

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 1760**

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S. P. 480

In Senate, April 8, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Collins of Knox.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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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 previous Legislatures 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**Sec. 1.** 2 MRSA § 6, sub-§ 1, last 2 lines, as enacted by P&SL 1973, c. 207, § 5, are repealed.

**Sec. 2.** 2 MRSA § 6, sub-§ 1, as last repealed and replaced by PL 1973, c. 788, § 2, is amended by adding at the end the following:

**Commissioner of Business Regulation;**

**Commissioner of Manpower Affairs.**

**Sec. 3.** 3 MRSA § 165, sub-§ 7, first sentence, as enacted by PL 1973, c. 590, § 8, is amended to read:

When the duties assigned to a committee so require, the Legislature may grant to it the power to administer oaths, issue subpoenas, **compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony**, and to cause the deposition of witnesses, whether residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court.

**Sec. 4.** 5 MRSA §§ 3308 - 3311, as enacted by PL 1973, c. 769, § 1, are repealed.

**Sec. 5.** 5 MRSA §§ 3321 - 3324 are enacted to read:

§ 3321. Commission on Maine's Future

There is created and established a Commission on Maine's Future, hereinafter in this chapter referred to as "the commission." It shall be the responsibility of the commission to recommend a desirable and feasible description of the state's future based upon comprehensive analysis of factual information and projections pertinent to such a description. The commission may use the technical expertise of the State Planning Office to construct models and identify parameters to be used in determining the best long-range goals of the State. These findings shall be articulated into a working document. The commission shall meet at least twice annually.

§ 3322. Members of the commission

The Commission on Maine's Future shall consist of 40 members, 27 of whom shall be appointed by the Governor and who shall be apportioned among the planning and development districts, established pursuant to Title 30, section 4521, according to relative population shares, except that no district shall have fewer than 2 representatives and each county shall have at least one representative. There shall be 13 ex officio members as follows: The Director of the State Planning Office and 6 Senators appointed by the President of the Senate from the majority and minority parties in the Senate, approximately in proportion to their respective membership in the Senate and 6 Representatives appointed by the Speaker of the House from the majority and minority parties in the House, approximately in proportion to their respective membership in the House.

The Governor shall appoint the chairman of the commission from among the membership and the chairman shall serve at the Governor's pleasure. This chapter shall have a legislated lifetime until June 30, 1977 and all appointed members shall serve terms expired on that date. Any membership vacancies will be filled by appointment by the Governor.

§ 3323. Duties of the commission

The duties of the commission are to prepare for consideration by the Governor, the Legislature and the people of Maine:

1. A proposed growth and development policy for the State of Maine and recommendations concerning means of most effectively implementing such policy;

2. Reports assembling, analyzing and projecting relevant information regarding the future of the State including, but not limited to:

A. State-wide and regional demographic information on growth, interstate and intrastate emigration patterns, age distribution and dependency ratios as factors in the cultural, social and economic life of the State;

B. Availability of various natural resources including energy and an analysis of their importance to, and effect upon, the cultural, social and economic life of the State; and

C. A description of the future of the State as envisioned by Maine people;

3. An examination of long-range plans by state departments and agencies, including the University of Maine and an assessment of their possible impact on state growth and development;

4. Reports on the implications of major state decisions;

5. An interim report on commission activities to be submitted not later than November 30, 1976;

6. A formal final report on commission activities to be submitted not later than June 30, 1977.

In the performance of the above duties, the commission may hold public hearings and conferences with any person, persons, organizations and governmental agencies concerned with Maine's future. The commission shall be provided information, reports or other assistance from any agency, department, legislative committee or other instrumentality of the State, with the consent of the head of the respective organization. State agencies shall, on request, assist the commission in carrying out the purposes of this chapter.

#### § 3324. Funding

The commission is authorized to accept and employ any funding available to it in carrying out the purposes of this chapter.

**Sec. 6. 9-A, MRSA § 1-106, sub-§ 6, first sentence, as enacted by PL 1973, c. 762, § 1, is amended to read:**

If the percentage of change between the Index at the end of the odd-numbered year preceding ~~the effective date of this Act~~ **January 1, 1975** and the Reference Base Index would require change in the designated dollar amounts pursuant to subsection 2, the designated dollar amounts shall change upon ~~the effective date of this Act~~ **January 1, 1975** and, on or before that date, the administrator shall issue a rule announcing the changes required by this subsection.

