

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE

JF R.
COMMITTEE AMENDMENT "A" to S.P. 480, L.D. 1760, Bill,
"AN ACT to Correct Errors and Inconsistencies in the Public Laws.

Amend said Bill by inserting after the enacting clause
the following:

'Sec. 1. 1 MRSA §402-A, as enacted by PL 1975, c. 483, §3,
is repealed and the following enacted in place thereof:

§402-A. Public records defined

The term "public records" shall mean any written, printed
or graphic matter, or any mechanical or electronic data compilation
from which information can be obtained, directly or after translation
into a form susceptible of visual or aural comprehension, that
is in the possession or custody of an agency or public official
of this State or any of its political subdivisions and has been
received or prepared for use in connection with the transaction
of public or governmental business, or contains information
relating to the transaction of public or governmental business,
except:

1. Records designated confidential. Records that have been
designated confidential by statute or that contain information so
designated.

2. Records within the scope of privilege against discovery.
Records that would be within the scope of a privilege against
discovery or use as evidence recognized by the courts of
this State in civil or criminal trials, if the records or inspection
thereof were sought in the course of a court proceeding.

3. Intraoffice memoranda and working notes of public official.
Intraoffice memoranda and working notes and papers of a public
official, except public officials involved in the legislative process,
that are not the sole public record of action, or of
any information considered in taking action, on any matter
committed to the discretion of that official.

Sec. 1-A. Effective date. Section 1 of this Act shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill by striking out at the beginning of the first line after the enacting clause the underlined abbreviation and figure "Sec. 1." and inserting in place thereof the underlined abbreviation and figure 'Sec. 1-B.'

Amend said Bill by inserting after section 3 the following:

'Sec. 3-A. 4 MRSA §1, first ¶, as repealed and replaced by PL 1975, c. 408, §1, is amended to read:

The Supreme Judicial Court, as heretofore established, shall consist of a Chief Justice and ~~5-6~~ associate justices and such Active Retired Justices as may be appointed and serving on said court, learned in the law and of sobriety of manners.

Sec. 3-B. Effective date. Section 3-A of this Act shall become effective on July 1, 1976.

Sec. 3-C. 4 MRSA §164, sub-§12, ¶B, sub-¶(18), as enacted by PL 1975, c. 430, §5, is amended to read:

(18) A 2nd or subsequent moving traffic offense infraction within a 12 month's period.

Sec. 3-D. Effective date. Section 3-C of this Act shall become effective 91 days after adjournment of the Legislature.

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Sec. 3-E. 4 MRSA §173, sub-§5, as enacted by PL 1975, c. 341, is amended to read:

5. Disbursements by appointed counsel. In any proceeding wherein the court has appointed counsel, the Treasurer of State shall reimburse from the District Court Fund such appointed counsel for reasonable disbursements made in behalf of the client, including but not limited to witness fees, sheriff's fees and travel, upon approval of such disbursements by the court.

Sec. 3-f. Effective date. Section 3-E of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 3-G. 4 MRSA §1051, first sentence, as last amended by PL 1975, c. 418, §1, is further amended to read:

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, but if the United States Government designates May 30th as the date for observance of Memorial Day or in 1985, whichever occurs first in time, the ~~30th of 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.

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Sec. 3-H. Effective date. Section 3-G of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 3-I. 5 MRSA §13 is enacted to read:

§13. Payroll deductions for Maine Warden Service Relief Association

The Commissioner of Finance and Administration is hereby authorized to permit payroll deductions from the salaries of state employees for membership dues for the Maine Warden Service Relief Association and to transmit the funds so collected to the Maine Warden Service Relief Association under the appropriate departmental regulations concerning payroll deductions.

Further amend said Bill by inserting after section 5 the following:

'Sec. 5-A. 7 MRSA §624, as enacted by PL 1975, c. 382, § 3, is amended to read:

§624. Repealers

Jurisdiction in all matters pertaining to the registration, distribution and disposal of pesticides and devices is by this subchapter vested exclusively in the commissioner and all acts and parts of acts inconsistent with this subchapter are hereby expressly repealed.

