

MAINE STATE LEGISLATURE

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New Draft of: S. P. 751, L. D. 2305
FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2345

S. P. 799

In Senate, April 7, 1976

Reported by Senator Collins of Knox from Committee on Judiciary and
printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT to Correct Errors and Inconsistencies in Laws of Maine.

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

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

Whereas, it is vitally necessary to resolve such uncertainties and confusion to prevent any injustice or hardship on the people of Maine; and

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

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

Sec. 1. 1 MRSA § 72, sub-§ 13, as repealed and replaced by PL 1973, c. 628, § 1, is amended to read:

13. **Municipality.** "Municipality" shall include cities, towns and plantations, except that "municipality" shall not include plantations in Title 30, chapters 201 to 213, 235 and 239 ~~subchapters IV, V and VI, chapter 241 and chapter 243 to 245.~~

Sec. 2. 2 MRSA § 6, sub-§ 3, last line, as amended by P & SL 1975, c. 78, § 21, is repealed as follows :

State Tax Assessor

Sec. 3. 3 MRSA § 162, sub-§ 2, as repealed and replaced by PL 1973, c. 590, § 4, is amended to read :

2. To establish salary schedules for all employees of legislative service agencies, departments and agencies offices, except as otherwise provided by law, and to develop relatively uniform salary schedules for House and Senate employees and officers;

Sec. 4. 3 MRSA § 162, sub-§ 9, as repealed and replaced by PL 1973, c. 590, § 4, is repealed.

Sec. 5. 3 MRSA § 162, sub-§ 13, as repealed and replaced by PL 1973, c. 590, § 4, is repealed and the following enacted in place thereof :

13. To approve any transfers within the legislative appropriation;

Sec. 6. 3 MRSA § 165, sub-§ 7, 2nd sentence, as enacted by PL 1975, c. 593, § 2, is amended to read :

When the Legislature grants this power to a joint standing committee or joint select committee, such committee shall function as an investigating committee and shall be subject to the provisions of chapter 21.

Sec. 7. 3 MRSA § 166, last ¶, as enacted by PL 1973, c. 590, § 9, is amended to read :

The Legislative Administrative Director shall appoint subject to Personnel Law such clerical assistants as may be necessary and shall provide appropriate facilities for the staff.

Sec. 8. 3 MRSA § 168, first sentence, as last amended by PL 1975, c. 623, § 3-A, is further amended to read :

The President of the Senate, the Majority and Minority Floor Leaders of the Senate, the Speaker of the House of Representatives, and the Majority and Minority Floor Leaders of the House of Representatives shall each have the authority to appoint, at his discretion, a personal staff assistant when the Legislature is in session and at such other times, with the approval of the Legislative Council, as he deems necessary.

Sec. 9. 3 MRSA § 172, as last amended by P & SL 1973, c. 220, § 6, is repealed.

Sec. 10. 3 MRSA § 174, as enacted by PL 1971, c. 480, § 1, is repealed and the following enacted in place thereof :

§ 174. Administrative provisions

The State Law Librarian shall formulate policies for the operation of the Law and Legislative Reference Library and exercise general supervision. He shall promulgate any necessary rules and regulations governing the use of library property and admission to its quarters.

The State Law Librarian shall appoint, with the approval of the Legislative Council, a deputy law librarian for a term of 7 years from the date of his appointment and until his successor has been appointed and qualified, and employ, subject to the Personnel Law, such assistants as may be necessary to carry out this subchapter.

Sec. 11. 4 MRSA § 152, first sentence, as last amended by PL 1975, c. 54, § 1; c. 430, § 2 and c. 552, § 1, is repealed and the following enacted in place thereof:

The District Court shall possess the civil jurisdiction exercised by all trial justices and municipal courts in the State on September 16, 1961, and in addition, original jurisdiction, concurrent with that of the Superior Court of all civil actions in which neither damages in excess of \$20,000 nor, except as herein provided, equitable relief is demanded, of proceedings under Title 14, sections 6651 to 6658 and of actions for divorce or annulment of marriage and of proceedings under Title 19 and original jurisdiction, concurrent with that of the probate court, of actions for separation, original jurisdiction, concurrent with that of the Superior Court, of actions to quiet title to real estate under Title 14, sections 6651 through 6658, and in such actions the District Court may grant equitable relief; and original jurisdiction, concurrent with that of the Superior Court, of actions to quiet title to real estate under Title 36, sections 946, and in such actions the District Court may grant equitable relief and of actions to foreclose mortgages under Title 14, chapter 713, subchapter VI.