**Sec. 7. 12 MRSA § 1603, as amended by PL 1965, c. 226, § 58, is further amended to read:**

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

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

**Sec. 8.** 12 MRSA § 2083, as enacted by PL 1973, c. 374, § 1, is amended to read:

**§ 2083. —Lily Pond**

No person, except officers empowered to enforce this chapter, shall operate a motor boat on Lily Pond, Edgcomb, Lincoln County.

**Sec. 9.** 12 MRSA § 2212, first ¶, as enacted by PL 1973, c. 786, § 1, is amended to read:

This subchapter shall not apply to river, stream or brook crossings in connection with public works projects which shall alter not more than a total of ~~700~~ 300 feet in any mile of shore nor to private crossing or dam projects which shall alter not more than a total ~~300~~ 100 feet in any mile of shore. Alterations to both shores of the river, stream or brook shall be combined in arriving at a total shore footage.

**Sec. 10.** 12 MRSA §§ 3055-3059, as last amended by PL 1973, c. 739, § 11 and by c. 788, § 47, are repealed and the following enacted in place thereof:

**§ 3055. Recovery and disposition of fines; fees, forfeitures and penalties**

The Commissioner of Inland Fisheries and Game shall have the same authority concerning fines, fees, forfeitures and penalties authorized by chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65 as is granted and vested in the Commissioner of Marine Resources under section 4508.

**§ 3056. Proceedings against corporations**

In case of violation of any provision of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, by a corporation, the warrant may be served by an attested copy on the president, secretary, manager or any general agent thereof in the county where the action is pending, and upon return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation. This section shall not be deemed to exempt any agent or employee from prosecution.

**§ 3057. Prosecution by county attorneys**

Each county 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 county 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.

§ 3058. Results reported to commissioner

Every judge or the clerk of the court, except the District Court before whom any prosecution under chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, is commenced or shall go on appeal, within 20 days after the trial or dismissal thereof, shall report in writing the result thereof and the amount of fines collected, if any, and disposition thereof, to the commissioner.

§ 3059. Jail costs

The costs for imprisonment in a county jail for the violation of any provision of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, or rules and regulations promulgated thereunder shall be paid by the commissioner to the county involved. Such costs shall not exceed the average amount paid for board of federal prisoners.

Sec. 11. 12 MRSA § 3060, first ¶, as last amended by PL 1973, c. 739, § 12 and by c. 788, § 48, is repealed and the following enacted in place thereof:

Whoever violates any of the provisions of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, or rules and regulations promulgated thereunder, or rules and regulations heretofore promulgated and still in force and effect, excepting only those for the violation of which specific penalties have been provided, shall be punished by a fine of not less than \$20 nor more than \$500 and costs, or by imprisonment for not more than 90 days, or by both, except as hereafter noted:

Sec. 12. 12 MRSA § 3061, first sentence, as last amended by PL 1973, c. 739, § 13 and by c. 788, § 49, is repealed and the following enacted in place thereof:

All fines, penalties, officers' costs and all other moneys recovered by the court under any provision of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, shall accrue to the Treasurer of State.

Sec. 13. 12 MRSA § 3101, first 2 sentences, as last amended by PL 1973, c. 739, § 14 and by c. 788, § 50, are repealed and the following enacted in place thereof:

All birds, fish or animals, or parts thereof, hunted, bought, sold, carried, transported or found in possession of any person in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, or equipment possessed in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, shall be contraband and shall be subject to seizure by the State. The officer who made such seizure may within reasonable time file with a judge a libel against such birds, fish or animals, or parts thereof, or any equipment

possessed in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, except that articles of less than \$10 in value shall not be libeled unless reasonable doubt exists as to the ownership thereof, setting forth their seizure by him, describing such birds, fish or animals, or parts thereof, or equipment and that they were hunted, taken, caught, killed or had in possession in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, and pray for a decree of forfeiture thereof.

Sec. 14. 12 MRSA § 3101, 2nd and 4th sentences of the 3rd paragraph, as last amended by PL 1973, c. 739, § 15 and by c. 788, § 51, are repealed and the following enacted in place thereof:

If any person appears and claims such articles, or any part thereof, as having a right to the possession thereof at the time when the same were seized, he shall file with the judge such claim in writing, stating specifically the right so claimed, and the foundation thereof, the items so claimed, the time and place of the seizure and the name of the officer by whom the same were seized, and in it must declare that they were not had in possession in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, with his knowledge or consent, and state his business and place of residence, and shall sign and make oath to the same before said judge.