Sec. 5-B. Effective date. Section 5-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 5-C. 8 MRSA §279-B, ^{First 2 ¶¶,} as last repealed and replaced by PL 1975, c. 52, are amended to read:

In order to enforce the rules and regulations referred to in section 279-A, the commission is authorized to establish a schedule of fines not to exceed \$100 and to levy a fine in lieu of suspension, after notice and hearing, for each violation of the rules and regulations.

The commission is further authorized to establish a schedule of suspensions of licenses and to levy suspensions, after notice and hearing, for periods not to exceed 20 days for each violation of the rules and regulations.

Sec. 5-D. Effective date. Section 5-C of this Act shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill by inserting after section 6 the following:

'Sec. 6-A. 9-B MRSA, §141, sub-§1, as enacted by PL 1975, c. 500, §1, is repealed and the following enacted in place thereof:

1. Holidays established. Any day of public thanksgiving, mourning or disaster, proclaimed or appointed by the Governor or by the President of the United States, the first day of January; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May, but if the United States Government designates May 30th as the date for observance of Memorial Day ⁱⁿ of 1985, whichever occurs first in time, the 30th of May; the 4th of July; Labor Day, the first Monday of September; Columbus Day, the 2nd Monday in October;

Veterans Day, November 11th; and the 25th day of December are
institution holidays.
declared to be financial/ If the first day of January,
the 4th day of July, the 11th day of November or the 25th day
of December falls on Sunday, the following Monday shall be deemed
a financial institution holiday for the purpose of this Title.
When the date for observance of Memorial Day changes under this
subsection to the 30th day of May and such date falls on a Sunday,
the following Monday shall be deemed a financial institution
holiday for the purposes of this Title.

Sec. 6-B. Effective date. Section 6-A of this Act shall
 become effective 91 days after adjournment of the Legislature.'

Further amend said Bill by inserting after section 7
 the following:

'Sec. 7-A. 12 MRSA §1901, sub-§10, as last amended by PL
1975, c. 516, §2, is further amended to read:

10. Inland waters. "Inland waters" means all waters within
 the State above the rise and fall of the tide, ~~or to a line~~
~~established as the "Head-of-Tide" on certain designated tidal~~
~~rivers, streams, brooks, estuaries or bays,~~ and wholly or partly
 within the territorial limits of the State and excepting private
 ponds as defined in section 2557.

Effective date.
Sec. 7-B. /Section 7-A of this Act shall become effective 91
days after adjournment of the Legislature.'

Further amend said Bill by striking out all of the amending clause of section 8 and inserting in place thereof the following:

'Sec. 8. 12 MRSA §2083, as enacted by PL 1973, c. 734, §1, is amended to read:'

Further amend said Bill by inserting after section 9 the following:

'Sec. 9-A. 12 MRSA §2559, first sentence, as amended by PL 1975, c. 516, §20-C, is further amended to read as follows: The provisions of chapters 301 to 335, so far as they relate to fish of all varieties and fishways, apply to fish and fishways down to tidewaters, ~~or to a line established as the "Head of Tide" on certain tidal rivers, streams, brooks, estuaries or bays.~~

Sec. 9-B. Effective date. Section 9-A of this Act shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill in section 10 by striking out all of that part designated "§3057." and inserting in place thereof the following:

'§3057. Prosecution by District Attorneys

Each District Attorney shall prosecute all violations of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, occurring within his district when such cases may come to his knowledge, or when he may be so requested by the commissioner or any officer charged with its enforcement.'

Further amend said Bill by inserting after section 15 the following:

'Sec. 15-A. 12 MRSA §4812-B, 1st sentence, as enacted by PL 1975, c. 330, is amended to read:

In addition to controls required by this chapter, municipalities ~~and plantations~~ may extend or adopt zoning and subdivision controls beyond the limits established by this chapter in order to protect the public health, safety and welfare and to avoid problems associated with flood plain development.

Sec. 15-B. 12 MRSA §4812-B, 3rd ¶, 1st sentence, as enacted by PL 1975, c. 330, is amended to read:

Zoning ordinances adopted or extended pursuant to this section need not depend upon the existence of a zoning ordinance for all of the land and water area within a municipality, despite the provisions of Title 30, section 4962 to the contrary, provided such ordinances are required for entrance of the municipality ~~or plantation~~ into the Federal Flood Insurance Program.

