 5205 of Title 36 of the Revised Statutes, as enacted by Section F of chapter 154 of the private and special laws of 1969 and as amended by section 3 of chapter 580 and by section 22-A of chapter 592, both of the public laws of 1973, is repealed and the following enacted in place thereof:

#### § 5205. Franchise tax on banking corporations and loan associations

A tax is imposed for each calendar year or fiscal year ending during that calendar year upon the franchise or privilege of doing business in this State of every corporation which is a bank, savings bank, savings institution, trust company and every savings and loan association, or loan and building association, that has a business location in this State. The tax is measured by the taxable income of the corporation or association for that taxable year under the laws of the United States as follows:

1. 4% of taxable income attributable on or before June 30, 1973;
2. 4% of taxable income not in excess of \$25,000, plus 6% of the taxable income in excess of \$25,000 attributable on or after July 1, 1973 and on or after July 1, 1973 and on or before December 31, 1973;
3. 5% of taxable income not in excess of \$25,000, plus 7% of the taxable income in excess of \$25,000 attributable on or after January 1, 1974; and is reduced by the amount of the tax payable by the corporation or association for the taxable year under chapter 817.

Sec. 148. R. S., T. 37-A, §§ 50-B - 50-E, repealed. Sections 50-B to 50-E of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 364 of the public laws of 1973, are repealed.

Sec. 149. R. S., T. 37-A, c. 2, sub-c. III, additional. Chapter 2 of Title 37-A of the Revised Statutes is amended by adding a new subchapter III to read as follows:

### SUBCHAPTER III

#### WAR ORPHANS AND WIDOWS

##### § 50-J. Definition

For the purposes of administering this subchapter, an orphan of a veteran shall be defined as a child not under 16 years of age whose father served in the military or naval forces of the United States and was killed in action or died from a service-connected disability as a result of such service or who is living and is determined to have a total disability, permanent in nature, re-

sulting from a service-connected disability as a result of such service. Children of a veteran who at time of death was totally and permanently disabled due to service-connected disability, but whose death was not related to service-connected disability, shall be eligible for benefits under this subchapter. Orphans, whose fathers entered the service from Maine or who have resided in the State for 5 years immediately preceding application for aid under this subchapter and which children have graduated from high school and are not over 21 years of age at the time of first entering a vocational school or an educational institution of collegiate grade, shall be eligible for benefits provided under this subchapter; except that an orphan who has been unable to enter before the age of 21 because engaged in service in the Armed Forces of the United States may enter when not over 25 years of age.

For the further purpose of administering this subchapter, a widow of a veteran shall be defined as a person whose husband met the residency and service requirements of this section, and the widow of any person who was killed in action or who dies from a service-connected disability as determined by the Veterans Administration, or the wife of any veteran who has a total disability, permanent in nature, resulting from a service-connected disability as determined by the Veterans Administration, or the widow of a veteran who died while a disability so evaluated was in existence.

This subchapter shall apply to the wives and children of those members of the Armed Forces on active duty who have been listed for more than 90 days as missing in action, captured or forcibly detained or interned in the line of duty by a foreign government or power.

#### § 50-K. Purposes and distribution

In order to assist any person qualifying as an orphan or as a widow, wife or child of a veteran or member of the Armed Forces in accordance with section 41 in securing higher education, the bureau shall pay, for any person which it finds eligible for such assistance, a maximum of \$300 per year, for a period of time not exceeding 8 semesters of attendance nor exceeding 6 consecutive academic years from the date of first entrance, towards the cost of such higher education. Such assistance as is paid shall be used for the purpose of providing tuition, matriculation fees, board, room rent, books and supplies. The bureau shall provide such forms and make such rules and regulations as it considers necessary for carrying out this subchapter.

#### § 50-L. Free tuition

All children qualifying as orphans and widows qualifying under this subchapter, and the wives and children of those members of the Armed Forces described in the 3rd paragraph of section 41, shall be admitted to state supported post-secondary vocational schools or institutions of collegiate grade free of tuition.

#### § 50-M. Appropriations

Appropriations for the administering of this subchapter shall be determined from the recommendation of the director, who shall furnish estimates of the

costs of carrying out this subchapter in the same manner as other appropriations accruing to the bureau are handled.