If the judge is, upon the hearing, satisfied that said birds, fish or animals, or parts thereof, or any equipment possessed were not had in possession in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, and that the claimant is entitled to the custody of any part thereof, he shall give him an order in writing, directed to the officer having the same in custody commanding him to deliver to said claimant the articles, or proceeds derived from the sale of the same, to which he is so found to be entitled, within 48 hours after demand.

Sec. 15. 12 MRSA § 3101, first ¶ under the caption "FORM OF LIBEL," as last amended by PL 1973, c. 739, § 16 and by c. 788, § 52, is repealed and the following enacted in place thereof:

The libel of ..... of ..... shows that he has seized certain birds, fish or animals, or parts thereof, or equipment possessed in violation of the provisions of the Revised Statutes, Title 12, chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, as revised, described as follows: .....  
.....  
because the same were hunted, taken, caught, killed or had in possession in violation of the provisions of said chapters and sections, as follows: .....  
.....  
which said articles were possessed at ..... in said County of ..... Wherefore he prays for decree of forfeiture of said articles, according to the provisions of law in such case made and provided.

**Sec. 16.** ~~12 MRSA Pt. 7, first 4 lines~~, as enacted by PL 1971, c. 491, § 1, are repealed as follows:

~~PART 7~~

~~DEPARTMENT OF NATURAL RESOURCES~~

~~CHAPTER 427~~

~~DEPARTMENT OF NATURAL RESOURCES~~

**Sec. 17.** ~~12 MRSA c. 428, first 2 lines~~, as enacted by PL 1973, c. 460, § 16, are repealed and the following enacted in place thereof:

**PART 8**

**DEPARTMENT OF CONSERVATION**

**CHAPTER 428**

**DEPARTMENT OF CONSERVATION**

**Sec. 18.** ~~15 MRSA § 2552, last ¶~~, as last amended by PL 1971, c. 544, § 51, is further amended to read:

Juvenile courts shall have no jurisdiction over offenses in which any juvenile is charged with the violation of any provision of Title 29, Title 38, chapter 1, subchapter VI, and Title 12, chapter 304, or over any other traffic law or ordinance, if such offense is a misdemeanor, except that juvenile courts shall have exclusive, original jurisdiction over offenses in which any juvenile is charged with a violation of Title 29, sections 900, 1312, 1315, and 1316 and Title 12, section 1978, subsection 2, or of Title ~~38 12, section 237~~ **2073**, subsection 2.

**Sec. 19.** ~~18 MRSA § 2402, first sentence~~ is amended to read:

All claims against estates of deceased persons ~~including claims for amounts paid under Title 22, chapters 951 to 959~~ and except for funeral expenses, expenses of administration, legacies, distributive shares and for labor and materials for which a civil action may be commenced under Title 10, section 3256, shall be presented to the executor or administrator in writing or filed in the registry of probate, supported by an affidavit of the claimant or of some other person cognizant thereof, either before or within 6 months after his qualification as such executor or administrator.

**Sec. 20.** ~~20 MRSA § 226, sub-§ 3, last sentence~~, as last repealed and replaced by PL 1973, c. 783, § 6, is amended to read:

Any budget adopted under this section prior to ~~the effective date of this Act~~ **April 1, 1974** shall be validated, approved and declared legal.

**Sec. 21.** ~~20 MRSA § 304, 2nd sentence of the 2nd ¶~~, as repealed and replaced by PL 1973, c. 783, § 9, is amended to read:

Any indebtedness in excess of ~~12½%~~ **12½%** incurred under the law, as it existed prior to ~~the effective date of this Act~~ **April 1, 1974**, is hereby validated.