Sec. 15-C. Effective date. Sections 15-A and 15-B of this Act shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill by inserting after section 17 the following:

'Sec. 17-A. 15 MRSA §1902, as amended by PL 1973, c. 567, § 20, is repealed and the following enacted in place thereof:

§1902. Fines, forfeitures and criminal costs paid to State

All fines, forfeitures and costs in criminal cases shall be

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paid into the State Treasury and all the costs and expenses attending the administration of criminal justice shall be paid by the State, unless otherwise specially provided. The Superior Court shall allow bills of costs accruing therein, but all other costs and expenses in criminal cases shall be audited by the State Auditor, including actual expenses incurred by district attorneys in the performance of their official duties, payment of which is expressly provided. Any officer, which shall include any sheriff, deputy sheriff, constable or police officer, required in the performance of his duties in connection with the administration of criminal justice to incur expenses for or incidental to interstate travel which are payable by the State pursuant to this section, shall be entitled to draw on the Treasurer of State in advance on account on such expenses in an amount set forth in a written estimate thereof bearing endorsement of approval thereof by a Justice of the Superior Court. Such officer shall be held accountable to the State for such advance.

Sec. 17-B. 15 MRSA §1903, last sentence is repealed and the following enacted in place thereof:

When no other appropriation is expressly made, they inure to the State.'

Further amend said Bill by inserting after section 18 the following:

'Sec. 18-A. 16 MRSA §600, first ¶, as last amended by PL 1975, §23,
c. 430, /is further amended to read:

Any person having been acquitted of a crime or an a traffic infraction in any court or having had a complaint, information

or indictment against him dismissed by any court shall be entitled to expungement of any records or recordings of any arrest and detention in connection with such charge, complaint, information or indictment.

Sec. 18-B. 16 MRSA §600, 2nd ¶, first sentence, as last amended by PL 1975, c. 430, §23, is further amended to read:
The granting of an acquittal of a crime or on a traffic infraction or the dismissal of a complaint, information or indictment shall mean that the person shall, for all purposes, be considered as never having been arrested for such charge, traffic infraction or crime.

Sec. 18-C. Effective date. Sections 18-A and 18-B of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 18-D. 17 MRSA §1609-A, ^{sub-§1,} ~~¶F~~, as repealed and replaced
by PL 1973, c. 178, is repealed and the following enacted in place thereof:

(- F. The identity of the vehicle, including its make, model and body type, its vehicle identification number and its last plate number; and also shall enter on any form prescribed by the Secretary of State, Division of Motor Vehicles, the information required by this section. Any person, firm, partnership or corporation, who intentionally violates any provision of this subsection, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both;

Sec. 18-E. 17 MRSA §1609-A, sub-§1, ¶¶G and H are enacted to read:

G. If the transferor knows that the odometer reading differs from the number of miles the vehicle has actually been driven, he shall include a statement of the true mileage traveled, if known, or if not, a statement that the actual vehicle mileage is unknown; and

H. If the transferor knows that the number of miles the vehicle has been driven is beyond the designed mechanical limits of the odometer in said vehicle, he shall include a statement of the total cumulative mileage.

Sec. 18-F. 17 MRSA §1609-A, sub-§2, as repealed and replaced by PL 1973, c. 178; is repealed and the following enacted in place thereof:

2. Misrepresentation. A person, firm, partnership or corporation or agent thereof who shall disconnect, change or tamper with the odometer of any motor vehicle with the intent to change the number of miles indicated thereon, or who shall intentionally offer or expose for sale a motor vehicle the odometer reading of which differs from the number of miles the vehicle has been driven without disclosing the number of miles the vehicle has been driven, if known, or, if not, without disclosing that the actual vehicle mileage is unknown shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

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Sec. 18-G. 17 MRSA §3204, first ¶, as last repealed and replaced by PL 1975, c. 418, §3, is amended to read:

No person, firm or corporation shall, on the Lord's Day; Memorial Day, the last Monday in May, but if the United States Government designates May 30th as the date for observance of Memorial Day ⁱⁿ of 1985, whichever occurs first in time, the 30th of May; July 4th; Labor Day, the first Monday of September; Veterans Day, November 11th; Christmas Day and Thanksgiving Day as proclaimed by the Governor, keep open a place of business to the public except for works of necessity, emergency or charity.