Sec. 12. 4 MRSA § 164, sub-§ 12, ¶ B, sub-¶¶ (3) and (12), as last repealed and replaced by PL 1969, c. 299, are repealed.

Sec. 13. 4 MRSA § 174, sub-§§ 1 and 2, as last amended by PL 1975, c. 346, §§ 1 and 2, are repealed and the following enacted in place thereof:

1. Damages \$20 or more. Where the damages recovered amount to \$20 or more;

Summons	\$5.00
Entry	5.00
Officers' fees for serving summons and writ of attachment, as allowed by the court	_____
Attendance	5.00
Travel	1.00
Witness fees, as allowed by the court	_____

2. Damages less than \$20. Where the damages recovered amount to less than \$20;

Summons	\$3.50
Entry	5.00

Officers' fees for serving summons and writ of attachment, as allowed by the court	_____
Attendance	2.50
Travel	1.00
Witness fees, as allowed by the court	_____
To defendants who prevail:	
Pleadings	3.50
Attendance	3.50
Travel	1.00
To trustees who make disclosure:	
Disclosure	2.00
Attendance	3.50
Travel	1.00
Witness fees, as allowed by the court	_____

Sec. 14. 4 MRSA § 801, as last repealed and replaced by PL 1975, c. 66, § 1 and as amended by PL 1975, c. 575, §§ 1 and 2, is repealed and the following enacted in place thereof:

§ 801. Board of examiners; tenure; compensation, meetings

The Board of Examiners for the Examination of Applicants for Admission to the Bar, as heretofore established and hereinafter in this chapter called the "board," shall be composed of 7 competent lawyers of the State and one representative of the public and shall consist, as of the effective date of this Act, of the 7 lawyers who now serve as members and the one public member, heretofore appointed whose term begins September 1, 1976. As the terms of the present and future members expire, one or more members of the board shall be appointed annually by the Governor on the recommendation of the Supreme Judicial Court and shall hold office for a term of 5 years beginning on the first day of September of the year of appointment and ending on the last day of August of the year of expiration of the appointment. Vacancies occurring from death, resignation, removal or inability to act shall be filled in like manner for the unexpired term. The board shall hold at least 2 sessions annually at such times and places in the State as the board shall determine and the Supreme Judicial Court shall approve for the purpose of examining all applicants for admission to the bar, as to their legal learning and general qualifications to practice in the several courts of the State as attorneys and counselors at law and solicitors and counselors in chancery. Upon such examination being had, the board shall issue to each applicant who shall pass the required examinations and satisfy all other requirements of this chapter a certificate of qualification stating the standing of the applicant and recommending his admission to the bar. The members of the board shall elect from their number a secretary and a chairman who may, but need not, be the same

person and shall make such rules and regulations relative to the performance of the duties of the board and to the examinations which the board conducts as to them may seem proper. Four members of said board shall constitute a quorum for the transaction of business.

The secretary of the board shall be the treasurer thereof and shall receive all fees, charges and assessments payable to the board and account for and pay over the same according to law.

The members of the board and the additional members of the board shall each receive as compensation for their services \$10 a day for the time actually spent and their necessary expenses incurred in the discharge of their duties, to be certified by the secretary of the board.

Sec. 15. 5 MRSA § 13, as enacted by PL 1975, c. 623, § 3-I, is repealed.

Sec. 16. 5 MRSA § 16 is enacted to read:

§ 16. Payroll deduction for Maine Warden Service Relief Association

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

Sec. 17. 5 MRSA § 191, 4th ¶ from the end, as last amended by PL 1971, c. 439, § 7, is further amended to read:

For approval of certificate of organization of corporations under Title 9, ~~sections section 996 2341 and 3206~~, \$10 in advance.

