

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1819

H. P. 1445

House of Representatives, April 10, 1975

Speaker laid before the House, and on motion of Mr. Carpenter of Houlton, referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Snow of Falmouth.

Cosponsors: Mrs. Bachrach of Brunswick, Mr. McKernan of Bangor, Mrs. Snowe of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Phase out the Present Form of County Government, Transfer its Functions to other Government Units and to Direct the State's Advisory Commission on Intergovernmental Relations to make Recommendations to the Special Session of the 107th Legislature.

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

Sec. 1. 1 **MRSA § 7** is amended to read:

§ 7. Division of State

The State is divided into ~~counties~~ districts, ~~towns~~ municipalities, plantations and unorganized territory.

Sec. 2. 1 **MRSA § 17, last 2 sentences** are amended to read:

Such amount when so assessed, with the entire costs of said proceedings, shall be paid ~~into the treasury of said county to the Treasurer of State,~~ and thereupon ~~the sheriff thereof~~ **Secretary of State,** upon the production of the certificate of the treasurer that said amount has been paid, shall execute to the United States and deliver to its agent a deed of said land, reciting the proceedings in said cause, which deed shall convey to the United States a good and absolute title to said land against all persons. The money paid into ~~such county~~ **the State** Treasury shall there remain until ordered to be paid out by a court of competent jurisdiction.

Sec. 3. 1 **MRSA § 18** is repealed.

Sec. 4. **1 MRSA § 402**, as amended by PL 1973, c. 433, § 1, is further amended to read:

§ 402. Public proceedings defined

The term "public proceedings" as used in this subchapter shall mean the transactions of any functions affecting any or all citizens of the State by any administrative or legislative body of the State, or any of its ~~counties or~~ municipalities, or of any other political subdivision of the State with which function it is charged under any statute or under any rule or regulation of such administrative or legislative body or agency.

Sec. 5. **1 MRSA § 653, sub-§ 4** is amended to read:

4. Political subdivision. "Political subdivision" includes ~~counties~~ cities, towns, villages, townships, districts, authorities and other public corporations and entities whether organized and existing under charter or general law.

Sec. 6. **1 MRSA § 656, 1st sentence** is amended to read:

With respect to local offices for which the legislative bodies of cities, towns ~~and plantations and counties~~ may enact resolutions or ordinances relative to the manner in which vacancies will be filled or temporary appointments to office made, such legislative bodies are authorized to enact resolutions or ordinances providing for emergency interim successors to offices of the aforementioned governmental units.

Sec. 7. **1 MRSA § 657, 1st sentence** is amended to read:

This section shall be applicable to officers of political subdivisions including, but not limited to, cities, towns ~~and plantations and counties~~, as well as school, water, power and sewer districts not included in section 656.

Sec. 8. **1 MRSA c. 24** is enacted to read:

CHAPTER 24

COUNTY DISSOLUTION

§ 951. Dissolution of county governments

It is the intent of the Legislature that effective July 1, 1977 counties and the residents therein are not corporate bodies or political subdivisions of the State; and that those persons elected or appointed to the offices of sheriff, probate judge, register of probate, register of deeds and clerk of courts are officers of the State.

§ 952. County boundaries

In order to preserve continuity in the administration of certain functions previously performed by county governments, county boundaries as delineated by law on June 30, 1977 shall after that date serve as administrative and electoral divisions of the State.

§ 953. County assets

Effective July 1, 1977 all assets and funds held by county governments immediately prior to that date, and all liabilities including current debts of county governments immediately prior to that date, are assumed by the State.

§ 954. Transition period

During the period January 1, 1976 through June 30, 1977 the Governor or his designates and county office holders shall cooperate to the maximum extent to assure an orderly transition of financial and administrative responsibilities of the counties to the State. After June 30, 1977, unless otherwise specified by law, the Governor is authorized to distribute the assets and funds of the counties among the various departments, agencies and political subdivisions of the State as he determines appropriate.

§ 955. Regional units of government

The State Advisory Commission on Intergovernmental Relations shall, as the Legislature by resolve may direct, study and make recommendations concerning the need to create multi-purpose units of governments serving defined regional areas of the state. If the commission finds that such a need exists it shall also make recommendations defining:

1. The appropriate functions for those units with due regard to demonstrated need, fiscal equity, geographic area, relative economic efficiency and planning capability;
2. The number and appropriate boundaries of such units after consideration of functions to be performed by them, economics of scale, existing communities of interest and relevant demographic, transportation and fiscal data;
3. The organizational structures for such units after consideration of their functions and size, with the purpose of assuring that such units are authoritative, technically proficient, compatible with other units of government and are accessible to the voters of the unit.

Sec. 9. 3 MRSA § 122 is amended to read:

§ 122. Notice of petitions affecting town or county

Notice of any petition affecting the rights or interests of any ~~town or county~~ municipality may be given to such ~~town~~ municipality by serving it with a true copy of the petition at least 14 days before the session ~~and to such county by publishing as prescribed in section 121.~~

Sec. 10. 4 MRSA § 4, last 2 sentences are amended to read:

~~The counties wherein such justices reside, have their offices or are holding court shall receive from the State the expenses necessarily incurred by such justices for postage, stationery, express and telephone tolls. Each justice of said this court shall be reimbursed by the State for expenses actually and reasonably incurred by him for clerical assistance, postage, stationery, express and telephone tolls, and any other reasonably necessary expenses, upon presentation to the State Controller of an itemized statement of such ex-~~

penses. The Chief Justice of the Supreme Judicial Court may, by order, prescribe regulations for the submission of such itemized statements through his office and for the advance approval by him of such other reasonably necessary expenses.

Sec. 11. 4 MRSA § 102, as last amended by P & SL 1973, c. 209, § 6, is repealed and the following enacted in place thereof:

§ 102. Salary; expenses

Each of the Justices of the Superior Court shall receive an annual salary of \$25,500. Section 4, relating to reimbursement of Justices of the Supreme Judicial Court for expenses incurred by them, shall apply to Justices of the Superior Court, including reimbursement for expenses incurred in employing clerical assistance but the Chief Justice of the Supreme Judicial Court may specify by order a maximum amount to be expended by any justice for such clerical assistance.

Sec. 12. 4 MRSA § 113, as last amended by PL 1973, c. 540, § 1, is repealed.

Sec. 13. 4 MRSA §§ 115 to 117 are enacted to read:

§ 115. Place for holding court; suitable quarters

In each county, the place for holding court shall be located in a state or municipal building designated by the Chief Justice of the Supreme Judicial Court, who, with the advice and approval of the Bureau of Public Improvements, is empowered to negotiate, on behalf of the State, the lease, acquisition, construction, contracts or other arrangements he considers necessary, within the limits of appropriations and other funds available to the Supreme Judicial and Superior Courts, to provide suitable quarters, adequately furnished and equipped, for the Supreme Judicial or Superior Court in each county.

The facilities of the Superior Court in each county, when that court is not in session, shall be available for other judicial purposes. Arrangements for such use shall be made by the Chief Justice.

If the Chief Justice is unable to secure quarters as provided in the preceding paragraph, he may, with the advice and approval of the Bureau of Public Improvements, negotiate on behalf of the State the leases, contracts and other arrangements he considers necessary, within the limits of the budget and funds available to such court, to provide suitable quarters, adequately furnished and equipped, for the Supreme Judicial or Superior Court in privately-owned buildings.

§ 116. Funds of court

All revenue received by the Supreme Judicial or Superior Court from fines, forfeitures, penalties, fees and costs shall accrue to the State, except as otherwise provided under Title 12, sections 3055 and 4508; Title 23, section 1653 and Title 29, section 2302.

§ 117. Other expenses of the court

Within the limits of the budget and the funds available to the Superior and Supreme Judicial Courts, the Chief Justice of the Supreme Judicial Court may authorize the expenditure of funds for such other expenses and capital improvements as are reasonably necessary for the efficient operation of these courts.

Sec. 14. 4 MRSA § 301 is amended to read:

§ 301. Terms; salary

Judges of probate are elected or appointed as provided in the Constitution. Only attorneys at law admitted to the general practice of law in this State and resident therein may be elected or appointed as judges of probate. Their election is effected and determined as is provided respecting ~~county commissioners representatives~~; and they enter upon the discharge of their duties on the first day of January following; but, when appointed to fill vacancies, their terms commence on their appointment.

Judges of probate in the several counties shall receive annual salaries as set forth in ~~Title 30, section 2~~ below:

Androscoggin	\$ 8,069
Aroostook	6,122
Cumberland	12,020
Franklin	6,000
Hancock	6,066
Kennebec	8,348
Knox	5,565
Lincoln	6,678
Oxford	5,064
Penobscot	8,904
Piscataquis	5,802
Sagadahoc	6,232
Somerset	6,956
Waldo	6,122
Washington	6,344
York	7,791

The fees to which judges of probate are entitled by law shall be taxed and collected and paid over by the registers of probate to the ~~county treasurers for the use of their counties~~ Treasurer of State to be deposited in the General Fund with the exception of the fees provided in section 304, which shall be

retained by the judge who collects the same in addition to his salary.

Sec. 15. 4 MRSA § 352 is amended to read:

§ 352. Blanks and records provided

~~Each county~~ The Superior Court shall provide all necessary printed blanks and record books for its probate courts and courts of insolvency, and said record books may be printed to correspond with the printed blanks.

Sec. 16. 4 MRSA § 501, 1st sentence is amended to read:

In all cases in the Supreme Judicial or in the Superior Court in which the court appoints one or more persons, not exceeding 3, as referees, masters or auditors, to hear the same, their fees and necessary expenses, including stenographic services upon a per diem basis, shall be paid by the ~~county~~ State on presentation of the proper certificate of the clerk of courts for ~~that the county~~ in which such case is pending, or by such of the parties, or out of any fund or subject matter of the action, which is in the custody and control of the court, or by apportionment among such sources of payment, as the court shall direct.

Sec. 17. 4 MRSA § 554, last sentence, is amended to read:

They shall account quarterly under oath to the ~~county treasurer~~ State Auditor for all fees received by them or payable to them by virtue of the office, except fees collected by them in naturalization proceedings, specifying the items, and shall pay the whole amount of the same to the ~~treasurers of their respective counties~~ Treasurer of State quarterly on the 15th days of January, April, July and October of each year.

Sec. 18. 4 MRSA § 556, first and last paragraphs are amended to read:

The clerk shall keep a true and exact account of all moneys which he receives or is entitled to receive for services by virtue of his office as clerk of the Superior or Supreme Judicial Courts and shall pay the same to the ~~county treasurer~~ Treasurer of State for use of the county in the manner required by law. All other moneys belonging to the ~~county~~ State shall be paid in 30 days after they are received by him. If in either case he neglects to do so, he shall pay 25% interest thereon until paid. ~~The county treasurer shall notify the Treasurer of State Upon the Treasurer of State's notice of any such known delinquency and the clerk's bond shall then be sued.~~

Whenever any of ~~said these~~ funds are ordered by the court to be paid to a person entitled to ~~same them~~, $\frac{1}{2}$ of the accrued interest, if any, shall be paid to the ~~county treasurer~~ Treasurer of State for the use of the county and the other $\frac{1}{2}$ paid to the claimant unless otherwise ordered by the court. Whenever any of ~~said these~~ funds remain unclaimed for 20 years from the date when payable under ~~said the~~ court judgment or decree, the clerk shall obtain an order from the court, under whose judgment or decree ~~said these~~ funds were placed in his custody, that a comprehensive abstract of the facts be advertised for 3 weeks successively in a newspaper of general circulation published in the county, and if no one appears to claim ~~said these~~ funds within 60 days after date of the last publication, ~~the same they~~ shall become for-

feited to the ~~county~~ State and be paid by ~~said the clerk to the county treasurer~~ Treasurer of State for the use of the county. That portion of this section providing for the forfeiture of unclaimed funds shall apply to funds held by the clerk of courts for 20 years or more prior to September 16, 1961.