Sec. 18-H. Effective date. Section 18-G of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 18-I. 18 MRSA §1253, sub-§1, ¶B, as enacted by PL 1975, c. 310, is amended by adding at the end the following:

As used herein, the term "future interest" includes the possibility of receiving income or principal from a trust through exercise of discretion by the trustee or any other person except the disclaimant; and such interest does not vest and the taker thereof is not ascertained, prior to an exercise of that discretion.

Sec. 18-J. Effective date. Section 18-I of this Act shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill by inserting after section 26 the following:

'Sec. 26-A. 22 MRSA §1471-J, ^{first sentence,} as enacted by PL 1975, c. 397, §2, is amended to read:

Any person who violates any provision of this chapter or any

order, regulation, decision, certificate or license issued by the board or does any act constituting a ground for revocation except in section ~~1471-B~~ 1471-D, subsection 8, paragraphs A and H, shall be punished by a fine of not more than \$500 for the first offense, and not less than \$500 for each subsequent offense.

Sec. 26-B. Effective date. Section 26-A of this Act shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill by inserting after section 35 the following:

Sec. 35-A. 26 MRSA §5, ^{first, 2nd and 4th ¶¶,} ~~as repealed and replaced by PL 1975~~
c. 460, are amended to read as follows:

No court nor any judge or judges thereof shall issue a preliminary or permanent injunction in any case involving or growing out of a labor dispute except after hearing the testimony of witnesses in open court with opportunity for cross-examination and after a showing that such injunction is necessary to avoid a substantial and irreparable injury to the complainant's property is-not-likely-to-be-avoided. Such hearing shall be held after due and personal notice thereof has been given in such manner as the court shall direct to all known persons against whom relief is sought.

If a complainant shall allege that ~~unless~~ the issuance of a temporary restraining order shall-be-issued before such hearing can be held/^{that-said} is necessary in order to avoid a substantial and irreparable injury to complainant's property will-not-likely-be avoided, a temporary restraining order may be granted upon the

expiration of such reasonable notice as the court may direct by order to show cause but in no case less than 48 hours.

Such temporary restraining order shall be effective for no longer than 5 days except as ~~thereafter~~ hereafter provided. If the hearing for a preliminary injunction shall have been begun before the expiration of the said 5 days, and if the complainant has shown by clear and convincing evidence that an imminent danger of substantial and irreparable injury to his or its property or to his person will exist if the restraining order is not continued, the restraining order may in the court's discretion be continued until a decision is reached upon the issuance of the preliminary injunction.

Sec. 35-B. Effective date. Section 35-A of this Act shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill by inserting after section 37 the following:

' Sec. 37-A. 26 MRSA §626, first sentence, as repealed and replaced by PL 1975, c. 113, §4, is amended to read:

Any employee leaving his or her employment shall be paid in full within a reasonable time after demand at the office of the employer where payrolls are kept and wages are paid; provided that any loan or advance against future earnings or wages may be deducted if evidenced by a statement in writing signed by said employee.

Sec. 37-B. 26 MRSA §626, 3rd ¶, as repealed and replaced by PL 1975, c. 113, §4, is amended to read:

In any action for unpaid wages brought under this subchapter,

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he employer shall not deduct as a setoff or counterclaim any moneys allegedly due the employer as compensation for damages caused to the employer's property by the employee, or any moneys allegedly owed to the employer by the employee, notwithstanding any procedural rules regarding counteractions; provided that any loan or advance against future earnings or wages may be deducted if evidenced by a statement in writing signed by said employee, and that nothing in this section shall be construed to limit or restrict in any way any rights which the employer now has to recover, by a separate legal action, any moneys owed said employer by said employee.

Sec. 37-C. 26 MRSA §626-A, last ¶, first sentence, as enacted by PL 1975, c. 113, §5, is amended to read:

The suit for unpaid wages may be brought by either the affected employee or ~~employers~~ employees or by the bureau.