Sec. 18. 5 MRSA § 711, sub-§ 10, as repealed and replaced by PL 1975, c. 96, § 1 and by c. 136, are repealed and the following enacted in place thereof:

10. Deputies, assistants, staff attorneys and secretary to the Attorney General of the Department of Attorney General. Deputies, assistants, staff attorneys and secretary to the Attorney General of the Attorney General's Department.

Sec. 19. 5 MRSA § 1121, sub-§ 1, ¶ C, first ¶, as last amended by PL 1975, c. 210 and c. 622, § 41, is repealed and the following enacted in place thereof:

Any member of the State Police who became a member of that department subsequent to July 9, 1943 may retire upon completion of 20 years of creditable service as a state police officer, but must retire upon attainment of age 55, except that any member who is a state police officer on January 1, 1967 and who will not have 20 years of creditable service at the time age 55 is attained may continue in that service until 20 years is attained and forthwith shall be retired. Military service credits as allowed under section 1094 shall not be considered as part of the creditable service necessary for the 20 years' service as a state police officer, but military service creditable under section 1091 shall be considered to be part of the creditable service necessary for the 20 years as a state police officer provided that the

member was a state police officer at the time of entrance into such military service and upon separation from military service again became a state police officer. Notwithstanding anything to the contrary, a state police officer appointed as the chief, deputy chief or as Commissioner of Public Safety shall be permitted to continue in such position beyond attained age 55 or after completion of 20 years of creditable service until the end of the term for which he was appointed, and the Commissioner of Public Safety may be appointed or reappointed regardless of attained age or length of creditable service. The total amount of the service retirement allowance of a member retired in accordance with this paragraph shall be equal to $\frac{1}{2}$ of his average final compensation, and an additional 2% of his average final compensation for each year of membership service not included in determining eligibility for retirement under this paragraph.

Sec. 20. Effective date. Section 19 of this Act shall become effective on July 1, 1977.

Sec. 21. 5 MRSA § 1125, sub-§ 3 first sentence, as last amended by PL 1975, c. 622, § 58, is further amended to read:

Each annual sum provided for in subsections ~~1~~ 1-A and 2 shall be paid to the surviving spouse until he or she dies or becomes the dependent of another person and to a child or children until they die or reach the age of 18 years.

Sec. 22. Effective date. Section 21 of this Act shall become effective on July 1, 1976.

Sec. 23. 5 MRSA c. 157, first line, as enacted by PL 1975, c. 211, is amended to read:

CHAPTER ~~157~~ 159

Sec. 24. 5 MRSA § 4552, as last amended by PL 1975, c. 355, § 1 and by c. 358, § 1, is repealed and the following enacted in place thereof:

§ 4552. Policy

To protect the public health, safety and welfare, it is declared to be the policy of this State to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of such practices, so that corrective measures may, where possible, be promptly recommended and implemented, and to prevent discrimination in employment, housing or access to public accommodations on account of race, color, sex, physical or mental handicap, religion, ancestry or national origin and in employment, discrimination on account of age; and to prevent discrimination in the extension of credit on account of age, race, color, sex, marital status, religion, ancestry or national origin.

Sec. 25. 5 MRSA § 4566, sub-§ 6, 2nd sentence, as last amended by PL 1975, c. 355, § 2 and by c. 358, § 3, is repealed and the following enacted in place thereof:

The commission may itself or it may empower these agencies and councils to study the problems of discrimination in all or specific fields of human relationships when based on race or color, sex, physical or mental handicap, religion, age, ancestry or national origin, and foster, through community effort or otherwise, good will among the groups and elements of the population of the State.