**Sec. 150. Effective date.** Sections 148 and 149 of this Act shall become effective July 2, 1974.

**Sec. 151. R. S., T. 37-A, § 214, amended.** The last sentence of the 4th and 6th paragraphs of section 214 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, are amended to read as follows:

He shall dispose of all military property of the State found unserviceable after a proper inspection, account for the proceeds and deposit the same into the State Treasury, to the credit of the ~~Military~~ **General Fund**.

He shall, with his annual report, render to the Governor a true account of the sales so made, and shall deposit the proceeds of the same in the State Treasury to the credit of the ~~Military~~ **General Fund**.

**Sec. 152. R. S., T. 37-A, § 220, amended.** The last sentence of the next to the last paragraph of section 220 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is amended to read as follows:

Any fine imposed by the authority of this section shall be paid into the State Treasury and credited to the ~~Military~~ **General Fund**.

**Sec. 153. R. S., T. 37-A, § 301, amended.** Section 301 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is amended to read as follows:

#### § 301. Composition

The National Guard shall consist of regularly enlisted personnel ~~between the age of 17 and 45 years, and, warrant officers and commissioned officers between the ages of 27 and 64 years,~~ organized, armed and equipped as provide by national guard regulations and recognized by the national military establishment as National Guard.

**Sec. 154. R. S., T. 37-A, § 313, repealed and replaced.** Section 313 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is repealed and the following enacted in place thereof:

#### § 313. Pay and allowances

The pay of personnel of the naval militia shall be the same as that of personnel of the same relative rank in the National Guard.

**Sec. 155. R. S., T. 37-A, § 1114, amended.** The last sentence of section 1114 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is amended to read as follows:

All fines and forfeitures collected under chapters 8 to 27, the disposition whereof is not otherwise specially provided for, shall be paid into the State Treasury and credited to the ~~Military~~ **General Fund**.

**Sec. 156. R. S., T. 37-A, § 1116, amended.** The first sentence of the 2nd paragraph of section 1116 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is amended to read as follows:

No person shall be arrested in a civil action, or mesne process, or execution, or on a warrant for taxes, on the day of annual Thanksgiving, Patriot's Day, the 3rd Monday in April, Memorial Day, the last Monday in May, the 4th day of July, Labor Day, the first Monday of September, Veterans Day, ~~the 4th Monday in October~~ **November 11th** or Christmas.

**Sec. 157. R. S., T. 38, § 361, amended.** Section 361 of Title 38 of the Revised Statutes, as amended, is further amended by adding at the end the following new paragraph:

At such time as the State applies for and receives authority to issue permits under the appropriate provisions of the Federal Water Pollution Control Act, as amended, no person may serve as a board member who receives, or during the 2 years prior to his appointment has received, a significant portion of his income directly or indirectly from license or permit holders or applicants for a license or permit.

**Sec. 158. R. S., T. 38, § 363, amended.** The last paragraph of section 363 of Title 38 of the Revised Statutes, as enacted by section 6 of chapter 450 of the public laws of 1973, is repealed.

**Sec. 159. R. S., T. 38, § 413, sub-§ 2, amended.** The first sentence of subsection 2 of section 413 of Title 38 of the Revised Statutes, as last repealed and replaced by section 8 of chapter 450 of the public laws of 1973, is amended to read as follows:

No person shall be deemed to be in violation of subsection 1 for any discharge as it existed on ~~the effective date of this Act~~ **October 3, 1973** provided that application has been made for a license for such discharge on or before December 31, 1973.

**Sec. 160. R. S., T. 38, § 413, sub-§ 7, amended.** Subsection 7 of section 413 of Title 38 of the Revised Statutes, as enacted by chapter 139 of the public laws of 1973, is amended to read as follows:

**7. Tidal waters and subtidal lands.** In connection with a license under this subchapter, whenever issued, the ~~commission board~~ may grant to a licensee a permit to construct, maintain and operate any facilities necessary to comply with the terms of such license in, on, above or under tidal waters or subtidal lands of the State. Such permit may be issued upon such terms and conditions as the ~~commission board~~ deems necessary to insure that such facilities create minimal interference with existing uses, including a requirement that the licensee provide satisfactory evidence of financial capacity, or in lieu thereof, a bond in such form and amount as the ~~commission board~~ may find necessary, to insure removal of such facilities. In the event that such facilities are no longer necessary in order for such licensee or successor thereof to comply with the terms of its license, the ~~commission board~~ may, after opportunity for notice and hearing, require the licensee or successor to

remove all or any portion of such facilities from the tidal waters or subtidal lands. Such removal may be ordered if the ~~commission board~~ determines that maintenance of such facilities will unreasonably interfere with navigation, the development or conservation of marine resources, the scenic character of any coastal area, other appropriate existing public uses of such area or public health and safety, and that cost of such removal will not create an undue economic burden on such licensee or successor.

**Sec. 161. R. S., T. 38, § 414-A, sub-§ 2, amended.** The first sentence of subsection 2 of section 414-A of Title 38 of the Revised Statutes, as enacted by section 15 of chapter 450 of the public laws of 1973, is amended to read as follows:

The board may establish schedules of compliance, within the terms and conditions of licenses for discharges existing on ~~the effective date of this Act~~ **October 3, 1973**, including such interim and final dates for attainment of specific standards as are necessary to carry out the purposes of this subchapter.

**Sec. 162. R. S., T. 38, § 422, amended.** The first sentence of the 2nd paragraph of section 422 of Title 38 of the Revised Statutes, as enacted by section 10 of chapter 618 of the public laws of 1971, is repealed as follows:

~~The board shall provide written notice to the Commissioner of Natural Resources prior to the granting of such a permit.~~

**Sec. 163. R. S., T. 38, § 547, sub-§ 3, amended.** Subsection 3 of section 547 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:

**3. Civil defense.** The provisions of Title ~~25~~ **37-A**, chapter ~~6~~ **3**, as they shall apply to eminent domain and compensation, mutual aid, immunity, aid in emergency, right of way, enforcement and compensation, shall apply to disasters or castastrophes proclaimed by the Governor under this subchapter.

**Sec. 164. R. S., T. 38, § 1308, amended.** The first sentence of section 1308 of Title 38 of the Revised Statutes, as enacted by chapter 387 of the public laws of 1973, is amended to read as follows:

Rules and regulations adopted pursuant to this chapter concerning the location, establishment and construction of solid waste disposal facilities, but not concerning alteration or operation, shall not affect such facilities in existence prior to ~~the effective date of this Act~~ **October 3, 1973**.

**Sec. 165. R. S., T. 39, § 2, sub-§ 2, ¶ B, amended.** The last sentence of paragraph B of subsection 2 of section 2 of Title 39 of the Revised Statutes is amended to read as follows:

The week in which employment began, if it began during the year immediately preceding the ~~accident~~ **injury**, and the week in which the ~~accident~~ **injury** occurred, together with the amounts earned in said weeks, shall not be considered in computations under this paragraph if their inclusion would reduce said "average weekly wages, earnings or salary."



**Sec. 166. R. S., T. 39, § 2, sub-§ 2, ¶¶ C and D, amended.** Paragraph C and paragraph D, as amended by chapter 81 of the public laws of 1965, of subsection 2 of section 2 of Title 39 of the Revised Statutes, are amended to read as follows:

**C.** In cases where the foregoing methods of arriving at the "average weekly wages, earnings or salary" of the injured employee cannot reasonably and fairly be applied, said "average weekly wages" shall be taken at such sum as, having regard to the previous wages, earnings or salary of the injured employee and of other employees of the same or most similar class, working in the same or most similar employment in the same or a neighboring locality, shall reasonably represent the weekly earning capacity of the injured employee at the time of the ~~accident~~ injury in the employment in which he was working at such time.

**D.** Where the employee is employed regularly in any week concurrently by 2 or more employers, for one of whom he works at one time and for another he works at another time, his "average weekly wages" shall be computed as if the wages, earnings or salary received by him from all such employers were wages, earnings or salary earned in the employment of the employer for whom he was working at the time of the ~~accident~~ injury.

**Sec. 167. R. S., T. 39, § 2, sub-§ 4, amended.** The first sentence of subsection 4 of section 2 of Title 39 of the Revised Statutes is amended to read as follows:

"Dependents" shall mean members of an employee's family or next of kin who are wholly or partly dependent upon the earnings of the employee for support at the time of the ~~accident~~ injury.