Sec. 37-D. Effective date. Sections 37-A, 37-B and 37-C of this Act shall become effective 91 days after adjournment of the Legislature.

Further amend said Bill by inserting after section 44 the following:

Sec. 44-A. 29 MRSA §246, as last amended by PL 1973, c. 714, §2, is further amended by inserting at the end the following new paragraph:

On any application by an owner of a farm motor truck having 2 or 3 axles, when such trucks are used primarily for transportation of agricultural produce, grown by the owner on his farm or farms, 1/2 the registration fee may be charged during the last 6 months of a registration year.

Sec. 44-B. 29 MRSA §531, 4th ¶, sub-§52 and 3, as enacted by PL 1973, c. 587, §2, are repealed and the following enacted in place thereof:

2. Class 2. Any single unit vehicle of over 18,000 pounds registered weight or any such vehicle towing another of 8,000 pounds g. v. w. or less, any bus carrying passengers, including "class 3," except school bus, motorcycle or motor driven cycle;

3. Class 3. Any motor vehicle or combination of vehicles not exceeding registered weight of 18,000 pounds or any registered farm motor truck bearing the letter F, except school bus, motorcycle or motor driven cycle;

Sec. 44-C. 29 MRSA §2241, first sentence, 3rd ¶ from the end, as repealed and replaced by PL 1971, c. 345, ^{§1,} is amended to read: The notification of the suspension or revocation of any certificate of registration or any license issued to any person to operate a motor vehicle shall be sufficient if sent to the registrant or licensee to the address given by him by registered or certified mail, restricted delivery, return receipt requested with ~~instructions to deliver to addressee only.~~

Sec. 44-D. 29 MRSA §2302, first sentence, as amended by PL 1975, c. 430, §55, is repealed and the following enacted in place thereof:

The District Court shall have original and exclusive jurisdiction over all prosecutions for traffic infractions.

Sec. 44-E. Effective date. Section 44-D of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 44-F. 29 MRSA §2444, sub-§1, as enacted by PL 1973, c. 586, §1, is repealed and the following enacted in place thereof:

1. Enforcement officers. Any officer charged with enforcement who learns of the theft of a vehicle not since recovered or of the recovery of a vehicle whose theft or conversion he knows or has reason to believe has been reported to the Secretary of State shall forthwith report such theft or recovery to the Secretary of State.

Sec. 44-G. 30 MRSA §2, 17th ¶, as last amended by PL 1973, c. 767, §16, is repealed and the following enacted in place thereof:

York County: County commissioners, \$2,893; clerk of courts, \$9,672; deputy clerk of courts, \$6,341; county treasurer, \$3,110; sheriff, \$10,768; register of deeds, \$8,974; judge of probate, \$8,375; register of probate, \$6,581.

Further amend said Bill by inserting after section 45 the following:

Sec. 45-A. 30 MRSA §502, first sentence, as last amended by PL 1975, c. 430, §65, is further amended to read:
The district attorney shall attend all criminal terms held in the counties within the prosecutorial district for which he was elected and act for the State in all cases in which the State or county is a party or interested, and unless he makes an order of dismissal as provided, shall diligently and without delay prosecute to final judgment and sentence all criminal and traffic infraction cases before the Superior-Court District Court of

any of the counties within his district, and in the absence of the Attorney General from a term in any of the said counties, shall perform his duties in state cases, under directions from him, in any of the said counties, and he shall appear and act for the State with the Attorney General in the law court in all state cases coming into said court from any of the said counties.

Sec. 45-B. Effective date. Section 45-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 45-C. 30 MRSA §2151, sub-§2, ¶H, first sentence, as last amended by PL 1973, c. 676, §2, is further amended to read: The municipal officers may contract on such terms and conditions and impose such fees, as are in the best interests of the municipality, including the grant of an exclusive franchise for a period not to exceed ~~10~~ 15 years, for the placing and maintenance of cable television systems and appurtenances or parts thereof, along public ways and including contracts with cable television companies which receive the services of television signal transmission offered by any public utilities using public ways for such transmission.