Sec. 19. 4 MRSA § 562, 1st ¶, 3rd sentence is amended to read:

Before entering upon his official duties, each deputy shall be sworn and shall give a bond to the clerk, approved by the ~~county commissioners~~ Chief Justice and lodged in the office of the ~~county treasurer~~ State Auditor, in the sum of \$8,000, conditioned that he will faithfully perform all the duties required of his office.

Sec. 20. 4 MRSA § 562, 2nd ¶, 4th sentence, is amended to read:

Before entering upon his official duties, each special deputy shall be sworn and if the clerk deems it advisable, he shall give bond to the clerk, approved by the ~~county commissioners~~ the Chief Justice and lodged in the office of the ~~county treasurer~~ State Auditor, in the sum of \$8,000, conditioned that he will faithfully perform the duties of his office.

Sec. 21. 4 MRSA § 567, is amended to read:

§ 567. No recording officer to be attorney or sue in own court nor draft or aid in drafting paper to be recorded

No clerk, register or recording officer of any court of the State shall be attorney or counselor in any civil action or matter pending in such court; neither shall he commence actions to be entered therein, nor draft nor aid in drafting any document or paper which he is by law required to record, in full or in part, under a penalty of not more than \$100, to be recovered by indictment for the benefit of the ~~county~~ State.

Sec. 22. 4 MRSA § 651, 2nd ¶, 1st sentence, is amended to read:

Official Court Reporters appointed by the Chief Justice of the Supreme Judicial Court shall receive from the ~~county State, in which when~~ the court or proceeding is held, their expenses when in attendance upon such court or proceeding away from their place of residence but not otherwise.

Sec. 23. 4 MRSA § 652 is repealed and the following enacted in place thereof:

§ 652. Approval and payment of reporter's expenses

All expense statements of Court Reporters pursuant to section 651 shall, after being approved by the presiding justice, be submitted to the office of the Chief Justice of the Supreme Judicial Court, and shall be further approved by him before payment by the Treasurer of State.

Sec. 24. 5 MRSA § 133, as amended by PL 1973, c. 701, § 2, is further amended to read:

§ 133. Payments to be withheld and applied on accounts

If any ~~town or county~~ municipality unreasonably neglects or refuses to pay an account for money due from it to or for the use of the State or for the use

of any department or agency, the Treasurer of State may withhold from any funds due such ~~town or county~~ municipality under any laws of the State an amount sufficient to pay such account in whole or in part and to apply the amount thus withheld to such payment. Such application shall constitute payment by the State in the amount thus withheld and applied under any laws of the State directing payment to such ~~town or county~~ municipality of the funds so withheld and applied. It is expressly provided that funds due to any ~~town or county~~ municipality from the General Highway Fund shall only be so withheld and applied in payment of accounts due from such ~~town or county~~ municipality to the State for improvement, construction and maintenance of highways and bridges, and for snow guards, snow removal and sanding as provided by statute. The method of collection provided by this section shall be in addition to and not exclusive of all other remedies afforded by law for proper enforcement of payment.

Sec. 25. 5 MRSA c. 10-A is enacted to read:

CHAPTER 10-A

DISTRICT ATTORNEYS

§ 221. Election; vacancies

District attorneys shall be elected and notified, their elections determined and vacancies filled in the same manner, and they shall enter upon the discharge of their duties at the same time as is provided respecting representatives, but they shall hold office for 4 years.

The district attorneys shall be elected on the Tuesday following the first Monday of November in every 4th year, by the written votes of electors qualified to vote for representatives. The vote shall be received, sorted, counted and declared as are votes for representatives. The names of the persons voted for, the number of votes for each and the whole number of ballots received shall be recorded by the clerk of each town within the prosecutorial district, and true copies thereof sealed and attested as returns of votes for Senators, shall be transmitted to the Secretary of State.

When the office of district attorney becomes vacant, as defined in section 233 before the first day of October in the 2nd year after the election of a district attorney, there shall be a new election held to fill the vacancy in accordance with the other provisions of this section.

Only attorneys-at-law admitted to the general practice of law in this State and resident in the prosecutorial district shall be elected or appointed district attorney, and removal therefrom vacates the office. Whenever the Governor and Council, upon complaint and due notice and hearing, shall find that a district attorney has violated any statute or is not performing his duties faithfully and efficiently, they may remove him from office and appoint another attorney in his place to serve until the first day in January of the year following the next scheduled election for representative, at which time a special election shall be held to fill such vacancies as there may be in the office of district attorney.

§ 222. Prosecutorial districts

1. Prosecutorial District Number 1. There shall be one district attorney for York County, which shall be known as "Prosecutorial District Number 1." He shall be elected by the electors of York County.

2. Prosecutorial District Number 2. There shall be one district attorney for Cumberland County, which shall be known as "Prosecutorial District Number 2." He shall be elected by the electors of Cumberland County.

3. Prosecutorial District Number 3. There shall be one district attorney for Oxford, Franklin and Androscoggin Counties, which shall be known as "Prosecutorial District Number 3." He shall be elected by the electors of Oxford, Franklin and Androscoggin Counties.

4. Prosecutorial District Number 4. There shall be one district attorney for Kennebec and Somerset Counties, which shall be known as "Prosecutorial District Number 4." He shall be elected by the electors of Kennebec and Somerset Counties.

5. Prosecutorial District Number 5. There shall be one district attorney for Penobscot and Piscataquis Counties, which shall be known as "Prosecutorial District Number 5." He shall be elected by the electors of Penobscot and Piscataquis Counties.

6. Prosecutorial District Number 6. There shall be one district attorney for Sagadahoc, Lincoln, Knox and Waldo Counties, which shall be known as "Prosecutorial District Number 6." He shall be elected by the electors of Sagadahoc, Lincoln, Knox and Waldo Counties.

7. Prosecutorial District Number 7. There shall be one district attorney for Hancock and Washington Counties, which shall be known as "Prosecutorial District Number 7." He shall be elected by the electors of Hancock and Washington Counties.

8. Prosecutorial District Number 8. There shall be one district attorney for Aroostook County, which shall be known as "Prosecutorial District Number 8." He shall be elected by the electors of Aroostook County.

§ 223. Salaries

The district attorneys for each of the several prosecutorial districts shall receive annual salaries of \$23,500 each, which is in full compensation for the performance of all official duties. The Attorney General shall allow to the district attorneys all office expense, clerk hire and travel which are necessary and proper in the performance of their official duties.

§ 224. Full-time district attorneys

All district attorneys and assistant district attorneys designated as full-time assistants shall be full-time officers of the State. They shall not appear

as counsel in any civil or criminal case or controversy before the Supreme Judicial Court, Superior Courts or District Courts of the State of Maine or comparable courts in any other state or before the United States District Court or at any administrative hearing held by any state or United States agency other than in their capacity as district attorney during the terms of their office nor shall they engage in the private practice of law, nor shall they during such term be a partner or associate of any person engaged in the private practice of law or a member or employee of a professional association engaged in the private practice of law.

§ 225. Civil proceedings; compensation

The district attorney for each prosecutorial district shall prosecute to final judgment and execution all civil cases in which the State is a party within his prosecutorial district and shall institute proceedings against sureties on any recognizance upon which the principal and sureties have been defaulted, before the term next succeeding that at which such default was entered upon the docket of the court, unless by order in open court the presiding justice shall grant a delay in proceedings against such sureties.

§ 226. Criminal proceedings

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 municipality within the district 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 cases before the Superior 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, 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. No additional compensation shall accrue to the district attorney by the discharge of such duties.

§ 227. Dismissal of civil or criminal cases

In order to dismiss civil cases, the District Attorney shall endorse upon the back of the writ or complaint in such cases a written order of dismissal, together with a statement of reasons for dismissal, and said order of dismissal shall not take effect unless approved in writing by the justice presiding at the term when the said dismissal is made.

The District Attorney may dismiss criminal cases in such manner and under such circumstances as the Supreme Judicial Court may by rule provide.

§ 228. Dismissal of civil cases

In order to dismiss civil cases, the district attorney shall endorse upon the back of the writ or complaint in such cases a written order of dismissal, together with a statement of reasons for dismissal, and said order of dismissal

sal shall not take effect unless approved in writing by the justice presiding at the term when the said dismissal is made.

The district attorney may dismiss civil cases in such manner and under such circumstances as the Supreme Judicial Court may by rule provide.

§ 229. Collection of fines and costs; examination of sheriff's bond

The district attorney shall enforce the collection and payment of all fines, forfeitures and costs accruing to the State and the faithful performance of their duties by sheriffs and constables and give information to the court of their defaults in this respect.

§ 230. Annual Report to Attorney General

The district attorney shall, annually, by the 20th day of November, make such a report to the Attorney General of the business done in his office during the year ending on the first day of said November as is required by section 204, and failing to do so, he forfeits $\frac{1}{2}$ of his salary for the current quarter, deducted by the Attorney General, unless he is satisfied that there was reasonable cause thereof.

§ 231. Restrictions and obligations

The district attorney is under the same restrictions as to fees and the same obligations as to witnesses as are imposed on the Attorney General by sections 201 and 205.

§ 232. Appointment of temporary substitutes

When the district attorney does not attend a criminal session or the office is vacant, the court may appoint an attorney to perform his duties during the session and allow him a reasonable compensation to be paid by the Attorney General, and the justice shall notify the Attorney General who shall deduct the same from the salary of such district attorney.

§ 233. Appointment of substitute on death or removal

Whenever the office of district attorney becomes vacant by reason of the death, permanent incapacity or removal from the prosecutorial district of the incumbent of the office, except as provided for in section 234, the Governor with the advice and consent of the Council shall appoint a competent attorney, a resident of the prosecutorial district affected, to serve as a substitute district attorney until the first day of January in the year next following an election for Representative.

§ 234. Military or naval service; substitutes

Whenever a district attorney during his term of office shall, in time of war, contemplated war, emergency or limited emergency, enlist, enroll, be called or ordered to be drafted into the military service of the United States or any branch or unit thereof, he shall not be deemed or held to have thereby resigned from or abandoned his said office; nor shall he be removable there-

from during the period of his said military service except that his term of office shall not be held to have been lengthened by reason of this section. From the time of his induction into such service he shall be regarded as on leave of absence without pay from his said office, and the Governor with the advice and consent of the Council shall appoint a competent attorney, a resident of the prosecutorial district so affected, to fill said office while said district attorney is in the federal service but not for a longer period than the remaining portion of the term of said district attorney. During the period of said military or naval service, the Treasurer of State shall pay to said substitute attorney a salary at the same rate as the rate of pay of the district attorney and amounts so paid shall be deducted from the salary of said district attorney. The attorney so appointed to fill the temporary vacancy shall have the title of "substitute district attorney" and shall possess all the rights and powers and be subject to all the rights and powers and be subject to all the duties and obligations of the district attorney for whom he is substituting.