**Sec. 168. R. S., T. 39, § 2, sub-§ 4, ¶ A, amended.** The first sentence of paragraph A of subsection 4 of section 2 of Title 39 of the Revised Statutes is amended to read as follows:

A wife upon a husband with whom she lives, or from whom she is living apart for a justifiable cause or because he has deserted her, or upon whom she is actually dependent in any way at the time of the ~~accident~~ injury.

**Sec. 169. R. S., T. 39, § 2, sub-§ 4, ¶ B, amended.** Paragraph B of subsection 4 of section 2 of Title 39 of the Revised Statutes is amended to read as follows:

**B.** A husband upon a wife with whom he lives, or upon whom he is actually dependent in any way at the time of the ~~accident~~ injury.

**Sec. 170. R. S., T. 39, § 2, sub-§ 4, ¶ C, amended.** The first sentence of paragraph C of subsection 4 of section 2 of Title 39 of the Revised Statutes is amended to read as follows:

A child or children, including adopted and stepchildren, under the age of 18 years, or over said age but physically or mentally incapacitated from earning, upon the parent with whom he is or they are living, or upon whom he is or they are actually dependent in any way at the time of the ~~accident~~ injury to said parent, there being no surviving dependent parent.

**Sec. 171. R. S., T. 39, § 2, sub-§ 4, amended.** The first sentence of the last paragraph of subsection 4 of section 2 of Title 39 of the Revised Statutes is amended to read as follows :

In all other cases questions of total or partial dependency shall be determined in accordance with the fact, as the fact may have been at the time of the ~~accident~~ injury.

**Sec. 172. R. S., T. 39, § 2, sub-§ 5, ¶ B, amended.** The 3rd sentence of paragraph B of subsection 5 of section 2 of Title 39 of the Revised Statutes is amended to read as follows :

Employees who hire workmen within this State to work outside the State may agree with such workmen that the remedies under this Act shall be exclusive as regards injuries received outside this State ~~by accident~~ arising out of and in the course of such employment; and all contracts of hiring in this State, unless otherwise specified, shall be presumed to include such agreement.

**Sec. 173. R. S., T. 39, § 52, amended.** The last sentence of the 3rd paragraph of section 52 of Title 39 of the Revised Statutes, as repealed and replaced by section 1 of chapter 408 of the public laws of 1965, is amended to read as follows :

In case artificial limbs, eyes and teeth, in use by an employee at the time of the ~~accident~~ injury as substitutes for natural parts of the body, are themselves injured or destroyed, they shall be repaired or replaced by the employer.

**Sec. 174. R. S., T. 39, § 54, amended.** The last sentence of the first paragraph of section 54 of Title 39 of the Revised Statutes, as amended, is further amended to read as follows :

If the said totally incapacitated employee dies, as a result of this injury, leaving dependents who were dependent upon his earnings at the time of his ~~accident~~ injury, then payments shall be made to said dependents in accordance with the procedures established by section 58.

**Sec. 175. R. S., T. 39, § 55, repealed and replaced.** Section 55 of Title 39 of the Revised Statutes, as last amended by chapter 531, chapter 543, section 2 and chapter 557, section 3, all of the public laws of 1973, is repealed and the following enacted in place thereof :

#### § 55. Compensation for partial incapacity

While the incapacity for work resulting from the injury is partial, the employer shall pay the injured employee a weekly compensation equal to  $\frac{2}{3}$  the difference, due to said injury, between his average gross weekly wages, earnings or salary before the injury and the weekly wages, earnings or salary which he is able to earn thereafter, but not more than the average weekly wage in the State of Maine as computed by the Employment Security Commission; and such weekly compensation shall be adjusted annually on July 1st so that it continues to bear the same percentage relationship to the aver-

age weekly wage in the State of Maine as computed by the Employment Security Commission, as it did at the time of the injury.