Sec. 26. 5 MRSA § 4566, sub-§ 10, as last amended by PL 1975, c. 355, § 3 and by c. 358, § 4, is repealed and the following enacted in place thereof:

10. Publications. To issue such publication and such results of investigations and research as in its judgment will tend to promote good will, and minimize or eliminate discrimination based on race or color, sex, physical or mental handicap, religion, age, ancestry or national origin;

Sec. 27. 5 MRSA § 4566, sub-§ 11, as last amended by PL 1975, c. 355, § 4 and by c. 358, § 5, is repealed and the following enacted in place thereof:

11. Reports. From time to time, but not less than once a year, to report to the Legislature and the Governor, describing the investigations, proceedings and hearings the commission has conducted and their outcome and the other work performed by it, and make recommendations for such further legislation or executive action concerning abuses and discrimination based on race or color, sex, physical or mental handicap, religion, age, ancestry or national origin, or other infringements on human rights or personal dignity, as may be desirable;

Sec. 28. 5 MRSA § 4571, as last amended by PL 1975, c. 355, § 5 and by c. 358, § 6, is repealed and the following enacted in place thereof:

§ 4571. Right to freedom from discrimination in employment

The opportunity for an individual to secure employment without discrimination because of race, color, sex, physical or mental handicap, religion, age, ancestry or national origin is recognized as and declared to be a civil right.

Sec. 29. 5 MRSA § 4572, as repealed and replaced by PL 1975, c. 355, § 6 and amended by PL 1975, c. 358, §§ 7 to 10, is repealed and the following enacted in place thereof:

§ 4572. Unlawful employment discrimination

7. Unlawful employment. It shall be unlawful employment discrimination, in violation of this Act, except where based on a bona fide occupational qualification:

A. For any employer to fail or refuse to hire or otherwise discriminate against any applicant for employment because of race or color, sex, physical or mental handicap, religion, ancestry or national origin or age, or because of any such reason to discharge an employee or discriminate with respect to hire, tenure, promotion, transfer, compensation, terms, conditions

or privileges of employment, or any other matter directly or indirectly related to employment, or in recruiting of individuals for employment or in hiring them, to utilize any employment agency which such employer knows, or has reasonable cause to know, discriminates against individuals because of their race or color, sex, physical or mental handicap, religion, age, ancestry or national origin;

B. For any employment agency to fail or refuse to classify properly or refer for employment or otherwise discriminate against any individual because of race or color, sex, physical or mental handicap, religion, age, ancestry or national origin or to comply with an employer's request for the referral of job applicants, if such request indicates either directly or indirectly that such employer will not afford full and equal employment opportunities to individuals regardless of their race or color, sex, physical or mental handicap, religion, age, ancestry or national origin;

C. For any labor organization to exclude from apprenticeship or membership, or to deny full and equal membership rights, to any applicant for membership, because of race or color, sex, physical or mental handicap, religion, age, ancestry or national origin, or because of any such reason to deny a member full and equal membership rights, expel from membership, penalize or otherwise discriminate in any manner with respect to hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment, representation, grievances or any other matter directly or indirectly related to membership or employment, whether or not authorized or required by the constitution or bylaws of such labor organization or by a collective labor agreement or other contract, or to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against any member because of race or color, sex, physical or mental handicap, religion, age, ancestry or national origin or to cause or attempt to cause an employer to discriminate against an individual in violation of this section;

D. For any employer or employment agency or labor organization, prior to employment or admission to membership of any individual, to

(1) Elicit or attempt to elicit any information directly or indirectly pertaining to race or color, sex, physical or mental handicap, religion, age, ancestry or national origin, except where a physical or mental handicap is determined by the employer, employment agency or labor organization to be job related; or where some privileged information is necessary for an employment agency or labor organization to make a suitable job referral;

(2) Make or keep a record of race or color, sex, physical or mental handicap, religion, age, ancestry or national origin, except under physical or mental handicap, when an employer requires a physical or mental examination prior to employment, a privileged record of such an examination is permissible;

(3) Use any form of application for employment, or personnel or membership blank containing questions or entries directly or indirectly per-

taining to race or color, sex, physical or mental handicap, religion, age, ancestry or national origin, except under physical or mental handicap, where it can be determined by the employer that the job or jobs to be filled require such information for the well-being and safety of the individual; nor will this section prohibit any officially recognized agency from keeping necessary records in order to provide free services to individuals requiring rehabilitation or employment assistance;