§ 235. Assistant district attorneys

1. Appointment of assistant district attorneys. Each district attorney shall appoint assistant district attorneys, at least one of whom shall be full time, to serve at his pleasure and the said assistants shall take oath prescribed for district attorneys and assist the district attorneys in the ordinary duties of his office, in the drawing of indictments, in the hearing of complaints before the grand juries and in the preparation and trial of criminal causes. They shall, when directed by the district attorney, act as counsel for the State in the trial of complaints before Judges of the District Court and Justices of the Superior Court and in the prosecution of appeals before the Supreme Judicial Court.

2. Full time or part time. At the time of appointment, the district attorneys shall designate whether each assistant district attorney shall serve full time or part time in said capacity.

3. Salaries. Assistant district attorneys shall be paid salaries set by the district attorney. Salaries for full-time assistant district attorneys shall not exceed \$17,000 and salaries for part-time assistant district attorneys shall not exceed \$10,000. Salaries for assistant district attorneys shall be on an annual basis and shall be paid in the same manner as is provided for the payment of district attorneys in section 2.

4. Total salaries for Prosecutorial Districts 2, 3 and 5. The district attorneys for Prosecutorial Districts 2, 3, and 5 shall each be allowed up to the sum of \$45,000 per year to be used for compensation of assistant district attorneys.

5. Total salaries for Prosecutorial Districts 1, 4 and 8. The district attorneys for Prosecutorial Districts 1, 4 and 8 shall each be allowed up to the sum of \$32,000 per year to be used for compensation of assistant district attorneys.

6. Total salaries for Prosecutorial Districts 6 and 7. The district attorneys for Prosecutorial Districts 6 and 7 shall each be allowed up to the sum of \$27,000 per year to be used for compensation of assistant district attorneys.

Sec. 26. 9 MRSA § 1053 is amended to read:

§ 1053. Governmental units may participate in banking reorganization

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

Sec. 27. 9 MRSA § 1091, sub-§ 1 is amended to read:

1. Public funds. Federal, state, ~~county~~ municipal, United States postmaster funds, postal savings funds or other public funds;

Sec. 28. 10 MRSA § 2 is repealed.

Sec. 29. 10 MRSA c. 105, as amended by PL 1971, c. 584, § 1, is repealed.

Sec. 30. 10 MRSA § 1606, last sentence, is amended to read:

All fines received under section 1602 ~~by county treasurers~~ shall be paid ~~by them~~ to the Treasurer of State and the same are appropriated for carrying out this chapter.

Sec. 31. 10 MRSA § 1706, last sentence, is amended to read:

All fines received under section 1702 ~~by county treasurers~~ shall be paid ~~by them~~ to the Treasurer of State and the same are appropriated for carrying out this chapter.

Sec. 32. 12 MRSA § 1960, 2nd ¶ is amended to read:

Petitions stating the conditions affecting the fish, and the regulations which are desired as a remedy, may be addressed to the commissioner by a majority of the municipal officers or 25 citizens of the municipality in

which the waters exist; or if the waters are in unorganized territory, by ~~a majority of the county commissioners in the counties~~ **25 residents of the county** in which said waters exist, or the commissioner may investigate conditions affecting the fish in any waters in any part of the State, and may make such regulations as may be deemed advisable in the manner provided in this section.

Sec. 33. 12 MRSA § 2151, last paragraph is amended to read:

The owners of property, either real or personal, taken by the commissioner under this section shall be entitled to damages equal to the reasonable value thereof, and in the event of a disagreement over the value, ~~the reasonable value shall be determined by the county commissioners of the county in which the land is situated, upon the written application of any interested party.~~ If any party in interest is aggrieved by the decision of the county commissioners rendered in conformity with this section ~~commissioners' estimate may an appeal may be made~~ to the Superior Court of the county in the same manner as is provided when land is taken by the State for highway purposes.

Sec. 34. 12 MRSA § 3505, sub-§ 1, ¶ B, 1st ¶, is amended to read:

A majority of the municipal officers of a municipality where an existing condition endangers the conservation of marine life, or ~~25 citizens of that municipality, or a majority of the county commissioners~~ **25 residents** of a county where such a condition exists may petition the commissioner subject to the following provisions:

Sec. 35. 14 MRSA § 505 is amended to read:

§ 505. Local and transitory actions where municipalities and other corporations are parties

Local and transitory actions shall be commenced and tried as follows: ~~When both parties are counties, in any county adjoining either; when a county is plaintiff, if the defendant lives therein, in an adjoining county; if he does not live therein, in the county in which he does live; when a county is defendant, if the plaintiff lives therein, in that county or in an adjoining county; if he does not live therein, in that county or in that in which he does live; when a corporation is one party and a county the other, in any adjoining county; when~~ **When both parties are towns, parishes municipalities or school special purpose districts, in the county in which either is situated; when one party is a town, parish municipality or school special purpose district and the other some corporation or natural person, in the county in which either of the parties is situated or lives; but all actions against towns municipalities for damages by reason of defects in highways shall be brought and tried in the county in which the town municipality is situated. All other corporations may sue and be sued in the county in which they have an established place of business or in which the plaintiff or defendant, if a natural person lives.**

Sec. 36. 14 MRSA § 1102 is amended to read:

§ 1102. Judge may sit by consent where his municipality of residence is party

A justice or judge may sit in the trial or disposal of an action in which the ~~county or town~~ municipality where he resides is a party or interested, if the party adverse to such ~~county or town~~ municipality enters on the docket a waiver of all objections.

Sec. 37. 14 MRSA § 1252, last ¶, is amended to read:

Said salaries shall be paid by the ~~respective counties~~ State in ~~quarterly~~ monthly payments on the last day of each ~~quarter~~ month, and their expenses shall be paid from time to time by the ~~respective counties~~ State on bills approved by a ~~Justice of the Superior Court~~ the Chief Justice of the Supreme Judicial Court.

Sec. 38. 14 MRSA § 1253, last ¶, is amended to read:

In filling the vacancy as provided in this section or in filling a vacancy created through the expiration of the term of office of any jury commissioner heretofore appointed, the Chief Justice shall appoint as said jury commissioners, from among the residents of said respective counties as provided, only those who do not hold a state ~~or county~~ office for which they receive a salary from the State ~~or county~~. Should any jury commissioner during the tenure of his office accept any other state ~~or county~~ office, he shall forfeit the office of jury commissioner.

Sec. 39. 14 MRSA § 1255, last ¶, as enacted by PL 1967, c. 510, § 2, is amended to read:

~~The~~ With the approval of the Chief Justice of the Supreme Judicial Court, the jury commissioners may employ or engage an executive secretary such as the clerk of courts or other qualified person to assist the commissioners in carrying out ~~its~~ their functions. Any such person shall receive such compensation as may be established ~~and paid for by the county commissioners~~ Chief Justice ~~from county funds~~ and actual and necessary expenses incurred in the performance of his duties, ~~to be paid by the State.~~

Sec. 40. 15 MRSA § 1902, as amended by PL 1973, c. 567, § 20, is further amended to read:

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

All fines, forfeitures and costs in criminal cases shall be paid into the State Treasury ~~of the county where the offense is prosecuted for the use of such county~~ and all the costs and expenses attending the administration of criminal justice ~~therein~~ shall be paid by ~~said county~~ 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 ~~commissioners of the county where they accrued~~ 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 ~~a county~~ **the State** pursuant to this section, shall be entitled to draw on the ~~treasurer of such county~~ **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 ~~said county~~ **the State** for such advance.

Sec. 41. 15 MRSA § 1903, last sentence is amended to read:

When no other appropriation is expressly made, they inure to the ~~county where the offense is prosecuted~~ **State**.

Sec. 42. 15 MRSA § 1941 is amended to read:

§ 1941. Duties of clerks as to bills of cost and certificates of fines

Clerks of court shall attest duplicate copies of all bills of costs allowed therein and certificates of all fines and forfeitures imposed and accruing to the ~~county, before the rising of the court or immediately after~~ **State at such intervals as the Chief Justice of the Supreme Judicial Court may direct**, and deliver one of ~~said these~~ copies and certificates to the ~~county treasurer~~ **Chief Justice** and retain one ~~for the use of the county commissioners in his office~~. **After approval by the Chief Justice, one of these copies and certificates shall be forwarded to the Treasurer of State and the treasurer shall pay the witness fees and other proper expenses noted on it.**

Sec. 43. 15 MRSA § 1943 is amended to read:

§ 1943. Fines, costs and forfeitures in Superior Court

Every clerk of a Superior Court shall render under oath a detailed account of all fines, costs and forfeitures upon convictions and sentences before him, on forms prescribed by the State Department of Audit, and shall pay them into the ~~treasury of the county where the offense is prosecuted~~ **State Treasury** on or before the 15th day of the month following the collection of such fines, costs and forfeitures. ~~The county treasurer, upon approval of the county commissioners, shall pay to the State, town, city or person any portion of the fines, costs and forfeitures that may be due~~ Any person who fails to make such payments into the ~~county treasury~~ **State Treasury** shall forfeit, in each instance, double the amount so neglected to be paid over, to be recovered by indictment for the persons entitled to such fines, costs and forfeitures, and in default of payment, according to the sentence of the court, such persons shall be punished by imprisonment for not more than 6 months.

Sec. 44. 15 MRSA § 1981, 1st ¶, is amended to read:

Sheriffs, jailers and constables who by virtue of their office receive any fines, forfeitures or bills of costs ~~except debts and costs received upon executions in favor of the State~~ shall forthwith pay them to the Treasurer of the ~~county in which they accrued~~ **State**.

Sec. 45. 15 MRSA § 1981, 2nd ¶, as amended by PL 1973, c. 567, § 20, is further amended to read:

If any such officer neglects to pay over such fine, forfeiture or costs for 30 days after the receipt thereof; or if he permits any person, sentenced to pay such fine, forfeiture or bill of costs and committed to his custody, to go at large without payment, unless by order of court, and does not within 30 days after such escape pay the amount thereof to the ~~county treasurer~~ **Treasurer of State**, he forfeits to the ~~county~~ **State** double the amount. The ~~county~~ **Treasurer of State** shall give notice of such neglect to the ~~district attorney~~ **Attorney General**, who shall sue therefor in a civil action in the name of such treasurer.

Sec. 46. 15 MRSA § 1983, 1st ¶, is amended to read:

Each sheriff, as often as every 3 months, shall deliver to the Treasurer of ~~his county~~ **State** all securities by him taken for fines and costs, on the liberation of poor convicts from prison pursuant to law.

Sec. 47. 15 MRSA § 2031 is amended to read:

§ 2031. Fees claimed within 3 years

Sums allowed to any person as fees or for expenses in any criminal prosecution and payable from the ~~county treasurer~~ **State Treasury** may be claimed by such person of the ~~county treasurer~~ **Treasurer of State** at any time within 3 years after the allowance, and not afterwards.

Sec. 48. 15 MRSA § 2032 is amended to read:

§ 2032. Schedule of securities

A schedule of all securities with the amount due on each, received by the ~~county treasurer~~ **Treasurer of State** from the sheriff pursuant to section 1983, shall ~~be by him laid before the county commissioners at their next session, to be filed by the sheriff with the clerk. The county commissioners clerk, from time to time, shall examine such securities, and, where he deems appropriate, shall request that the court order the county attorney~~ **Attorney General** to take such measures for their collection as ~~they judge are deemed~~ expedient or authorize the treasurer to compound and cancel them on such terms as ~~they direct~~ may be ordered.

Sec. 49. 15 MRSA § 2033 is repealed and the following enacted in place thereof:

§ 2033. Treasurer's annual report to Attorney General

The Treasurer of State shall, on or before the 20th day of November, annually, make a report to the Attorney General showing the amount paid out of his office during the year ending on the first day of said November for costs of prosecutions in the Superior Court; to grand jurors and traverse jurors in terms of court held for criminal business; and the amount received from fines, costs and forfeitures in these courts from judges, jailers and other officers.