Sec. 45-D. 30 MRSA §2354, first ¶ is repealed and the following enacted in place thereof:

The clerk may appoint in writing one or more assistants
who shall perform any duties of/^{the}office prescribed by the clerk.'

Further amend said Bill by inserting after section 46 the following:

Sec. 46-A. 30 MRSA §4162, sub-§4, ¶D, as last repealed and replaced by PL 1975, c. 339, §7, is amended to read:

D. Lease campsites, garages, depots, warehouses and other structures, or sites for the same, for a term of years not exceeding 5; grant options to renew such leases for a further term of years not to exceed 5 in the case of a commercial camp which in the opinion of the director requires such option to secure adequate financing for the maintenance or improvement of facilities located upon public reserved land; and in the case of leases acquired by the State on lands exchanged for public reserved lands, shall authorize, upon reasonable terms and conditions, the transfer of leasehold interests from a leasee of a residential campsite to another;

Sec. 46-B, Effective date. Section 46-A of this Act shall become effective 91 days after adjournment of the Legislature.

Further amend said Bill in section 47 by striking out all of that part designated "§4163." and inserting in place thereof the following:

'§4163. Funds from public reserved lands

All income received by the Director of the Bureau of Public Lands from the public reserved lands, except income provided for in section 4166, shall be deposited with the Treasurer of State, to be credited to a Public Reserved Lands Management Fund which is hereby established as a non-lapsing dedicated fund. Moneys credited to the Public

Reserved Lands Management Fund shall be available for expenditure by the Director of the Bureau of Public Lands for the purposes set forth in section 4162 without limitation as to fiscal year.

Further amend said Bill by inserting after section 47 the following:

'Sec. 47-A. 30 MRSA §4760, last ¶, first sentence, as repealed and replaced by PL 1973, c. 517, §4, is amended to read:
The state authority may not purchase such first mortgage loan or evidence of such loan unless at least a reasonable number of the families or individuals who occupy or will occupy the mortgage mortgaged premises are persons of low income as defined in this subchapter.

Sec. 47-B. 30 MRSA §4964, as last amended by PL 1973, c. 681, §13, is further amended by inserting after the first sentence the following:

Any property or use existing in violation of such an ordinance is a nuisance.'

Further amend said Bill by striking out all of section 48 and inserting in place thereof the following:

'Sec. 48. 30 MRSA §5062, as last repealed and replaced by PL 1973, c. 788, §146, is repealed.'

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Further amend said Bill by inserting after section 49 the following:

Sec. 49-A. 30 MRSA §5353, sub-§1, ¶B, as enacted by PL 1969,

c. 353, is repealed and the following enacted in place thereof:

B. Voters. Each district shall contain as nearly as possible the same number of inhabitants as determined according to the latest Federal Decennial Census, but districts shall not differ in number of registered voters by more than 10% of the voters in the smallest district created.

Sec. 49-β. 32 MRSA §73, sub-§7, as enacted by PL 1975,

c. 417, §3, is repealed and the following enacted in place thereof:

7. Limitation. Successful completion of an emergency medical training course more advanced than the American Red Cross Advanced First Aid and Emergency Care Course or its equivalent shall not be required as a condition for licensure of volunteer ambulance personnel in any municipality with a population of less than 10,000 persons unless the department finds, after a public hearing in the municipality in which the ambulance service is located, that both of the following conditions have been satisfied:

A. The more advanced course in emergency medical training has been offered within 10 miles of the municipality during the 3 years preceding the public hearing;

B. Local or state authorities have made adequate arrangements to provide for at least 2/3 of the costs of the more advanced course being required.

Sec. 49-C. Effective date. Section 49-β of this Act shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill by inserting after section 51 the following:

Sec. 51-A. 32 MRSA §4859-A, next to last ¶, first sentence, as enacted by PL 1975, c. 477, §4, is amended to read:

The board shall keep minutes ^{or} ~~of~~ records of the hearing in such manner as it determines to be desirable and feasible.

Sec. 51-B. 32 MRSA §4860, sub-§4, as enacted by PL 1975, c. 477, §4, is repealed and the following enacted in place thereof:

4. Out-of-state veterinarian consulting with licensed veterinarian. A veterinarian legally licensed in another state consulting with a licensed veterinarian in this State.