**Sec. 22.** 20 MRSA § 2356-A, sub-§ 5, last 2 sentences, as enacted by PL 1973, c. 605, are repealed as follows:

~~The cooperative boards of the 11 new regions for vocational education as set forth in this subsection shall have all the rights and duties that are set forth in sections 309, 309-A and 309-B. The boundaries of the 11 regions shall not be changed except by legislative action provided that any unit contracting for secondary education outside of its region shall become a part of the region where such a contract exists~~

**Sec. 23.** 20 MRSA § 2356-A, sub-§ 5, first ¶, as last amended by PL 1973, c. 783, § 18, is further amended by adding at the end the following new sentences:

The cooperative boards of the 11 new regions for vocational education as set forth in this subsection shall have all the rights and duties that are set forth in sections 309, 309-A and 309-B. The boundaries of the 11 regions shall not be changed except by legislative action provided that any unit contracting for secondary education outside of its region shall become a part of the region where such a contract exists.

**Sec. 24.** 20 MRSA § 2356-A, sub-§ 5, ¶ B, last 2 sentences, as enacted by PL 1973, c. 710, § 2, are amended to read:

Any budget adopted under this section prior to ~~the effective date of this Act~~ **March 1, 1974** shall be validated, approved and declared legal. The 1974-1975 budget may be adopted using the procedures set forth in this section even though the budget meeting is called after ~~the effective date of this Act~~ **March 1, 1974**.

**Sec. 25.** 22 MRSA § 5, 3rd sentence from end of the first ¶, as last amended by PL 1971, c. 592, § 34, is further amended to read:

No such license shall be issued until the applicant has furnished the department with a written statement signed by the Commissioner of Public Safety or the proper municipal official designated in Title 25, chapters ~~311~~ 313 to 321 to make fire safety inspections that the home and premises comply with said Title 25, chapters ~~311~~ 313 to 321 relating to fire safety.

**Sec. 26.** 22 MRSA § 5-A, 2nd sentence from end of the first ¶, as enacted by PL 1973, c. 164, § 2, is amended to read:

No such license shall be issued until the applicant has furnished the department with a written statement signed by the Commissioner of Public Safety or his duly authorized representative or the proper municipal official designated in Title 25, chapters ~~311~~ 313 to 321 to make fire safety inspections that the facility and premises comply with said Title 25, chapters ~~311~~ 313 to 321 relating to fire safety.

**Sec. 27.** 22 MRSA § 1816, 3rd sentence, as amended by PL 1971, c. 592, § 5, is further amended to read:

No such license shall be issued until the applicant has furnished the department with a written statement signed by the Commissioner of Public Safety

or the proper municipal official designated in Title 25, chapters ~~311~~ 313 to 321 to make fire safety inspections that the home and premises comply with said chapters ~~311~~ 313 to 321 relating to fire safety.

**Sec. 28.** 22 MRSA § 3273, sub-§ 1, ¶ B, as enacted by PL 1973, c. 790, § 3, is amended to read:

**B.** For an individual who resides in an adult foster home or boarding home, in addition to the benefits provided herein under ~~subsections~~ paragraphs A and C, provide sufficient income to allow the individual for personal needs an amount equal to the rates set in subsection (e) (i) (B) of section 1611 of Title XVI of the United States Social Security Act, as amended, plus an amount sufficient to meet the monthly per resident payment rate as established by the department for such home in which the individual resides; and

**Sec. 29.** 22 MRSA § 3282, last 2 sentences, as enacted by PL 1973, c. 790, § 3, are amended to read:

If any of the provisions of said chapters shall be in violation of the provisions of the Federal Social Security Act as in effect on ~~the effective date of this Act~~ April 1, 1974, such provision shall be null and void and the department shall, in that event, take such action as is consistent with the intent of this Act and as is necessary to continue participation by the State of Maine in the program authorized by Title XVI of the United States Social Security Act, as amended. If any of the provisions of this Act shall be in violation of any amendment to the Social Security Act which shall take effect subsequent to ~~the effective date of this Act~~ April 1, 1974, the department shall recommend to the Legislature legislation which is necessary or desirable to conform the laws of the State to such amendments.

**Sec. 30.** 22 MRSA § 3283 is enacted to read:

**§ 3283. Medical expenses for catastrophic illness**

The Department of Health and Welfare is authorized to provide financial assistance to, or in behalf of, families or individuals whose costs for hospital in-patient or out-patient care, physicians' services, drugs, appliances and other related services, included skilled nursing home care as defined by the department and as determined by the department to be necessary, cannot be met from their own or other sources, when said costs are of such magnitude as to constitute a financial catastrophe for the said families or individuals, or when it can be determined that medical indigency exists. Skilled nursing home care shall be an eligible service only when the patient is admitted to a skilled nursing facility within 7 days of discharge from a general hospital, following a minimum in-patient stay of at least 5 days. Furthermore, eligibility for payment for skilled nursing home care shall be for a maximum of 60 days in any one year, or in association with any one illness episode.