**Sec. 176. Effective date.** Section 175 of this Act shall become effective December 1, 1974.

**Sec. 177. R. S., T. 39, § 57, amended.** The first sentence of section 57 of Title 39 of the Revised Statutes, as amended by section 1 of chapter 320 of the public laws of 1971, is further amended to read as follows:

If an employee, who has previously incurred a permanent incapacity by ~~accidental~~ injury, disease or congenital causes, sustains an industrial injury which in combination with the earlier preexisting impairment shall result in total and permanent impairment, the employer shall be liable only for the compensation payable for such second injury.

**Sec. 178. R. S., T. 39, § 63, amended.** Section 63 of Title 39 of the Revised Statutes is amended to read as follows:

#### § 63. Notice of injury within 30 days

No proceedings for compensation under this Act, except as provided, shall be maintained unless a notice of the ~~accident~~ injury shall have been given within 30 days after the date thereof. Such notice shall include the time, place and cause of the ~~accident~~, and the nature of the injury, together with the name and address of the person injured. It shall be given by the person injured or by a person in his behalf; or, in the event of his death, by his legal representatives, or by a dependent or by a person in behalf of either.

Such notice shall be given to the employer, or to one employer if there are more employers than one; or, if the employer is a corporation, to any official thereof; or to any employee designated by the employer as one to whom reports of accidents to employees should be made. It may be given to the general superintendent or to the foreman in charge of the particular work being done by the employee at the time of the ~~accident~~ injury.

**Sec. 179. R. S., T. 39, § 64, amended.** The 2nd sentence of section 64 of Title 39 of the Revised Statutes is amended to read as follows:

Want of such notice shall not be a bar to proceedings under this Act if it be shown that the employer or his agent had knowledge of the ~~accident~~ injury.

**Sec. 180. R. S., T. 39, § 64-A, amended.** Section 64-A of Title 39 of the Revised Statutes, as enacted by section 7 of chapter 408 of the public laws of 1965, is amended to read as follows:

#### § 64-A. When employee killed or unable to testify

In any claim for compensation, where the employee has been killed, or is physically or mentally unable to testify, there shall be a rebuttable presumption that the employee received a personal injury by ~~accident~~ arising out of and in the course of his employment, that sufficient notice of the injury has been given, and that the injury or death was not occasioned by the willful intention of the employee to injure or kill himself or another.

**Sec. 181. R. S., T. 39, § 70, amended.** Section 70 of Title 39 of the Revised Statutes is amended to read as follows:

**§ 70. Nonresidents**

If an employee receiving weekly payments under this Act shall cease to reside in the State, or if his residence at the time of the ~~accident~~ injury is in another state, the commission upon application of either party may, in its discretion, having regard to the welfare of the employee and the convenience of the employer, authorize such payments to be made monthly or quarterly instead of weekly.

**Sec. 182. R. S., T. 39, § 93, sub-§ 1, amended.** Subsection 1 of section 93 of Title 39 of the Revised Statutes is amended to read as follows:

1. **Investigators.** Any commissioner may, when the interests of any of the parties or when the administration of this Act demand, appoint a person to make a full investigation of the circumstances surrounding any industrial ~~accident~~ injury or any matter connected therewith, and report the same without delay to the office of the commission.

**Sec. 183. R. S., T. 39, § 94, amended.** The 3rd sentences of the first and 2nd paragraphs of section 94 of Title 39 of the Revised Statutes are amended to read as follow:

In case he shall find that such agreement is not in conformity therewith and shall refuse to approve the same, or if the employer and the employee fail to reach an agreement in regard to compensation, either employee or employer, and when death has resulted from the injury and the dependents of the deceased employee entitled to compensation are, or the apportionment thereof among them is, in dispute, any person in interest may file in the office of the commission a petition for award of compensation, setting forth the names and residence of the parties, the facts relating to the employment at the time of the ~~accident~~ injury, the time, place and cause of the ~~accident~~ injury, the knowledge of the employer or notice of the occurrence thereof, the character and extent of the injury and the claims of the petitioner with reference thereto; together with such other facts as may be necessary and proper for the determination of the rights of the petitioner relative to said claims.

In case he shall find that such agreement is not in conformity therewith and shall refuse to approve the same, or if the employer and the employee fail to reach an agreement in regard to vocational rehabilitation, either employee or employer may file in the office of the commission a petition for award of vocational rehabilitation, setting forth the name and residence of the parties, the facts relating to the employment at the time of the ~~accident~~ injury, the time, place and cause of the ~~accident~~ injury, the character and extent of the injury, and need of vocational rehabilitation, and the claims of the petitioner with reference thereto; together with such other facts as may be necessary and proper for the determination of the rights of the petitioner relative to said claims.