Sec. 50. 16 MRSA § 252, 2nd sentence, is amended to read:

Whenever any fines or penalties are imposed by any court in any proceeding in which such a police officer or constable is a complainant or a witness, ~~said~~

the court may tax costs for such complainant or witness in the usual manner to be paid by the ~~county treasurer~~ **Treasurer of State upon approval of the county commissioners** to the municipality employing such police officer or constable; such costs shall not exceed his actual expenses, paid by the municipality, for the travel to and attendance at the court.

Sec. 51. 18 MRSA § 251, 1st ¶, as last amended by PL 1973, c. 52, is further amended to read:

Registers of probate are elected or appointed as provided in the Constitution. Their election is effected and determined as is provided respecting ~~county commissioners by Title 30, chapter 4~~ **representatives**, and they enter upon the discharge of their duties on the first day of January following; but the term of those appointed to fill vacancies commences immediately. All registers, before acting, shall give bond to the ~~treasurer of their county~~ **Treasurer of State** with sufficient sureties, in the sum of \$2,500, except that this sum shall be \$10,000 for Cumberland County. Every register, having executed such bond, shall file it in the office of the clerk **of courts** of the county, ~~commissioners of his county~~ to be presented to ~~them~~ **a justice of the Superior Court at their next meeting** for approval. After the bond has been so approved, the clerk shall record it and certify the fact thereon, and retaining a copy thereof, deliver the original to the register, who shall deliver it to the ~~treasurer of the county~~ **Treasurer of State** within 10 days after its approval, to be filed in his office.

Sec. 52. 18 MRSA § 251, 2nd ¶, is amended to read:

Registers of probate in the several counties shall receive annual salaries as set forth in ~~Title 30, section 2~~ **below**:

Androscoggin	\$ 8,292
Aroostook	5,565
Cumberland	9,820
Franklin	6,399
Hancock	6,066
Kennebec	7,791
Knox	4,220
Lincoln	6,789
Oxford	5,342
Penobscot	7,235
Piscataquis	6,122
Sagadahoc	6,678
Somerset	6,956
Waldo	6,122
Washington	5,787
York	6,122

Sec. 53. 18 MRSA § 251, 3rd ¶, last sentence, is amended to read:

Exemplifies copies of the record of the probate of wills and the granting of administrations, guardianships and conservatorships, copies of petitions and orders of notice thereon for personal service, appeal copies and the statutory fees for abstracts and copies the waiver of wills and other copies required to be recorded in the registry of deeds shall be deemed to be official fees for the use of the ~~county~~ State.

Sec. 54. 18 MRSA § 252, 1st sentence, is amended to read:

The condition of such bond shall be to account, according to law, for all fees received by him or payable to him by virtue of his office and to pay the same to the ~~county treasurer~~ Treasurer of State quarterly, as provided by law; to keep up, seasonably and in good order, the records of the court; to make and keep correct and convenient alphabets of the records and to faithfully discharge all other duties of the office.

Sec. 55. 18 MRSA § 257 is amended to read:

§ 257. Inspection of register's conduct of office

Every judge of probate and the justices of the Supreme Court of probate shall constantly inspect the conduct of the register with respect to his records and the duties of his office, and give information in writing of any breach of his bond to the ~~treasurer of his county~~ Treasurer of State who shall bring a civil action. The money thus recovered shall be applied toward the expenses of completing the records of such register under the direction of said judge and the surplus, if any, shall enure to the ~~county~~ State. If it is not sufficient for that purpose, the ~~treasurer~~ Treasurer of State may recover the deficiency from the register in a civil action.

Sec. 56. 18 MRSA § 258 last sentence, is amended to read:

Such person shall be paid by the ~~treasurer~~ Treasurer of State in proportion to the time that he has served and the amount shall be deducted from the register's salary.

Sec. 57. 21 MRSA § 1, sub-§ 8 is repealed.

Sec. 58. 21 MRSA § 1, sub-§ 37, as amended by PL 1973, c. 414, § 2, is further amended to read:

37. State office. "State office" means the office of Governor, State Senator, Representative to the State Legislature ~~and~~, Presidential Elector, district attorney, judge of probate, register of probate, register of deeds and sheriff.

Sec. 59. 21 MRSA § 401, sub-§ 2, ¶ G, is repealed.

Sec. 60. 21 MRSA § 441, 1st sentence, as last amended by PL 1973, c. 414, § 14, is further amended to read:

The nomination of a candidate by a party for any federal or State ~~or county~~ office excluding Presidential Elector, must be made by primary election.

Sec. 61. 21 MRSA § 442 is amended to read:

§ 442 When nomination vacated

When a person already nominated for any state ~~or county~~ office accepts nomination to fill a vacancy, the first nomination is thereby vacated.

Sec. 62. 21 MRSA § 443, as last amended by PL 1973, c. 415, § 16, is further amended to read:

§ 443. Qualification for federal or state office

A candidate for any federal ~~or state or county~~ office must be a voting resident of the electoral division he seeks to represent on the date established for filing primary petitions in the year he seeks election. He must maintain this voting residence during his term of office.

1. Exception. The first sentence of this section shall not apply to candidates for the House of Representatives and the State Senate.

Sec. 63. 21 MRSA § 445, sub-§ 1, last sentence, is amended to read:

When 2 United States Senators or ~~2 county commissioners~~ are to be nominated, it must contain the term of office sought by the candidate.

Sec. 64. 21 MRSA § 492, sub-§ 1, 4th sentence, is amended to read:

When 2 United States Senators ~~or 2 county commissioners~~ are to be nominated, it must contain the term of office sought by the candidate.

Sec. 65. 21 MRSA § 701, sub-§ 2, ¶ C is amended to read:

C. Terms of certain candidates. When 2 United States Senators ~~or 2 county commissioners~~ are to be nominated, the term of office sought by each candidate must be specified on the ballot.

Sec. 66. 21 MRSA § 701, sub-§ 3, as amended by PL 1965, c. 425, § 13-A, is further amended to read:

3. Order of offices. The order of offices on the ballot is as follows: United States Senator, Governor, Representative to Congress, State Senator and Representatives to the Legislature followed by the ~~county offices~~ **other state offices.**

Sec. 67. 21 MRSA § 702, sub-§ 2, ¶ E is amended to read:

E. Terms of Senate candidates. When 2 United States Senators ~~or 2 county commissioners~~ are to be elected, the term of office sought by each nominee must be specified on the ballot.

Sec. 68. 21 MRSA § 702, sub-§ 4, as amended by PL 1965, c. 425, § 13-B, is further amended to read:

4. Order of offices. The order of offices on the ballot is as follows: President and Vice-President, United States Senator, Governor, Representative to Congress, State Senator and Representative to the Legislature, followed by the ~~county offices~~ **other state offices.**

Sec. 69. 23 MRSA c. 203, as amended, is repealed.

Sec. 70. 23 MRSA § 2101 is amended to read:

§ 2101. Lost or doubtful boundaries

When the true boundaries of state highways or town ways duly located or of which the location is lost, or which can only be established by user, are doubtful, uncertain or lost the ~~county commissioners of the county wherein such highway or town way is located~~ Department of Transportation may on its own initiative, and shall upon petition of the municipal officers of the town wherein the same lies, ~~shall, after such~~ give notice thereon as is required for the location of new ways, and proceed to hear the parties, examine said highway or town way, locate and define its limits and boundaries by placing stakes on side lines and all apparent intersecting property lines and at intervals of not more than 100 feet and cause durable monuments to be erected at the angles thereof at the expense of the town wherein said highway or town way lies ~~make a correct return of their doings, signed by them, accompanied by an accurate plan of the way or the State as determined by the commissioner.~~ The department shall record an accurate plan of the way with the appropriate registry of deeds. If any real estate is damaged by said action, ~~they the department~~ shall award damages to the owner as in laying out new highways, in the case of state highways to be paid by the ~~county~~ State and in the case of town ways to be paid by the town ~~their return, made at the next regular statute session after the hearing shall be placed on file and the case shall be continued to await a final decision respecting damages.~~ Sections 2055 and 2056 shall be applicable to appeals for increase of damages under this section. Said municipal officers shall maintain all highway or town way monuments and replace them forthwith when destroyed. ~~If any~~ An appeal for increase of damages is taken and the commissioners are of opinion that their proceedings or any part thereof ought not to take effect, they shall enter a judgment that the prayer of the original petitioners or any part thereof, designating what part, is not granted for that reason. Upon such judgment no damages shall be allowed for that part of the prayer of the petitioners not granted, but the costs shall be paid by the county may be taken under Rule 80B of the Rules of Civil Procedure.

Sec. 71. 23 MRSA § 2102 is repealed.

Sec. 72. 23 MRSA cc. 207 and 209 are repealed.

Sec. 73. 23 MRSA § 2751, 2nd sentence, is amended to read:

When a division of it is not so made, the ~~selectmen~~ municipal officers of either town may petition the ~~county commissioners, who~~ Department of Transportation, which shall give notice by causing a copy of such application with ~~their~~ its orders thereon appointing a time and place of hearing to be served upon the clerk of each town 30 days, or by causing it to be published in some newspaper printed in the county for 3 weeks, previous to the time appointed, and after hearing the parties, ~~they~~ it may make such division.

Sec. 74. 23 MRSA § 2752 is repealed and the following enacted in place thereof:

§ 2752. Division by Department of Transportation

A highway may be laid out on the line between towns, part of its width being in each, and the Department of Transportation may then make such division of it and enter the same of record, and each town shall be liable in all respects as if the way assigned to it were wholly in the town.

Sec. 75. 23 MRSA § 2951 is repealed and the following enacted in place thereof:

§ 2951. Notification of change in highway

Whenever the location of any state aid or town way that was designated as a 3rd class highway at the time that the 3rd class highway designations were rescinded is changed, added to, discontinued or a new location is established by a town or city, the municipal officers of said town or city shall notify the Department of Transportation of such change when an accurate description of the courses and distances, within 3 months from such action.

Sec. 76. 23 MRSA § 2953 is amended to read:

§ 2953. Closing of roads in winter

The municipal officers of any municipality or any 7 legal voters in any such municipality may, at any time between the first day of July and the first day of December of any year, petition the ~~county commissioner of the county in which such municipality is located~~ Department of Transportation, setting forth that any road or roads in such municipality are so located with reference to population, use and travel thereon, that it is unnecessary to keep said road or roads broken out and open for travel during the months of December, January, February, March and April or any part of such months and praying ~~said commissioners~~ the department, after notice and hearing on such petition, to decide whether such road or roads shall be kept open or closed during such period or part thereof and for how many years not to exceed 10, such closing order, if made as prayed for, shall be operative.

The ~~commissioners~~ department, upon receipt of such petition, shall fix a time and place in said municipality for a public hearing thereon and shall give notice thereof by causing attested copies of such petition and order of notice thereon to be posted in 2 public places in such municipality and published in some newspaper printed in the county at least 7 days before the time of such hearing. The ~~commissioners~~ department, at the time and place fixed by such notice, shall hear and consider such road or roads to travel or directing that such road or roads be not broken out during such period, or any part thereof, and if satisfied of the necessity thereof, ~~they~~ it may make such orders relating thereto as in ~~their~~ its judgment the facts warrant.

Any road or roads closed or in regard to which the ~~commissioners~~ department ~~have~~ has made an order as to their use shall be marked by notices posted at both ends thereof, showing in substance such order or regulation, which notices shall be signed by the ~~commissioners~~ department or its representative.