Sec. 51-C. Effective date. Sections 51-A and 51-B of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 51-D. 32 MRSA §4918, as enacted by PL 1973, c. 558, §1, is amended to read:

§4918. Plans prepared

All geologic plans, specifications, reports ~~of~~ ^{or} documents, which shall enter the public record, shall be prepared by a certified geologist, or by a subordinate under his direction. In addition, such documents shall be signed by him which shall indicate his responsibility for them.

Sec. 51-E. 33 MRSA §775, sub-§10, as enacted by PL 1967, c. 377, is repealed and the following enacted in place thereof:

10 Deed from Multiple Grantors to Joint Tenants

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Sec. 51-F. 33 MRSA §775, 10th form, first line, as last repealed and replaced §2, by PL 1975, c. 104, is repealed and the following enacted in place thereof:

10 Deed From Multiple Grantors to Joint Tenants

Sec. 51-G. Effective date. Section 51-F of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 51-H. 34 MRSA §529, first paragraph, as enacted by PL 1975, c. 492, §2, is amended to read:

When it appears to the Director of the Bureau of Corrections, for reasons of availability of rehabilitative programs and the most efficient administration of correctional resources, that the requirements of any person sentenced or committed to a penal, correctional or juvenile institution would be better met in a facility, institution or program other than that to which such person was originally sentenced, the Director of the Bureau of Corrections, with the consent of the person so sentenced, may transfer, after written notice of the transfer to the court which originally had jurisdiction and in the absence of any objection by the court within 14 days following the date of the notice, such person to another correctional institution, residential facility or program administered by or providing services to the Bureau of Corrections; provided that no juvenile shall be transferred to a facility or program for adult offenders and that no male juvenile shall be transferred to the Stevens School at Hallowell.

Sec. 51-I. Effective date. Section 51-H of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 51-J. 34 MRSA §2105, first ¶, next to last sentence,
 as enacted by PL 1975, c. 188, is amended to read:
 Such a patient shall not be placed on indefinite convalescence
 status from any state hospital or institution if, according
 to the determination of the chief administrative officer or
 a person designated by him, the residential facility in which
 the patient will be residing is not at least equivalent in the
 quality of the living conditions to the hospital or institution
 from which he is to be placed on indefinite convalescence status.

Sec. 51-K. 34 MRSA §2105, as enacted by PL 1975, c. 188,
 of the first paragraph
 is amended by inserting before the last sentence/the following:
For the purposes of this section, the phrase "living conditions"
shall include, but not be limited to, the physical conditions
of the facility, the individual treatment plan provided for
each patient and the programs for treatment available to and
appropriate for each patient.

Sec. 51-L. Effective date. Sections 51-J and 51-K of this
 Act shall become effective 91 days after adjournment of the
 Legislature.

Sec. 51-M. 35 MRSA §2847, sub-§3, is repealed and the
 following enacted in place thereof:

3. Staggered terms. In lieu of electing the whole number of
trustees annually, the bylaws may provide that the trustees be
divided into either 2 or 3 classes, each class to be as nearly
equal as possible. The term of office of trustees of the first

class shall expire at the first annual meeting of members after their election, that of the 2nd class shall expire at the 2nd annual meeting after their election and that of the 3rd class, if any, shall expire at the 3rd annual meeting after their election. At each annual meeting after such classification, the number of trustees equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the 2nd succeeding annual meeting, if there be 2 classes, or until the 3rd succeeding annual meeting, if there be 3 classes. No classification of trustees shall be effective prior to the first annual meeting of members.'

Further amend said Bill by inserting after section 56 the following:

'Sec. 56-A. 36 MRSa §1482, sub-§6, ¶D is repealed and the following enacted in place thereof:

D. Where an excise tax is paid on a mobile home and said mobile home is later in the same year assessed as real estate, the excise tax paid shall be allowed as a credit on the real estate tax.'