(4) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race or color, sex, physical or mental handicap, age, ancestry or national origin, except under physical or mental handicap when the text of such printed or published material strictly adheres to this Act;

(5) Establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race or color, sex, physical or mental handicap, religion, age, ancestry or national origin of such group;

E. For an employer or employment agency or labor organization to discriminate in any manner against any individual because they have opposed any practice which would be a violation of this Act, or because they have made a charge, testified or assisted in any manner in any investigation, proceeding or hearing under this Act.

Sec. 30. 5 MRSA § 4573, sub-§ 4, as enacted by PL 1975, c. 355, § 7, is amended to read:

4. Refuse to hire or discharge physically or mentally handicapped. Nothing in this Act shall prohibit an employer from refusing to hire or discharging a physically or mentally handicapped employee, or subject an employer to any legal liability resulting from the refusing to employ or the discharge of a physically or mentally handicapped employee, where the employee, because of the physical or mental handicap, is unable to perform his ~~or her~~ duties or perform those duties in a manner which would not endanger the health or safety of the employee or the health or safety of others or to be at, remain or go to or from the place where the duties of employment are to be performed.

Sec. 31. 5 MRSA § 4581, as last amended by PL 1975, c. 355, § 8 and by c. 358, § 11, is repealed and the following enacted in place thereof:

§ 4581. Decent housing

The opportunity for an individual to secure decent housing in accordance with his ability to pay, and without discrimination because of race, color, sex, physical or mental handicap, religion, ancestry or national origin is hereby recognized as and declared to be a civil right.

Sec. 32. 5 MRSA § 4582, as last amended by PL 1975, c. 151, § 1 and by c. 358, § 12 and as repealed and replaced by PL 1975, c. 355, § 9, is repealed and the following enacted in place thereof:

§ 4582. Unlawful housing discrimination

It shall be unlawful housing discrimination, in violation of this Act:

For any owner, lessee, sublessee, managing agent or other person having the right to sell, rent, lease or manage a housing accommodation, or any agent of these to make or cause to be made any written or oral inquiry concerning the race or color, sex, physical or mental handicap, religion, ancestry or national origin of any prospective purchaser, occupant or tenant of such housing accommodation; or to refuse to show or refuse to sell, rent, lease, let or otherwise deny to or withhold from any individual such housing accommodation because of the race or color, sex, physical or mental handicap, religion, ancestry or national origin of such individual; or to issue any advertisement relating to the sale, rental or lease of such housing accommodation which indicates any preference, limitation, specification or discrimination based upon race or color, sex, physical or mental handicap, religion, ancestry or national origin; or to discriminate against any individual because of race or color, sex, physical or mental handicap, religion, ancestry or national origin in the price, terms, conditions or privileges of the sale, rental or lease of any such housing accommodations or in the furnishing of facilities or services in connection therewith, or to evict or attempt to evict any tenant of any housing accommodation because of the race or color, sex, physical or mental handicap, religion, ancestry or national origin of such tenant;

For any real estate broker or real estate sales person, or agent of one of them, to fail or refuse to show any applicant for a housing accommodation any such accommodation listed for sale, lease or rental, because of the race or color, sex, physical or mental handicap, religion, ancestry or national origin of such applicant or of any intended occupant of such accommodation, or to misrepresent, for the purpose of discriminating on account of the race or color, sex, physical or mental handicap, religion, ancestry or national origin of such applicant or intended occupant, the availability or asking price of a housing accommodation listed for sale, lease or rental; or for such a reason to fail to communicate to the person having the right to sell or lease such housing accommodation any offer for the same made by any applicant thereof; or in any other manner to discriminate against any applicant for housing because of race or color, sex, physical or mental handicap, religion, ancestry or national origin of such applicant or of any intended occupant of the housing accommodation, or to make or cause to be made any written or oral inquiry or record concerning the race or color, sex, physical or mental handicap, religion, ancestry or national origin of any such applicant or intended occupant, or to accept for listing any housing accommodation when the person having the right to sell or lease the same has directly or indirectly indicated an intention of discriminating among prospective tenants or purchasers on the ground of their race or color, sex, physical or mental handicap, religion, ancestry or national origin, or when he knows or has reason to know that the person having the right to sell or lease such housing accommodation has made a practice of such discrimination since July 1, 1972;