The order of the ~~commissioners~~ department, after proceedings under this section, shall relieve such municipality of any obligation to keep said road or roads open or broken out during the period fixed by such order; but the order of ~~said commissioners~~ the department shall not prevent any municipality from keeping said roads open if said municipality shall at any time desire to do so.

~~Said commissioners~~ The department shall retain jurisdiction of said cause, and upon a petition by the municipal officers of said municipality or of any 7 legal voters thereof, praying for a modification or annulment of any orders promulgated by the ~~county commissioners~~ department, filed with said ~~commissioners~~ department, at any time subsequent to one year from the date of any such order, the ~~commissioners~~ department shall give a similar notice to that above provided and fix a time for hearing thereon, within 20 days following such filing. After hearing, ~~the commissioners~~ the department may annul, alter or modify ~~their~~ its original orders.

The ~~county commissioners~~ department may, without petition, give notice and hold public hearing to close roads for winter in unorganized territory.

Sec. 77. 23 MRSA § 3005, 2nd and 3rd sentences are amended to read:

Any person aggrieved by the estimate of such damages may have them determined ~~as provided in section 2053~~ by written complaint to the Superior Court, in the county where the land lies, within 60 days from the date of the establishment, alteration or discontinuance of such way of the town at its town meeting. Service shall be made upon the town where the land lies as in other actions, and by posting attested copies in 2 public and conspicuous places within said town and in the vicinity of the way; ~~but and~~ the final judgment shall be recorded in said court ~~and shall not be certified to the county commissioners.~~

Sec. 78. 23 MRSA §§ 3006 to 3011 are repealed.

Sec. 79. 23 MRSA § 3053, as amended by PL 1971, c. 593, § 22, is further amended to read:

§ 3053. Contracts for construction of bridges

Whenever any bridge within the State is to be constructed or repaired at a cost of \$1,000 or more and the cost of such construction or repairs is to be paid wholly or in part by the State, the contract for the same shall be awarded as follows. The Department of Transportation ~~county commissioners~~ or municipal officers within the county where said new construction or repairs are to be made shall advertise for sealed proposals not less than 2 weeks in such papers as the department may direct, the last advertisement to be at least one week before the time named therein for the closing of such bids. Sealed proposals submitted in accordance with said advertisement shall be addressed to the department ~~or county commissioners~~ having the construction ~~in charge~~ and shall remain sealed until opened in the presence of said department ~~or commissioners~~ at such times as the department may direct.

Whenever, in the judgment of the department, ~~county commissioners~~ or municipal officers, concrete may be used in repairing or building of bridges

or the substructure thereof, Maine granite shall be set up as an alternate competitive construction material and said officials shall require alternate bids to be presented, one based on the use of concrete and the other on use of granite on all or such part of the project as may be deemed feasible from an engineering standpoint.

Sec. 80. 23 MRSA § 3253, 1st 2 sentences, are amended to read:

Whoever willfully violates any provision of section 3252 shall be punished, for the first offense by a fine of not more than \$50 and costs, and for each subsequent offense by a fine of not more than \$100 and costs, and shall be further liable for double the amount of the actual damage, to be recovered in a civil action by the municipality, or, in behalf of any unorganized place, by the ~~county where the offense is committed~~ **Department of Transportation**. All fines recovered under this section, except in cases where the way involved was maintained by the State, shall be paid to the treasurer of the municipality ~~or, for an unorganized place, to the treasurer of the county where such offense is committed and shall thereafter be expended in the construction and maintenance of public ways or drains therein.~~

Sec. 81. 23 MRSA § 3254 is amended to read:

§ 3254. Complaints

Every municipal officer of a municipality ~~or, for an unorganized place, every county commissioner~~ when his attention is directed to any violation of section 3252, within his jurisdiction, shall enter complaint against the offender and prosecute the same to final judgment.

Sec. 82. 23 MRSA § 3301, last ¶, last sentence, is repealed.

Sec. 83. 23 MRSA § 3302, last sentence is amended to read:

Plantations assessed in state ~~or county~~ taxes and their officers are under the same obligations and subject to the same penalties in these respects as towns.

Sec. 84. 23 MRSA § 3411, 2nd ¶, 2nd sentence, as repealed and replaced by PL 1971, c. 593, § 13, is amended to read:

The Department of Transportation shall apportion the expenses pertaining thereto and damages as follows: If the way involved is a state highway, 50% to the Department of Transportation and 50% to the railroad corporation; if the way involved is a state aid highway, 50% to the Department of Transportation and the municipality or municipalities in which the way is located, the pro rata share being determined by the percentage of state aid granted on the way involved and 50% to the railroad corporation; if the way involved is a town way, 35% to the State, to be paid out of the General Fund, 15% to the town, ~~or in cases under the last paragraph of this section 15% to the county commissioners of the county in which the way is located and over which the county commissioners have jurisdiction~~ and 50% to the railroad corporation, provided that the Department of Transportation may vary the aforesaid percentages of expense and damages as it may deem proper after due consideration of the relative benefits to be derived from such abolishment, alteration or

reconstruction, and provided that the amount ordered to be paid by the railroad corporation shall not in any event exceed 50% of said expenses and damages.

Sec. 85. ~~23 MRSA § 3411, last ¶, as last repealed and replaced by PL 1971, c. 593, § 13, is amended to read:~~

~~The county commissioners~~ Department of Transportation shall ~~have~~ make the same ~~right of petition determination~~ under this section, with respect to roads in unorganized places laid out by ~~them~~ it as under section ~~400+~~ 4011. ~~as have municipal officers of a municipality under the foregoing provisions of this section. In case a petition is filed by them, all~~ All parties interested in the subject matter of ~~the petition~~ such proceedings shall be notified by the Department of Transportation ~~of the filing of such petition~~ and given opportunity to appear and be heard thereon.

Sec. 86. ~~23 MRSA § 3451, 1st sentence, is amended to read:~~

Any person may take down and remove gates, bars or fences upon or across any highway or town way, unless they are there to prevent the spread of infectious disease or were placed there by license of the ~~county commissioners~~ commissioner or municipal officers of the town.

Sec. 87. ~~23 MRSA § 3502, last sentence is amended to read:~~

If the municipal officers of any municipality are unable to purchase such materials or land with the necessary ways and access thereto, at what they deem a reasonable valuation, ~~the county commissioners of the county where in such material or land is located shall, on petition of the municipal officers or interested parties may~~ ascertain and determine the damages in the same manner as provided by statute for land taken for highway purposes, and all parties aggrieved by the estimate of damages shall have like remedy as provided by statute for appraisal of damages for land taken by towns for highway purposes.

Sec. 88. ~~23 MRSA §§ 3652 to 3654 are repealed.~~

Sec. 89. ~~23 MRSA § 3655, 1st sentence is amended to read:~~

Whoever receives any bodily injury or suffers damage in his property through any defect or want of repair or sufficient railing in any highway, town way, causeway or bridge may recover for the same in a civil action, to be commenced within one year from the date of receiving such injury or suffering damage, of the ~~county or town~~ obliged by law to repair the same, if the ~~commissioners of such county or the~~ municipal officers or road commissioners of such town or any person authorized by ~~any commissioner of such county or~~ any municipal officers or road commissioner of such town to act as a substitute for either of them had 24 hours' actual notice of the defect or want of repair, but not exceeding \$4,000 in case of a town.

Sec. 90. ~~23 MRSA § 3655, 3rd sentence is amended to read:~~

Any person who sustains injury or damage or some person in his behalf shall, within 14 days thereafter, notify one of the ~~county commissioners of such~~

~~county or of the~~ municipal officers of such town by letter or otherwise, in writing, setting forth his claim for damages and specifying the nature of his injuries and the nature and location of the defect which caused such injury.

Sec. 91. 23 MRSA § 3656 is amended to read:

§ 3656. Repair within 6 years; location conclusive

When on trial of any such action or indictment as provided for in section 3655 it appears that the defendant ~~county or~~ town has made repairs on the way or bridge within 6 years before the injury, it shall not deny the location of such way or bridge.

Sec. 92. 23 MRSA Pt. 4 as amended by PL 1971, c. 593, § 22, is repealed and the following enacted in place thereof:

PART 4

**UNINCORPORATED, UNORGANIZED PLACES AND
PLANTATIONS**

CHAPTER 401

LAYING OUT, ALTERING OR DISCONTINUING HIGHWAYS

§ 4001. Unorganized areas, highways

The Department of Transportation may lay out, alter, or discontinue a highway or any tract of land in the State that is not within a municipality required to raise money to make and repair highways. Damages shall be determined, and appeals may be made in the same manner provided in chapter 3. Costs of such highways shall be appropriated from the General Fund.

§ 4002. Paths to great ponds

The Department of Transportation may lay out, alter or discontinue paths or trails, for pedestrian use only, in the unorganized territory of the State which provides right of access to great ponds, provided a request therefor is made by petition signed by not less than 40 residents of the county or counties where such pond is located. Said paths or trails shall not exceed 10 feet in width or one mile in length. Section 4001 when not inconsistent with this section shall apply to the proceedings under this section.

Sec. 93. 25 MRSA c. 211 is enacted to read:

CHAPTER 211

SHERIFFS

§ 1801. Election or appointment; bond

Sheriffs shall be elected or appointed and shall hold their offices according to the Constitution, and their election shall be effected and determined as is provided respecting representatives, and they shall enter upon the discharge of official duty on the first day of January following. Every person elected or appointed sheriff for the Counties of York, Cumberland, Kennebec or Penobscot, before receiving his commission, shall give bond to the Treasurer of

State with at least 3 sufficient sureties or with the bond of a surety company authorized to do business in this State as surety, in the sum of \$40,000, and for any of the other counties, in the sum of \$25,000, conditioned for the faithful performance of the duties of his office and to answer for all neglect and misdoings of his deputies.

§ 1802. Approval of bond; delivery to State Auditor

Every sheriff having executed the required bond shall file it in the office of the Superior Court in the county for approval by a Superior Court Justice. After the bond has been so approved, the court shall certify the fact thereon, and retaining a copy thereof, deliver the original to the sheriff who shall deliver it to the State Auditor within 20 days after its approval to be filed in his office.

§ 1803. New bond where insufficient

If the bond of any sheriff is adjudged insufficient, the court within 10 days shall certify that fact to him, who within 20 days thereafter shall give a new bond with sufficient sureties, to be filed in the office of the Superior Court in the county and approved and then filed in the office of the State Auditor.

§ 1804. Forfeiture for neglect to give bond

Any sheriff for each month's neglect to give the security required in sections 1801 or 1803, which neglect shall be reported by the State Auditor to the Treasurer of State, forfeits \$150 to the State to be recovered in a civil action by the Treasurer of State. The Attorney General shall prosecute therefor. The clerk of courts of his county shall certify such sheriff's name to the Governor and Council and the Attorney General. Unless reasonable cause therefor is shown, or within 20 days after the clerk has so certified, he gives or renews his security to the satisfaction of the Governor and Council, he thereby vacates his office.

§ 1805. Governor may require new bond

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

§ 1806. New bonds required on application of sureties

When a surety on the official bond of a sheriff or his heirs, executors or administrators petition the county commissioners of the same county to be discharged therefrom, they shall cause an attested copy of the petition to be served on such sheriff and may require him to give a new bond to their satisfaction. When it is given and accepted, such surety or his legal representatives are not liable for any neglect or misdoings thereafter.