Application for assistance through the Catastrophic Medical Expense Fund shall be made by the individual who is, or has been, receiving the care for which financial assistance is being sought, or by a person who is legally responsible for such costs, or by a legal representative of said individual. As-

sistance shall be available through this fund only in behalf of specific individuals, and only for those who are not eligible for aid through federally matched medical care programs as administered in Maine, and, furthermore, it shall terminate when any similar federal program becomes effective. The Governor shall determine by proclamation when said federal program has become effective. Eligibility for, and aid through, this fund shall be on a year to year basis, and eligibility and amount of aid shall be determined only after the full application to the costs of medical care in any one year of all applicable health care insurance benefits, other 3rd-party payor benefits legally provided for, or liability benefits identified as being for medical or rehabilitative care. Furthermore, from all net income before taxes received by the applicant or those legally responsible for the cost of the applicant's care, 20% will be assumed to be applicable to the liabilities for the care for which assistance is being sought. If the applicant has, or those legally responsible for the applicant's care have, or they jointly have, a net worth in excess of \$20,000, and the excess net worth includes cash or readily cashable assets, then 10% of such cash or cashable assets shall be assumed to be applicable to the liabilities for care. If after the application of all of the above resources, the residual liability, in any one year, for which assistance is being sought is less than \$1,000, no payment shall be made from this fund, and only that amount in excess of \$1,000 shall be paid. No reimbursements shall be made for bills already paid. Payments from this fund shall only be made directly to the vendors or providers of care. However, this section shall not be deemed to create any rights or causes of action against the State in such a vendor or provider of care, his heirs or assigns. When eligibility has been established, the Department of Health and Welfare may make payments from this fund, during the remainder of the year of eligibility, for those goods and services provided for in this section.

The Department of Health and Welfare is authorized to promulgate and adopt the additional rules and regulations necessary for administration of this section.

Medical indigency and eligibility for assistance under this section are to be defined and determined in manners consistent with the requirements for the receipt of federal matching funds under Title XIX, or its successors, of the Social Security Act.

An applicant shall be an adult who requires care and assistance, an adult legally responsible for such care of another or an adult who is legally responsible for the care of, and is applying in behalf of, one or more dependent minor children. Applications may be made in behalf of said applicants by their legal representatives.

The income factor of eligibility will be met if, after reducing all income received by or available to the applicant by the liabilities for the kinds of goods and services provided for in this section, the residual income does not exceed 133% of an amount equal to the public welfare standards applicable to the applicant.

The application of any available insurance, other 3rd-party liabilities or other benefits to which the applicant may be entitled or the determination of

other eligibility factors shall be in accordance with federal matching requirements.

The Department of Health and Welfare shall adopt and promulgate the additional rules and regulations which may be necessary for proper, equitable, and effective administration of this section.

Any balances of funds appropriated for medical expenses under this section shall not lapse but shall be carried forward from year to year to be expended for the same purpose.

Sec. 31. 22 MRSA § 3454, as enacted by PL 1973, c. 768, § 1, is repealed.

Sec. 32. 22 MRSA § 4504, last ¶, as enacted by PL 1973, c. 788, § 94, is amended to read:

Within 6 months after ~~the effective date of this Act~~ **April 1, 1974**, 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.

Sec. 33. 24-A MRSA § 2180, last sentence of the first ¶, as enacted by PL 1969, c. 504, § 40-A, is amended to read:

No such officer or employee, or person, firm or corporation acting or purporting to act on behalf of such ~~office officer~~ or employee, shall negotiate, make application for, obtain or procure any such surety bond or contract of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be ~~obtain~~ **obtained** or procured by the bidder, contractor or subcontractor.

Sec. 34. 25 MRSA § 2352 is amended to read:

**§ 2352. Right to enter buildings**

An inspector of buildings in the performance of his official duty may enter any building for the purpose of making the inspection required by chapters ~~311~~ **313** to 321.