Further amend said Bill by inserting at the end before the Emergency clause the following:

'Sec. 73. P&SL 1957, c. 190, §4-A, first ¶, as last repealed and replaced by P&SL 1973, c. 135, §1, is amended to read:

The Department of Transportation shall grant to the Towns of North Haven, Vinalhaven, Islesboro, Swan's Island and Long

Island Plantation free use of the scheduled ferry service during
the period-September-1-to-June-15, each year for the following group

Sec. 74. P&SL 1957, c. 190, §4-A, sub-§1-A is enacted

to read:

1-A. Student commuters when attending mainland schools;

Sec. 75. P&SL 1971, c. 147, §1 is amended by adding
at the end the following new paragraph:

Following presentation of its report to the 107th Legislature,
the commission shall continue in existence until March 1, 1976
for the purpose of receiving and evaluating proposed amendments
to the code. The commission shall make such report and
recommendations to the special session of the 107th Legislature
as it may determine to be proper. The commission shall consider
the inclusion within the code of such crimes and offenses as
are not now included within the code and shall report its
recommendations to the said special session. The commission
may undertake a program of dissemination of information concerning
the code to elements of the Criminal Justice System of Maine
and to the public.

In carrying out its duties, the commission shall consult with
a subcommittee of the Joint Committee on Judiciary consisting
of 3 members to be appointed jointly by the Senate and House
Chairman.

1975
Sec. 76. P&SL, c. 29, §19, first sentence is amended to

read:

In view of the emergency cited in the preamble, this Act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of Newport at any regular meeting, or at any special meetings called and held for the purpose not later than March 10, ~~1975~~ 1976.

Sec. 77. P&SL 1975, c. 64, §2 is repealed and the following enacted in place thereof:

Sec. 2. University housing. The university shall operate this housing as a unit of the same auxiliary enterprise as other housing on the campus until all the bonds issued as provided in this Act shall be retired and all expenses incurred hereunder shall be paid. The rates for room charged and collected for the amortization of the principal of and the interest on the bonds issued under this Act shall be the same as all other dormitories that are part of the same auxiliary enterprise and the rates so charged and collected shall be pledged to the amortization of principal and interest on all bonds issued under this Act.

Sec. 78. P&SL 1975, c. 64, §11, 2nd ¶ is repealed and the following enacted in place thereof:

"Shall an Act, as passed by the 107th Legislature, authorizing the renovation of housing for the University of Maine and the issuing of bonds in the amount of \$900,000, to be repaid by student housing fees, be accepted?"

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Sec. 79. Effective date. Sections 77 and 78 of this Act shall become effective 91 days after adjournment of the Legislatu

Sec. 80. PL 1975, c. 280, §3 is enacted to read:

Sec. 3. Effective date. This Act shall become effective on March 1, 1976.

Sec. 81. PL 1975, c. 418, §5 is repealed.

Sec. 82. Effective date. Section 81 of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 83. PL 1975, c. 499, §72 is enacted to read:

Sec. 72. Effective date. Sections 2 to 71 of this Act shall become effective March 1, 1976.

Sec. 84. Effective date. Section 83 of this Act shall become effective 90 days after adjournment of the Legislature.

Sec. 85. Reorganization. All the powers and responsibilities vested in the State Director of Property Taxation and the Bureau of Property Taxation shall, henceforth, be vested in the State Tax Assessor and the Bureau of Taxation, respectively.

Wherever in the Revised Statutes the words "State Director of Property Taxation" appear they shall mean "State Tax Assessor" and the words "Bureau of Property Taxation" shall mean "Bureau of Taxation." Wherever in the Revised Statutes the words "Director of the Bureau of Taxation" appear, they shall mean "State Tax Assessor."

Sec. 86. Effective date. Section 85 of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 87. Appropriation. There is appropriated from the General Fund the sum of \$200 to be paid to David P. Mayo of Deer Isle as reimbursement of a fine erroneously paid to the State.'

Statement of Fact

Upon hearing this legislative document, additional errors and changes in the law were presented for the committee's consideration. It is the purpose of this amendment to integrate all such changes into the bill as approved by the committee following such hearing.

Reported by the Committee on Judiciary.

Reproduced and distributed pursuant to Senate Rule 11-A.

June 23, 1975. (Filing No. S-351).