§ 1807. Salaries

The sheriffs of the several counties shall receive annual salaries as set by the Legislation. Said salaries shall be in full compensation for services in attendance upon the Supreme Judicial Court and upon the Superior Court, and for the service of all criminal processes and the performance of all duties relating to the enforcement of all criminal laws. All actual and necessary expenses for travel and hotel bills within their respective counties and such necessary incidental expenses as are just and proper, incurred in the performance of their public duties, that are not otherwise provided by statute shall after approval of the Commissioner of the Department of Public Safety be paid from that department's appropriations.

§ 1808. Deputies; list; uniforms

Every sheriff, elected or appointed, may appoint deputies for whose official misconduct and neglect he is answerable. Their appointment and discharge shall be in writing signed by him with the approval of the Commissioner of Public Safety and subject to the Personnel Law and filed with the commissioner. He shall furnish to the clerk of courts in each county the names of the deputies by him appointed from time to time, with the residence and post-office address of each. He shall require any of said deputies, while engaged in the enforcement of Title 20, section 2121, to wear a uniform sufficient to identify themselves as officers of the law. Upon approval of the Commissioner of Public Safety, uniforms for full-time deputies required by this section shall be furnished by the county. The number of uniforms to be furnished the sheriff and all full-time deputies in each county shall be as follows: Androscoggin 15; Aroostook 10; Cumberland 22; Franklin 8; Hancock 9; Kennebec 12; Knox 10; Lincoln 7; Oxford 16; Penobscot 16; Piscataquis 7; Sagadahoc 7; Somerset 8; Waldo 9; Washington 9; and York 13.

§ 1809. Special duties

Sheriffs may with the approval of the Commissioner of Public Safety appoint and train, as special deputies, citizens more than 18 years of age. The sheriff or his chief deputy shall order any or all of said special deputies to active duty when a state of war exists, or when the Governor shall proclaim an emergency is imminent. Such special deputies shall exercise all the powers of deputy sheriffs appointed under the general law except the service of civil process for the duration of the emergency that exists or which has been proclaimed or during the time for which they have been ordered to active duty. Such special deputies shall be personally responsible for any unreasonable, improper or illegal acts committed by them in the performance of their duties, but the sheriffs shall not be liable upon their bonds or otherwise for any neglect or misdoings of such deputies. Compensation of such deputies shall be as determined by the Commissioner of Public Safety.

§ 1810. Powers during vacancy in sheriff's office

In the event of a vacancy in the office of sheriff by reason of death, resignation or otherwise, the Commissioner of Public Safety shall appoint an acting sheriff who shall have and exercise the same rights and powers and be

subject to the same duties and liabilities as a sheriff until the vacancy in the office of sheriff shall have been filled as provided in the Constitution and the new sheriff shall have qualified according to law.

§ 1811. Obedience to Governor's orders

Sheriffs shall obey all such orders relating to the enforcement of the laws as they from time to time receive from the Governor.

§ 1812. Aid required by officer; refusal

Any officer, in the execution of the duties of his office in criminal cases, for the preservation of the peace, for apprehending or securing any person for the breach thereof or in case of the escape or rescue of persons arrested on civil process, may require suitable aid therein. Any person so required to aid, who neglects or refuses to do so, forfeits not less than \$3 nor more than \$50, and if he does not forthwith pay such fine, the court may imprison him for not more than 30 days.

§ 1813. Officer to pay money collected

Any officer, who unreasonably neglects or refuses, on demand, to pay money received by him on execution to the person entitled to it, shall pay 5 times the lawful interest thereon so long as he so retains it.

§ 1814. Arrest in other counties

Every sheriff or deputy sheriff in fresh pursuit of a person who travels beyond the limits of the county in which the officer is appointed shall have the same power to arrest such person as the officer has within the said county. This section shall apply to both felonies and misdemeanors.

With respect to felonies, the term "fresh pursuit" as used in this section shall be as defined in Title 15, section 152, with respect to misdemeanors, "fresh pursuit" shall mean instant pursuit of a person with intent to apprehend.

§ 1815. Fees

Sheriffs and their deputies shall receive the following fees.

1. Civil process. For service of all writs or complaints with summons, precepts, notices, executions, court orders, orders of service copies and all other civil process or papers requiring service which are not specifically hereinafter enumerated, they shall receive therefor \$3 for each such service and \$5 if such service is required to be made in hand.

2. Disclosure subpoena. For the service of disclosure subpoena as provided by Title 14, chapter 502, \$5.

3. Complaint for divorce. For the service of complaint for divorce with writ of attachment by serving summons and attested copy of writ and complaint, or for the service of complaint for divorce with order of court thereon by attested copy, \$5.

4. Attachment of real estate. For attachment of real estate at registry of deeds, which includes fee of 50¢ to registry, \$4.

5. Attachment of personal property; replevin. For attachment of personal property or for the service of writ of replevin, \$6 and in addition thereto, \$2 for each hour after the first required for such service.

6. Civil arrests and custody. The fee for civil arrests shall be \$5 for such arrest and \$5 shall be charged for custody thereunder, including arrest and custody under bastardy proceedings.

7. Tax summons and warrants. For service of tax summons and arrest under tax warrants the same as for service of civil process.

8. Executions in personal actions. For levying and collecting executions in personal actions, for every dollar of the first \$100, 4¢; for every dollar above \$100 and not exceeding \$200, 3¢; and for every dollar above \$200, 2¢.

9. Redeeming mortgaged real estate. For advertising in a newspaper a right in equity of redeeming mortgaged real estate to be sold on execution, such sums as he pays the printer therefor; for posting notice of the sale of such equity in the town where the land lies and in 2 adjoining towns, \$6 and usual travel, and for a deed and return of the sale of such equity, \$3.

10. Search for persons to serve. Sheriffs and their deputies shall make a charge of \$2, plus necessary travel, for making diligent search for persons upon whom they are commanded to serve civil process when such party cannot be located at an address given to said sheriff or his deputy by the plaintiff or his attorney when commanding such service to be made.

11. Travel. In addition to the fees so charged for service, travel shall be charged at the rate of 20¢ a mile from the officer's place of abode to the place of service.

12. Warrant; mittimus. For the service of a warrant, the officer is entitled to \$2 and \$2 for the service of a mittimus to commit a person to jail and usual travel, except as limited by Title 15, section 1363, and his reasonable expenses incurred in the conveyance of such prisoner.

13. Aid in criminal cases. For each aid necessarily employed in criminal cases, including expenses, compensation at the prevailing rate per day for deputy sheriffs, and in that proportion for a longer or shorter time and 10¢ a mile for travel in going out and returning home, if necessary to travel by common carrier.

14. Attending court and keeping prisoner. For attending court and keeping the prisoner in criminal cases, \$18 a day, and in that proportion for a greater or shorter length of time.

15. Attendance upon Supreme Judicial and Superior Courts. Every deputy sheriff and court messenger, while in actual attendance upon a session of the Supreme Judicial Court or the Superior Court in their respective counties shall receive \$20 a day, plus actual travel at 20¢ a mile from their place of residence to the court for each day's attendance.

16. Special duties. Every deputy sheriff while performing special duties under order of the sheriff shall receive for such services \$21 a day, together with necessary incidental expenses, to be paid from the county treasury, the bills for which shall be audited as provided in Title 15, section 1902. Such officers shall not be entitled to fees for any services rendered in criminal or civil matters while acting as per diem officers. A chief deputy performing similar special duties shall receive an additional \$1 per day.

17. Levy on real estate. The fees of the register of deeds for recording a levy upon real estate or the deed of the officer for the sale of real estate on execution and all sums paid by the officer for internal revenue stamps to be affixed to such deeds shall be taxed by the officer in his return. Every officer making levy on real estate by appraisal shall cause the execution, and his return thereon, to be recorded by the register of deeds for the district where the land lies within 3 months after such levy.

18. Attesting copies of writs. No fee shall be charged by any sheriff or deputy sheriff for attesting copies of any writ.

19. Sales or use tax warrant. For the services of a sales or use tax warrant and arrest as provided by Title 36, sections 1959 to 1962, the same as for service of civil process, and for civil arrests. For collecting sales or use taxes, penalties and interest, pursuant to such warrants, for every dollar of the first \$100, 4¢; for every dollar above \$100 and not exceeding \$200, 3¢ and for every dollar above \$200, 2¢. Additional services, including travel, shall be charged as elsewhere in this section provided.

20. Service of an income tax warrant. For the service of an income tax warrant and arrest as provided by Title 36, chapters 801 to 839, the same as for service of civil process, and for civil arrests. For collecting income tax, penalties and interest, pursuant to such warrants, for every dollar of the first \$100, 4¢; for every dollar above \$100 and not exceeding \$200, 3¢ and for every dollar above \$200, 2¢. Additional services, including travel, shall be charged as elsewhere in this section provided.

§ 1816. Fees from deputies

No sheriff shall receive from any of his deputies any of the fees earned by said deputies or any percentage thereon.

§ 1817. Collection and accounting for fees

All fees chargeable under the statutes of the State for the performance of any of the duties prescribed in section 908 shall be charged and collected by said sheriffs as now provided by law and an accurate account thereof and of those specified in section 1054 kept and transmitted to the treasurer on the last days of March, June, September and December annually, and the amount deducted from the quarter's salary for the quarter then ending. If such fees are in excess of the amount of salary then due the sheriff, he shall pay said excess to the treasurer, and no treasurer shall pay any quarter's salary until said statement shall have been filed.

§ 1818. Disposal of fees collected from other counties

For all prisoners committed from other jails or from any court of the United States and for all other persons confined for debt and on other civil processes, the said sheriffs shall collect the same fees for their entire support as are now provided by law or may be fixed by the county commissioners under the authority vested in them by statute, and include the same in the statement provided for in section 1053, and the same shall be deducted from the salary as prescribed. They shall not make any charge or collect any fees for the support of prisoners committed on criminal process from any court in the county in which said jail is situated.

§ 1819. Persons injured sue on sheriff's bond; indorsement of writ; costs; judgment

Any person injured by the neglect of misdoings of a sheriff, who has first ascertained the amount of his damages by judgment in a civil action against him, his executors or administrators, or by a decree of the probate court allowing his claim, may, at his own expense in the name of the Treasurer of State, institute a civil action on his official bond in the county where he was authorized to act and prosecute it to final judgment and execution. His name and place of residence or that of his attorney shall be indorsed on the writ, summons or complaint and the indorser alone is liable for costs. If judgment is rendered for the Treasurer of State, it shall be for the damages ascertained as aforesaid, or so much thereof as remains unpaid, with interest. The party's name for whom the action was brought shall be expressed in the execution issued thereon. If the judgment is for the defendant, it shall be against the party for whom the action was brought.

§ 1820. Actions on sheriff's bond; proceedings

Any other person having a right of action on such bond may file an additional complaint in the same action in the office of the clerk of courts, who shall issue a summons, directed to the defendant, specifying the cause of action and the amount demanded, returnable to the same court and indorsed by the name and place of residence of such other person or his attorney. Such indorser is liable for costs like indorsers of writs, summonses and complaints.

§ 1821. Service; right of person filing complaint; answer

The summons shall be served on the defendant and attachment may be made, as in an original action. Thereupon such person has all the rights of a plaintiff in the action. The defendant shall answer to said complaint, and judgment may be rendered thereon as if it were filed in an action originally instituted for the same cause.

§ 1822. Damages assessed on rendition of judgment; issue of executions

When judgment is rendered against the defendant in such action, damages shall be assessed on each complaint for the amount which the party filing it would recover in an action on the bond, with costs. Executions shall issue therefor in the name of each party so recovering in the order in which the complaints were filed, but not beyond the amount of the bond. If judgment

is for the defendant on any such complaint, execution for costs shall issue against the party filing it. No such action shall be dismissed, except by order of court, without the consent of all parties interested as plaintiffs.