Sec. 35. 25 MRSA § 2359 is amended to read:

**§ 2359. Refusing admission to inspector**

Any owner or occupant of a building, who refuses to permit an inspector of buildings to enter his buildings or willfully obstructs him in the inspection of such building as required by chapters ~~311~~ **313** to 321, shall be punished by a fine of not less than \$1 nor more than \$20, to be recovered by complaint or indictment.

Sec. 36. 26 MRSA § 112, last ¶ is amended to read:

It shall be unlawful to use any false or misleading statement, term or designation on said tag or to remove, deface or alter, or to attempt to remove, deface or alter such tag or any statements thereon ~~or the adhesive stamp~~.

**Sec. 37.** 26 MRSA § 142, first ¶, as amended by PL 1973, c. 669, § 1 and c. 788, § 115, is repealed and the following enacted in place thereof:

This subchapter shall not apply to boilers which are under federal control; or to boilers used solely for propelling motor road vehicles; or to boilers of steam fire engines brought into the State for temporary use in times of emergency to check conflagrations; or to boilers used for agricultural purposes only, or to steam heating boilers, hot water heating boilers and hot water supply boilers, except boilers located in schoolhouses or boilers owned by municipalities, constructed and installed in accordance with the rules adopted by the Board of Boiler Rules; or to miniature boilers exempt by section 245.

**Sec. 38.** 26 MRSA § 663, sub-§ 6 is repealed as follows:

6. ~~Resort establishment. "Resort establishment," any hotel, motel, sporting camp, cottage colony or similar establishment which primarily offers lodging accommodations of a vacational rather than a transient nature;~~

**Sec. 39.** 26 MRSA § 979-H, sub-§ 3, as enacted by PL 1973, c. 774, is amended to read:

3. ~~Aftering~~ After hearing ~~an~~ and argument, if, upon a preponderance of the evidence received, the board shall be of the opinion that any party named in the complaint has engaged in or is engaging in any such prohibited practice, then the board shall in writing state its findings of fact and the reasons for its conclusions and shall issue and cause to be served upon such party an order requiring such party to cease and desist from such prohibited practice and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this chapter. No order of the board shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if such individual was suspended or discharged for cause.

**Sec. 40.** 28 MRSA § 101, sub-§ 14, as enacted by PL 1973, c. 749, § 3, is repealed.

**Sec. 41.** 28 MRSA § 101, sub-§ 15 is enacted to read:

15. Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale and other malt liquors), wine and spirits to be consumed on the premises of a municipal auditorium?

**Sec. 42.** 28 MRSA § 101, first sentence of the 4th ¶, as last amended by PL 1973, c. 747, § 5 and c. 788, § 125, is repealed and the following enacted in place thereof:

A new vote may be held in a municipality upon one or more of the ballot questions, 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 state-wide election in that municipality, which petition shall be filed with the Secretary of State 120 days prior to any general, primary or special state-wide election.

**Sec. 43.** 28 MRSA § 101, 5th ¶ from the end, as last amended by PL 1973, c. 747, § 4 and as repealed and replaced by c. 788, § 124, is repealed and the following enacted in place thereof:

**Where a city or town has voted in favor of accepting or not accepting the ballot questions, said vote shall be effective until repealed in the manner hereinafter provided.**

**Sec. 44.** 28 MRSA § 801, first sentence, as last amended by PL 1973, c. 747, § 9 and c. 749, § 7, is repealed and the following enacted in place thereof:

**Licenses for the sale of spirituous and vinous liquor and malt liquor to be consumed on the premises where sold may be issued to clubs and to bona fide hotels, restaurants, vessels, railroad dining cars, airlines, to incorporated civic organizations pursuant to section 801-B and municipal auditoriums on payment of the fees provided; subject to the condition that the application therefor be approved by the municipal officers of the town or city in which such intended licensee, if operating a club, restaurant, hotel or municipal auditorium is operating the same, and if said hotel, restaurant or club is located in an unorganized place, said application shall be approved by the county commissioners of the county, within which such unorganized place is located, and subject to the further condition that licenses issued to restaurants, except class A restaurants, shall be limited to malt liquor or wine, or both.**