**Sec 184. R. S., T. 39, § 95, amended.** The first sentence of section 95 of Title 39 of the Revised Statutes, as last repealed and replaced by section 8 of chapter 489 of the public laws of 1965, is amended to read as follows:

Any employee's claim for compensation under this Act shall be barred unless an agreement or a petition as provided in section 94 shall be filed within 2 years after the date of the ~~accident~~ injury.

**Sec 185. R. S., T. 39, § 98, amended.** The 3rd sentence of section 98 of Title 39 of the Revised Statutes is amended to read as follows:

In case the place of hearing so designated is more than 10 miles distant from the place where the ~~accident~~ injury occurred, the employer shall provide transportation or reimburse the employee for reasonable mileage in traveling within the State to and from said hearing.

**Sec. 186. R. S., T. 39, § 103, amended.** The first sentence of section 103 of Title 39 of the Revised Statutes, as amended by section 50 of chapter 537 of the public laws of 1973, is further amended to read as follows:

Any party in interest may present copies, certified by the clerk of the commission, of any order or decision of the commission or of any commissioner, or of any memorandum of agreement approved by the Director of the Bureau of Labor and Industry, together with all papers in connection therewith, to the clerk of courts for the county in which the ~~accident~~ injury occurred; or if the ~~accident~~ injury occurred without the State, to the clerk of courts for the County of Kennebec.

**Sec. 187. R. S., T. 39, § 106, amended.** The first sentence of section 106 of Title 39 of the Revised Statutes is amended to read as follows:

Whenever any employee has reported to an employer under the Act any injury ~~by accident~~ arising out of and in the course of his employment which has caused the employee to lose a day's work or has required the services of a physician, or whenever the employer has knowledge of any such injury ~~by accident~~, every such employer shall within 7 days after notice or knowledge make report thereof to the commission, with the average weekly wages or earnings of such employee, together with such other particulars as the commission may require; and shall report whenever the injured employee shall resume his employment, and the amount of his wages or earnings at such time.

**Sec. 188. R. S., T. 39, § 182, amended.** The first sentence of section 182 of Title 39 of the Revised Statutes, as amended by section 3 of chapter 374 of the public laws of 1967, is further amended to read as follows:

Except as otherwise specifically provided, incapacity to work or death of an employee arising out of and in the course of the employment, and resulting from an occupational disease, shall be treated as the happening of a personal injury ~~by accident~~ arising out of and in the course of the employment, within the meaning of the Workmen's Compensation Act, and all the provisions of that Act shall apply to such occupational diseases.

**Sec. 189. R. S., T 39, § 186, amended.** The first sentence of section 186 of Title 39 of the Revised Statutes is amended to read as follows:

The date when an employee becomes incapacitated by an occupational disease from performing his work in the last occupation in which he was injuriously

exposed to the hazards of such disease shall be taken as the date of the injury equivalent to the date of ~~accident injury~~ under the Workmen's Compensation Act.

**Sec. 190. R. S., T. 39, § 187, amended.** The first sentence of section 187 of Title 39 of the Revised Statutes is amended to read as follows:

Sections 63 and 95 of the Workmen's Compensation Act with reference to giving notice, making claims and filing petitions shall apply to cases under this law, except that in cases under this law the date of incapacity as defined in section 186 shall be taken as equivalent to the date of ~~accident injury~~ in said sections 63 and 95, and the notice under section 63 shall include the employee's name and address, the nature of the occupational disease, the date of incapacity, the name of the employer in whose employment the employee was last injuriously exposed for a period of 60 days to the hazards of the disease and the date when employment with such employer ceased.

**Sec. 191. P. L., 1973, c. 571, § 52-F, amended.** Section 52-F of chapter 571 of the public laws of 1973 is amended to read as follows:

**Sec. 52-F. Effective date.** Sections 52-A to 52-E of this Act shall become effective ~~91 days after the adjournment of the Legislature~~ **January 2, 1974.**

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

#### STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.