§ 1823. Exemption from arrest in civil action; proceedings on failure to pay execution; office vacated

No sheriff shall be arrested upon any writ or execution in a civil action, but when a judgment is rendered against him in his private or official capacity, the execution thereon shall issue against his property but not against his body. He may, after notice that such execution has issued, unless upon a judgment for his own official delinquency, cite the creditor and make disclosure of the actual state of his affairs in the manner provided for poor debtors arrested upon execution. If the execution is returned unsatisfied and he has not made such disclosure or if the judgment was rendered for his own official delinquency, the creditor may file an attested copy of such execution and return with the Governor and Council, and serve on such sheriff a copy of such copy, attested by the Secretary of State, with a notice under his hand of the day on which such first copy was filed. If such sheriff does not, within 40 days after such service, pay the creditor his full debt with reasonable costs for copies and service thereof, he thereby vacates his office. When he ceases to be sheriff, the clerk may issue alias executions against his property and body, as in other cases.

§ 1824. Copy of bond available; evidence

The Treasurer of State shall deliver an attested copy of a sheriff's bond to anyone applying and paying for it, which shall be competent evidence in any case relating thereto, unless its execution is disputed, in which case the court may order the treasurer to produce it in court for the purposes of the trial.

§ 1825. Survival of actions against sheriff or deputy

Actions for the neglect or misdoings of a sheriff or his deputies survive the sheriff and may be brought against his executors or administrators.

Sec. 94. 25 MRSA c. 321, as amended, is repealed.

Sec. 95. 29 MRSA § 256, last ¶, as enacted by PL 1973, c. 469, § 5, is amended to read:

The Secretary of State may furnish ~~counties~~ municipalities, school districts and water districts with semipermanent plates for each vehicle, which plate shall expire at the end of each 6-year semipermanent plate program. Such plate or plates shall be of a design determined by the Secretary of State.

Sec. 96. 29 MRSA § 902, last ¶, as amended by PL 1971, c. 593, § 22, is further amended to read:

~~County commissioners and municipal~~ **Municipal** officers may make similar designations of any other ways and bridges within their respective jurisdictions, and impose similar restrictions upon vehicles passing over the same. Provided always that a notice, specifying the designated sections of a way or

bridge, the periods of closing and prescribed restrictions or exclusion, shall be conspicuously posted at each end thereof. ~~The municipal Law enforcement~~ officers of each municipality shall, within their respective municipalities, have the same power as the chief and members of the State Police in the enforcement of this section and of all rules and regulations promulgated by the Department of Transportation, ~~the county commissioners~~ and the municipal officers of towns pertaining thereto, and in arresting all violators thereof and in prosecuting all offenders against the same. ~~Such municipal officers shall, in such cases, serve without compensation~~

Sec. 97. 29 MRSA § 1703, 2nd sentence, is amended to read:
Like permits may be granted by ~~county commissioners~~ municipal officers, superintendents of streets or other road officials having charge of the repair and maintenance of any other way or bridge.

Sec. 98. 29 MRSA § 1703, 7th ¶, as last amended by PL 1971, c. 593, § 22, is further amended to read:

The Department of Transportation, in respect to state and state aid highways and bridges within city or compact village limits **and roads and bridges located in unorganized territory**, and municipal officers in respect to all other ways and bridges within such city and compact village limits ~~and the county commissioners in respect to county roads and bridges located in unorganized territory in said county~~ may grant permits to operate vehicles having gross weight exceeding the limit of gross weight prescribed in this Title, and all such permits may contain any special conditions or provisions which in the opinion of the grantors are necessary.

Sec. 99. 30 MRSA §§ 1-3, 51-59, 101-105, 105-A-105-F, 105-I, 105-J, 105-O and 106, 151-152 and 201, as amended, are repealed.

Sec. 100. 30 MRSA §§ 251-253-A and 254, as amended, are repealed.

Sec. 100-A. 30 MRSA § 252, as last amended by PL 1971, c. 308, §§ 1, 2 and 3, is further amended by adding after the first paragraph, a new paragraph to read:

Estimates for the calendar year 1977 shall be for a 6-month period ending June 30, 1977.

Sec. 101. 30 MRSA § 255, as enacted by PL 1973, c. 661, is repealed.

Sec. 102. 30 MRSA §§ 301-304 and 344-350, as amended, are repealed.

Sec. 103. 30 MRSA § 401, as last amended by PL 1973, c. 567, § 20, is repealed.

Sec. 104. 30 MRSA §§ 403-406 and 409, as amended, are repealed.

Sec. 105. 30 MRSA §§ 407 and 408, as amended, are repealed.

Sec. 106. 30 MRSA §§ 410-412-A and 413-424, as amended, are repealed.

Sec. 107. 30 MRSA § 425 is enacted to read:

§ 425. Last county annual report

The Department of Audit shall publish the last county annual report for the year ending June 30, 1977 for each of the counties subject to the provisions of section 411 and detailing all assets and funds transferred to the State effective July 1, 1977.

Sec. 108. 30 MRSA §§ 601-604, 651, 701-704, 751-756 and 801, as amended are repealed.

Sec. 109. 30 MRSA § 2001, sub-§ 5 is amended to read:

5. **Unorganized area.** Where a municipality adjoins an unorganized area, ~~the county in which this area is located~~ Department of Transportation stands in the same relation as a municipality for the purpose of perambulating its boundary lines and paying ~~its~~ a share of the expense of the perambulation. ~~The county commissioners shall~~ Commissioner of Transportation shall designate a person to perform the duties required of municipal officers.

Sec. 110. 30 MRSA § 2452, as last repealed and replaced by PL 1965, c. 481, § 3, is amended to read:

§ 2452. Establishment and maintenance

No "automobile graveyard" or "junkyard" shall be established, operated or maintained, or permitted by the owner of any land to be established, operated or maintained, without first obtaining a nontransferable permit from the municipal officers of the municipality wherein said automobile graveyard or junkyard is to be established, operated or maintained, or from ~~the county commissioners of the county in which~~ Department of Transportation if said automobile graveyard or junkyard is to be established, operated or maintained in an unorganized territory which permit shall be valid only until the first day of the year following.

Sec. 111. 30 MRSA § 2453, as last amended by PL 1971, c. 593, § 22, is further amended to read:

§ 2453. Hearings

Municipal officers or ~~county commissioners~~ the Department of Transportation as provided for in section 2452 shall, before granting a permit to establish, operate or maintain such automobile graveyard or junkyard, hold a public hearing, notice of which shall be posted at least 7 and not more than 14 days prior to said hearing, in not less than 2 public places in said municipality or unorganized territory, and in one newspaper of general circulation in said municipality or unorganized territory wherein such automobile graveyard or junkyard is to be established, operated or maintained. The municipal officers, or ~~county commissioners~~ the Department of Transportation as provided for in section 2452 shall give written notice of said application to the Department of Transportation by sending a copy of said application not less than 7 and not more than 14 days prior to said hearing, which notice shall be sent by registered mail.

Sec. 112. 20 MRSA § 2454, sub-§ 1, 1st sentence, as last amended by PL 1971, c. 593, § 22, is further amended to read:

No permit shall be granted for an automobile graveyard or junkyard within 600 feet from the nearest edge of the right-of-way of any highway, except those highways incorporated in the Interstate and Primary Systems, if within view from said highway, and except those automobile graveyards or junkyards which shall be kept entirely screened to ordinary view at all times from the said highway by natural objects, plantings or fences which shall be well constructed and properly maintained at a minimum height of 6 feet and acceptable to the municipal officers or ~~county commissioners~~ **the Department of Transportation** as provided for in section 2452 and in accordance with the rules and regulations promulgated by the Department of Transportation and so specified in said permit.

Sec. 113, § 2454, sub-§ 2, ¶ A, as last amended by PL 1971, c. 593, § 22, is further amended to read:

A. Those automobile graveyards or junkyards which are screened by natural objects, plantings or fences which shall be well constructed and properly maintained at a minimum height of 6 feet and acceptable to the municipal officers or ~~county commissioners~~ **the Department of Transportation** as provided for in section 2452 and in accordance with the rules and regulations promulgated by the Department of Transportation and so specified in said permit, or

Sec. 114. 30 MRSA § 2454, sub-§ 5, 1st sentence, as last repealed and replaced by PL 1965, c. 481, § 3, is amended to read:

No permit shall be granted for an automobile graveyard or junkyard that is not in conformity with the rules and regulations promulgated under section 2459; however, municipal officers or ~~county commissioners~~ **the Department of Transportation** as provided for in section 2452 may in their discretion apply more stringent restrictions, limitations and conditions in any permit for an automobile graveyard or junkyard adjacent to any highway.

Sec. 115. 30 MRSA § 2455, 1st ¶, as repealed and replaced by PL 1965, c. 481, § 3, is amended to read:

The municipal officers or ~~county commissioners~~ **the Department of Transportation** as provided for in section 2452 shall collect in advance from the applicant for said permit a fee in accordance with the following schedule:

Sec. 116. 30 MRSA § 2458, sub-§ 1, 1st sentence, as last amended by PL 1971, c. 593, § 22, is further amended to read:

Whoever violates any provision of this subchapter or the rules and regulations of the Department of Transportation promulgated under section 2459 shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 90 days, or by both, and it shall be the duty of the State Police as well as ~~local and county~~ **other law enforcement officers of the law** to enforce this subchapter.

Sec. 117. 30 MRSA § 2458, sub-§ 2, 1st sentence, as repealed and replaced by PL 1965, c. 481, § 4, is amended to read:

Violation of any condition, restriction or limitation inserted in a permit by the municipal officers or ~~county commissioners~~ the Department of Transportation as provided for in section 2452 shall be cause for revocation or suspension of said permit by the same authority which issued such permit.

Sec. 118. 30 MRSA § 2459, as last amended by PL 1971, c. 593, § 22, is further amended to read:

§ 2459. Rules and regulations

In the interest of uniformity and to establish guide lines for the municipal officers and ~~county commissioners~~ the Department of Transportation as provided for in section 2452 in the matter of adequate screening, the Department of Transportation shall make rules and regulations to establish minimum standards for screening of automobile graveyards and junkyards.

Sec. 119. 33 MRSA § 602, last sentence, is amended to read:

The person thus elected and giving the bond required in section 603 approved by the ~~county commissioners~~ Secretary of State shall hold his office for 4 years from the first day of the next January and until another is chosen and qualified.

Sec. 120. 33 MRSA § 603 is amended to read:

§ 603. Bond

Each register shall give bond with sufficient sureties to the ~~county~~ Treasurer of State in the sum of \$2,000 for the faithful discharge of his duties.

Sec. 121. 33 MRSA § 604, 1st ¶ is amended to read:

Registers of deeds in the several counties shall receive annual salaries as set forth ~~Title 30, section 6~~ below:

Androscoggin	\$ 8,960
Aroostook	7,235 northern district
	7,235 southern district
Cumberland	9,969
Franklin	6,399
Hancock	6,066
Kennebec	7,791
Knox	6,299
Lincoln	7,012
Oxford	6,232 eastern district
	3,784 western district
Penobscot	7,791

Piscataquis	6,678
Sagadahoc	6,956
Somerset	6,956
Waldo	6,122
Washington	5,787
York	8,348

Sec. 122. 33 MRSA § 604, last ¶, 3rd sentence, is amended to read:

They shall account quarterly under oath to the ~~county treasurers~~ **Treasurer of State** for all fees received by them or payable to them by virtue of the office, specifying the items, and shall pay the whole amount of the same to the ~~treasurers of their respective counties~~ **Treasurer of State** quarterly on the 15th days of January, April, July and October of each year.