**Sec. 45.** 30 MRSA § 105-A, 2nd ¶, as enacted by PL 1973, c. 312, § 1, is amended to read:

Commissioner District number one consisting of the municipalities and unorganized territories of Amity, Bancroft, Benedicta, Blaine, Bridgewater, Castle Hill, Cary Plt., Chapman, Cox Patent, Crystal, Dyer Brook, Dudley, E Plt., **Glenwood Plt.**, Hammond Plt., Haynesville, Hersey, Hodgdon, Houlton, Island Falls, Linneus, Littleton, Ludlow, Macwahoc Plt., Mapleton, Mars Hill, Merrill, Monticello, Moro Plt., Molunkus, New Limerick, Oakfield, Orient, Reed Plt., Sherman, Smyrna, Westfield, Weston, Silver Ridge Twp., TAR2, TAR5 (Molunkus), TCR2, TDR2, TIR4 (North Yarmouth Academy Grant), TIR4 (Upper Molunkus), 1R5, 2R4, 3R2, 3R3, 3R4, 4R3, 7R3, 7R4 (Webbertown), 7R5, 8R3, 8R4 (St. Croix), 8R5, 9R3, 9R4, 9R5, 10R3, 10R4 (Squapan), 11R4 WELS.

**Sec. 46.** 30 MRSA § 3774, sub-§ 3, as enacted by PL 1973, c. 680, § 5, is amended to read:

**3. Medical examinations.** No person hired after ~~the effective date of this Act~~ **June 28, 1974** shall serve as a full-time member of a municipal fire department unless he has undergone a complete preemployment medical examination; nor shall he serve as a full-time member of a municipal fire department, if in the opinion of competent medical authority after examination, he is not capable of performing the duties required of him.

**Sec. 47.** 30 MRSA § 4163, as last repealed and replaced by PL 1973, c. 788, § 142 and as amended by c. 797, § 1, is repealed and the following enacted in place thereof:

§ 4163. Funds from public reserved lands

All income received by the Director of the Bureau of Forestry 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 Lots Management Fund which is hereby established as a nonlapsing dedicated fund. Moneys credited to the Public Reserved Lots Management Fund shall be available for expenditure by the Director of the Bureau of Forestry for the purposes set forth in section 4162 without limitation as to fiscal year.

Sec. 48. 30 MRSA § 5062, as enacted by PL 1973, c. 665 and as repealed and replaced by c. 788, § 146, is repealed and the following enacted in place thereof:

§ 5062. Exclusion

The limitations on municipal debts in this Article shall not be construed as applying to any funds received in trust by any municipality, any loan for the purpose of renewing existing loans or for war, temporary loans, loans taken in anticipation of federal or state aid or revenue sharing payments, tax anticipation loans, indebtedness of special districts, indebtedness of any municipality to the Maine School Building Authority and debts or liabilities representing current expenses to be met out of current revenues or taxes assessed or to be assessed for the current fiscal year.

Sec. 49. 30 MRSA § 5063, 3rd sentence from end, as enacted by PL 1973, c. 665, is amended to read:

~~The reports shall be filed within 90 days of the effective date of this Act for the immediately preceding fiscal year of each district and, thereafter, shall be~~ filed within 45 days of the end date of each fiscal year.

Sec. 50. 32 MRSA § 1685, sub-§ 1, as last amended by PL 1973, c. 788, § 154, is further amended to read:

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 ~~in which case the fee shall be not more than \$10 and shall all accompany the application.~~

Sec. 51. 32 MRSA § 3276, as enacted by PL 1971, c. 591, § 1, is repealed.

Sec. 52. 36 MRSA § 384, 3rd sentence, as last repealed and replaced by PL 1973, c. 695, § 8, is amended to read:

He shall direct proceedings, actions and prosecutions to be instituted to enforce all laws relating to the assessment and taxation of property and to the liability of individuals, public officers and officers and agents of corporations for failure or negligence to comply with the laws governing the assessment or taxation of property, and the Attorney General and county district attorneys, upon the written request of the State Tax Assessor, shall institute such legal proceedings as may be necessary to carry out this Title.

Sec. 53. 36 MRSA § 654, sub-§ 1, ¶ E is amended to read:

**E.** The estates up to the value of \$3,500 of all persons determined to be blind within the definition provided by Title 22, ~~chapters 951 to chapter 959,~~ who are receiving aid under ~~those chapters that chapter;~~

**Sec. 54.** ~~36 MRSA § 706, first ¶,~~ as last repealed and replaced by PL 1973, c. 695, § 12, is amended to read:

Before making an assessment, the assessors or the chief assessor of a primary assessing area shall give reasonable notice in writing to all persons liable to taxation in the municipality or primary assessing area to furnish to the assessors or chief assessor of a primary assessing area true and perfect lists of ~~their polls and~~ all their estates, not by law exempt from taxation, of which they were possessed on the first day of April of the same year.