For any person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair or

maintenance of any housing accommodation, whether secured or unsecured, or agent of such person, to make or cause to be made any oral or written inquiry concerning the race or color, sex, physical or mental handicap, religion, ancestry or national origin of any individual seeking such financial assistance, or of existing or prospective occupants or tenants of such housing accommodations; or to discriminate in the granting of such financial assistance, or in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance, against any applicant because of the race or color, sex, physical or mental handicap, religion, ancestry or national origin of such applicant or of the existing or prospective occupants or tenants.

For any person furnishing rental premises to refuse to rent or impose different terms of tenancy to any individual who is a recipient of federal, state or local public assistance, including medical assistance and housing subsidies solely because of such individual's status as such recipient.

Sec. 33. 5 MRSA § 4583, as last amended by PL 1975, c. 151, § 2 and by c. 358, § 13, is repealed and the following enacted in place thereof:

§ 4583. Application

Nothing in this Act shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person having the right to sell, rent, lease or manage a housing accommodation to set up and enforce specifications in the selling, renting, leasing or letting thereof or in the furnishings of facilities or services in connection therewith which are not based on the race, color, sex, physical or mental handicap, religion or country of ancestral origin, the receipt of public assistance payments of any prospective or actual purchaser, lessee, tenant or occupant thereof. Nothing in this Act contained shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person making loans for or offering financial assistance in the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations, to set standards and preferences, terms, conditions, limitations or specifications for the granting of such loans or financial assistance which are not based on the race, color, sex, physical or mental handicap, religion or country of ancestral origin, the receipt of public assistance payments of the applicant for such loan or financial assistance or, of any existing or prospective owner, lessee, tenant or occupant of such housing accommodation.

Sec. 34. 5 MRSA § 4591, as last amended by PL 1975, c. 355, § 10 and by c. 358, § 13-A, is repealed and the following enacted in place thereof:

§ 4591. Equal access to public accommodations

The opportunity for every individual to have equal access to places of public accommodation without discrimination because of race, color, sex, physical or mental handicap, religion, ancestry or national origin is recognized as and declared to be a civil right.

Sec. 35. 5 MRSA § 4592, as last amended by PL 1975, c. 358, § 14 and as repealed and replaced by PL 1975, c. 355, § 11, is repealed and the following enacted in place thereof:

§ 4592. Unlawful public accommodations

It shall be unlawful public accommodations discrimination, in violation of this Act:

For any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, to directly or indirectly refuse, withhold from or deny to any person, on account of race or color, sex, physical or mental handicap, religion, ancestry or national origin, any of the accommodations, advantages, facilities or privileges of such place of public accommodation, or for such reason in any manner discriminate against any person in the price, terms or conditions upon which access to such accommodation, advantages, facilities and privileges may depend;

For any person to directly or indirectly publish, circulate, issue, display, post or mail any written, printed, painted or broadcast communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any place of public accommodation shall be refused, withheld from or denied to any person on account of race or color, sex, physical or mental handicap, religion, ancestry or national origin, or that the patronage or custom thereof of any person belonging to or purporting to be of any particular race or color, sex, physical or mental handicap, religion, ancestry or national origin is unwelcome, objectionable or not acceptable, desired or solicited, or that the clientele thereof is restricted to members of particular races or colors, sexes, physical or mental handicap, religions, ancestries or national origin. The production of any such written, printed, painted or broadcast communication, notice or advertisement, purporting to relate to any such place, shall be presumptive evidence in any action that the same was authorized by its owner, manager or proprietor.