Sec. 123. 33 MRSA § 609, last sentence is amended to read:

If payment for such services has been made to his predecessor, he shall be paid for them ~~out of the county treasury,~~ **by the State** and the former register and his sureties shall refund such payments to the ~~county treasurer~~ **Treasurer of State**, to be recovered by a civil action upon his official bond.

Sec. 124. 33 MRSA § 611 is amended to read:

§ 611. Recording officer not to draft or aid in drafting recorded instrument

No city, town, ~~county~~ or state officer whose duty is to record conveyances of any kind, assignments, certificates or other documents or papers whatsoever shall draft or aid in drafting any conveyance, assignment, certificate or other document or paper which he is by law required to record, in full or in part, under a penalty of not more than \$100, to be recovered by any complainant by a civil action for his benefit or by indictment for the benefit of the county.

Sec. 125. 34 MRSA § 901 is repealed and the following enacted in place thereof:

§ 901. Custody of jail and prisoners; jailer

The Commissioners of the Department of Mental Health and Corrections has responsibility for jails that were maintained and operated by the various counties prior to July 1, 1977. The commissioner shall appoint a keeper of each jail who shall have custody and charge of the jail and the prisoners therein.

Sec. 126. 34 MRSA §§ 902 and 903 are repealed.

Sec. 127. 34 MRSA § 904 is amended to read:

§ 904. Jailer to live in jail

Except for Cumberland County, every keeper of a jail shall reside constantly with his family, if he has any, in the house provided for him, if in

the opinion of the ~~county commissioners~~ **Commissioner of Mental Health and Corrections** it is good and sufficient. If he neglects to do so, he forfeits not more than \$300 to be recovered for the ~~county~~ **State** by indictment.

Sec. 128. 34 MRSA § 906 is amended to read:

§ 906. Official papers filed and kept with calendar and delivered to successor

All warrants, mittimus, processes and other official papers by which any prisoner is committed or liberated, or attested copies thereof, shall be regularly filled in order of time and with the calendar safely kept and when he vacates his office, they shall be, by the sheriff or his personal representative, delivered to his successor on penalty of forfeiting \$200 to the ~~county~~ **State**.

Sec. 129. 34 MRSA § 907 is amended to read:

§ 907. Jail keeper answerable for delivery of prisoners to successors

Every ~~sheriff~~ **jail keeper** is answerable for the delivery to his successor of all prisoners in his custody at the time of his removal, and for that purpose shall retain the keeping of the jail in his county and the prisoners therein until his successor enters on the duties of his office.

Sec. 130. 34 MRSA §§ 909 to 911 are repealed.

Sec. 131. 34 MRSA § 951 is amended to read:

§ 951. Pay for labor of prisoners before sentence

Any person charged with crime or awaiting sentence who, while confined in any jail where provision for labor has been made, chooses to labor as provided for persons under sentence, shall receive therefor such sum as, in the judgment of the ~~commissioners of said county~~ **Commissioner of Mental Health and Corrections**, he has earned.

Sec. 132. 34 MRSA § 952, 1st sentence, as amended by PL 1973, c. 688, is further amended to read:

Each inmate, who, in the opinion of the ~~sheriff~~ **Commissioner of Mental Health and Corrections**, has faithfully observed all the rules and requirements of the jail, shall be entitled to a deduction of 3 days a month from the term of his sentence, commencing on the first day of his arrival at the jail.

Sec. 133. 34 MRSA § 952-A, as enacted by PL 1973, c. 380, is amended to read:

§ 952-A. Positions of trust for certain prisoners

Positions of trust may be granted by a ~~sheriff~~ **the Commissioner of Mental Health and Corrections** only to a prisoner confined in a jail who was sentenced to serve his term in that particular jail.

Sec. 134. 34 MRSA § 957 is amended to read:

§ 957. Disposal of body of person dying in jail

When a person dies in jail, the jailer ~~or sheriff~~ shall deliver the body to his friends, if requested. Otherwise, he shall dispose of it for anatomical

purposes as provided in Title 22, chapter 709, unless the deceased at any time requested to be buried, in which case he shall bury the body in the common burying ground and the expenses thereof shall be paid by ~~the town in which he had a settlement, if he had any in the State and if not, by the State.~~

Sec. 135. 34 MRSA § 958, 1st sentence, is amended to read:

Every ~~sheriff~~ jailer shall keep in a suitable bound book a true and exact calendar containing, distinctly and fairly registered, the names of all prisoners committed to the jail under his charge, their places of abode, additions, time of their commitment, for what cause and by what authority, and a particular description of the persons of those committed for offenses.

Sec. 136. 34 MRSA § 959 is repealed.

Sec. 137. 34 MRSA § 1001, 1st ¶ is amended to read:

~~The county commissioners~~ **Commissioner of Mental Health and Corrections** may authorize the employment, for the benefit of the ~~county~~ **State** or of dependent families of prisoners committed for crime, in some suitable manner not inconsistent with their security and the discipline of the prison, and may pay the proceeds of such labor, less a reasonable sum to be deducted therefrom for the cost of maintenance of said prisoners, to the families of such person or persons as may be dependent upon them for support.

Sec. 138. 34 MRSA § 1002 is amended to read:

§ 1002. Stonebreaking

~~The county commissioners~~ **Commissioner of Mental Health and Corrections** may, at the expense of ~~their several counties in addition to county workshops that may therein be established~~ **the State**, provide some suitable place, materials and implements for the breaking of stone into suitable condition for the building and repair of highways, and may cause all persons sentenced under Title 17, section 3751, to labor at breaking stone. They may, at the expense of ~~their several counties~~ **the State**, provide suitable materials and implements sufficient to keep at work all persons committed to either of such jails; and may from time to time establish needful rules for employing, reforming and governing the persons so committed, for preserving such materials and implements, and for keeping and settling all accounts of the cost of procuring the same, and of all labor performed by each of the persons so committed; and may make all necessary contracts in behalf of ~~their several counties~~ **the State**.

Sec. 139. 34 MRSA § 1003, 1st, 2nd and 4th sentences are amended to read:

~~County Commissioners~~ **The Commissioner of Mental Health and Corrections** may authorize the keepers of jails to put able-bodied male prisoners to work on the building or repairing of highways within ~~their county~~ **the State**. ~~They~~ **He** shall make rules and regulations and appoint overseers and keepers needful for the direction and safekeeping of prisoners so employed, and such overseers and keepers shall have all authority conferred by law on masters

of houses of correction and shall be responsible for the safekeeping and return to jail of all prisoners in their custody, and shall be subject to section 911.

The ~~county commissioners~~ **Commissioner of Mental Health and Corrections** shall supply all prisoners with all necessary and suitable clothing of such description as will not materially distinguish them from other workmen.

Sec. 139-A. 34 MRSA § 1003-A, as enacted by PL 1965, c. 375, § 2, is amended to read:

§ 1003-A. Charitable organizations

The ~~county commissioners~~ **commissioner** may authorize the use of such prisoners to provide assistance in the improvement of property owned by charitable organizations as may be approved by the ~~county commissioners~~ **commissioner**, provided such charitable organizations pay for the transportation of such prisoners and for the transportation and per diem compensation for any guards who accompany such prisoners.

Sec. 140. 34 MRSA § 1004, 1st sentence, as amended by PL 1971, c. 593, § 22, is further amended to read:

The Department of Transportation and municipal officers of towns may make application for the services of prisoners as aforesaid and may enter into an agreement as to the cost and compensation to be paid to the ~~county~~ **State** for such services, and the sum agreed on may be paid out of moneys appropriated for highway purposes.

Sec. 141. 34 MRSA § 1045 is repealed

Sec. 142. 34 MRSA § 1046 is amended to read:

§ 1046. Transfer of prisoners when jail unfit or insecure

Whenever complaint on oath is made to a Justice of the Superior Court that any jail is unfit for occupation or is insufficient for the secure keeping of any person charged with crime and committed to await trial or under sentence, he shall cause not less than 3 days' notice of such complaint to be given to the jailer ~~or sheriff of the county~~ to appear at the time and place fixed in such notice. If on examination the matter complained of is found true, he may issue his warrant for the transfer of such prisoner at the expense of ~~said county~~ **the State** to any jail where he may be more securely kept. If by fire or other casualty any jail is destroyed or rendered unfit for use, ~~any justice of the Superior Court may, upon being notified by the county attorney of the county where such jail was or is located, issue his order to the sheriff and his deputies and constables of said county to the Commissioner may cause all prisoners who might be liable to imprisonment in said county to be imprisoned in the jail of some adjoining county said order to be printed in the newspapers of said county.~~

Sec. 143. 34 MRSA § 1047 is amended to read:

§ 1047. Fines applied to building and repair of jail

All fines imposed by this chapter, Title 14, chapter 203, subchapter IV, Title 14, section 555 and Title 30, chapter 1, subchapter VI, not otherwise appropriated, shall be applied to building and repairing the jails in the county where the offense is committed transferred to the General Fund.

Sec. 144. 34 MRSA § 1048 is amended to read:

§ 1048. Additional accommodations

The ~~county commissioners~~ commissioner may make such additions in workshops, fences and other suitable accommodations in, adjoining or appurtenant to the jails in the several counties as may be found necessary for the safekeeping, governing and employing of offenders committed thereto by authority of the State or the United States. For the better employing of such offenders, ~~they~~ he may lease or purchase necessary lands or buildings anywhere within their respective counties and may authorize the employment on such lands for the benefit of the ~~county~~ State or of dependent families of prisoners committed for crime, as provided in section 1001. Whenever the ~~county commissioners~~ commissioner shall determine that the use of such land and buildings is unnecessary for such use, they may sell and dispose of the same in the manner required by law. ~~The county commissioners may raise by loan of their several counties, or otherwise, a total sum not exceeding \$5,000 to make such purchases, alterations and improvements, and may expend so much thereof as is necessary.~~

Sec. 145. Effective date. The effective date of sections 1-7, 9-100 and 102-144 is July 1, 1977.

STATEMENT OF FACT

Counties in Maine present a classic example of how outmoded structure has failed to adapt to new and relevant community needs. The purpose of this legislation is to clear the way for meaningful consideration of area-wide government that is compatible with the interests of both the State and its municipalities. The Legislature must deal with the question as a whole and look at the relationship of function, size and organization. Simply thrusting new powers and functions upon the existing structure is an invitation to political and financial chaos. The few local projects or functions that county units do provide in some areas are often financed in large part by taxpayers who do not receive the benefits and who may not even want them. A comprehensive solution is needed if services such as hospitals and health care, ambulance service, solid waste disposal, social services, law enforcement and public transportation are ever to be effectively planned and administered by a single areawide unit of locally controlled government. The current wide-spread use of special purpose districts has surely led to a real loss of local control.

This legislation terminates the present county system completely on July 1, 1977. During the 1975-76 biennium, The State's Advisory Commission on Intergovernmental Relations is directed to study the question and report its findings to the Legislature.

On July 1, 1977 statutory functions including the Superior and probate Courts, registers of deeds and probate, jails, and sheriffs office will be transferred to the State. Existing county boundaries would continue to serve as administrative and electoral divisions for the administration of these offices. Thus, the Legislature may seek new solutions unencumbered by traditional purposes and boundaries of county structures.