**Sec. 55.** ~~36 MRSA § 991, first sentence,~~ as amended by PL 1965, c. 425, § 20-B, is further amended to read:

If any resident or nonresident taxpayer after a reasonable demand refuses or neglects to pay any part of the tax assessed against him in accordance with this chapter ~~or chapter 109,~~ the tax collector may distrain him in any part of the State by any of his goods and chattels not exempt from attachment for debt, for the whole or any part of his tax, and may keep such distress for not less than 4 days nor more than 7 days at the expense of the owner, and if he does not pay his tax within that time, the distress shall be openly sold at vendue by the tax collector after the 4th day but on or before the 7th day.

**Sec. 56.** ~~36 MRSA § 993, first sentence,~~ as amended by PL 1965, c. 425, § 20-C, is further amended to read:

If any resident or nonresident taxpayer assessed in accordance with this chapter ~~or chapter 109,~~ for 12 days after demand, refuses or neglects to pay his tax and to show the tax collector sufficient goods and chattels to pay it, such officer may arrest him in the county where found and commit him there to jail, until he pays it or is discharged by law.

**Sec. 57.** ~~36 MRSA § 1760, sub-§ 5-A,~~ as enacted by PL 1973, c. 573, is repealed as follows:

~~5-A. Hearing Aids. Sales of hearing aids~~

**Sec. 58.** ~~36 MRSA § 2352, first sentence,~~ as last amended by PL 1973, c. 788, § 189, is further amended to read:

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 2521-A,~~ to ascertain if the required returns are correctly made.

**Sec. 59.** ~~36 MRSA § 2687-A,~~ as enacted by PL 1973, c. 788, § 190, is amended to read:

**§ 2687-A. Failure to make return; assessment**

If any corporation, association or person fails to make the returns required by section ~~2687~~ 2686, the State Tax Assessor shall make an assessment of tax



upon such corporation, association or person on such gross receipts thereof as he thinks just, with such evidence as he may obtain, and such assessment shall be final.

**Sec. 60.** 36 MRSA § 4365, 2nd sentence, as enacted by PL 1973, c. 768, § 2, is amended to read:

Any increase in tax authorized under this section shall terminate when a federal program similar to that provided in Title 22, section 3454 becomes effective.

**Sec. 61.** 37-A MRSA § 50-K, first sentence, as enacted by PL 1973, c. 788, § 196, is amended to read:

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 ~~44~~ 50-J 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.

**Sec. 62.** 37-A MRSA § 50-K, last sentence, as enacted by PL 1973, c. 788, § 198, is amended to read:

The ~~commissioner~~ director may waive the limitation of 6 consecutive academic years from the date of the first entrance in those instances where he finds that the recipient orphan's education has been interrupted by severe medical disability or illness which has made continued attendance impossible.

**Sec. 63.** 37-A MRSA § 50-L, as enacted by PL 1973, c. 788, § 196, is amended to read:

#### § 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 ~~44~~ 50-J, shall be admitted to state supported post-secondary vocational schools or institutions of collegiate grade free of tuition.

**Sec. 64.** 38 MRSA § 201, as last amended by PL 1973, c. 513, § 22, is repealed.

**Sec. 65.** 38 MRSA § 202 is repealed.

**Sec. 66.** 38 MRSA § 203, as last amended by PL 1973, c. 513, § 22, is repealed.

**Sec. 67.** 38 MRSA § 204, as last amended by PL 1969, c. 123, § 2, is repealed.

**Sec. 68.** 38 MRSA § 205, as last amended by PL 1973, c. 17, §§ 5 and 18, is repealed.

**Sec. 69.** 38 MRSA § 206 is repealed.

**Sec. 70.** 38 MRSA § 245, as enacted by PL 1971, c. 33, is repealed.

**Sec. 71.** 38 MRSA § 246, as enacted by PL 1971, c. 544, § 125, is repealed.

**Sec. 72.** 38 MRSA § 247, as enacted by PL 1971, c. 75, is repealed.

**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 to correct errors and inconsistencies in the public laws and the purpose is also stated in the emergency preamble.