Sec. 36. 5 MRSA § 4595, as last amended by PL 1975, c. 355, § 15 and by c. 370, § 1, is repealed and the following enacted in place thereof:

§ 4595. Right to freedom from discrimination solely on the basis of age, race, color, sex, marital status, ancestry, religion or national origin in any credit transaction

The opportunity for every individual to be extended credit without discrimination solely because of any one or more of the following factors: Age; race; color; sex; marital status; ancestry; religion or national origin is recognized as and declared to be a civil right.

Sec. 37. 5 MRSA § 4596, first sentence, as last amended by PL 1975, c. 355, § 16 and by c. 370, § 2, is repealed and the following enacted in place thereof:

It shall be unlawful credit discrimination for any creditor to refuse the extension of credit to any person solely on the basis of any one or more of the following factors: Age; race; color; sex; marital status; ancestry; religion or national origin in any credit transaction.

Sec. 38. 5 MRSA § 4611, as last amended by PL 1975, c. 355, § 18 and by c. 357, § 1, is repealed and the following enacted in place thereof:

§ 4611. Complaint

Any person who believes he has been subject to unlawful discrimination, or any employee of the commission, may file a complaint under oath with the commission stating that facts concerning the alleged discrimination, provided that such complaints shall be filed with the commission not more than 6 months after the alleged act of unlawful discrimination.

Sec. 39. 7 MRSA § 65, 3rd sentence, as repealed and replaced by PL 1975, c. 465, § 4, is amended to read:

All applications for licenses under this section shall be received by the commissioner not later than ~~April 1st~~ January 1st of the year of issuance and shall be accompanied by a \$10 license fee.

Sec. 40. 7 MRSA § 65, sub-§§ 1 and 2, as enacted by PL 1975, c. 465, § 4, are repealed.

Sec. 41. 7 MRSA § 2956, 3rd ¶ from the end, as last amended by PL 1975, c. 444, § 3, c. 514 and repealed and replaced by c. 517, § 5, is repealed and the following enacted in place thereof:

Each licensed dealer shall pay to said commission an annual license fee of \$1 and the sum of 3¢ per hundredweight as monthly payments, based on quantity of milk purchased or produced in any market area, or purchased or produced in an uncontrolled area and sold in any market area. One and one-half cents per hundredweight may be deducted by dealers from amounts paid by them to producers of such milk, except that the milk farm-processed into cream for the manufacture of butter shall not be subject to such sums of 3¢ per hundredweight.

Sec. 42. 7 MRSA § 3704, as last amended by PL 1969, c. 91, § 3, is amended to read:

§ 3704. Official refusal or neglect of duty

Any mayor, selectman, clerk, constable, police officer or sheriff who refuses or willfully neglects to perform the duties imposed by sections ~~3401 to 3402,~~ 3403, 3451, 3452, 3651 to 3653 and 3701 to 3703 shall be punished by a fine of not less than \$10 nor more than \$50, and costs.

Sec. 43. 9-A MRSA § 1-301, sub-§ 19, ¶ B, sub-¶ (iii), as enacted by PL 1975, c. 324, § 2, is repealed.

Sec. 44. 9-A MRSA § 1-301, sub-§ 19, ¶ B, sub-¶ (iv) is enacted to read:
(iv) "closing costs" as defined in subsection 8.

Sec. 45. 9-A MRSA § 1-301, sub-§ 41, as enacted by PL 1973, c. 762, § 1, is repealed and the following enacted in place thereof:

41. "Provisions on disclosure" includes Article 7, regulations issued pursuant to said Article, and the Federal Truth in Lending Act, as applicable.

Sec. 46. 9-A MRSA § 7-117, sub-§ 6, as enacted by PL 1975, c. 662, is amended to read:

6. An obligor's right of rescission shall expire 3 years after the date of consummation of the transaction or upon the sale of the property, whichever occurs earlier, notwithstanding the fact that the disclosures required under this ~~Article~~ section or any other material disclosures required under this ~~section~~ Article have not been delivered to the obligor.

Sec. 47. 10 MRSA § 753, as last amended by PL 1975, c. 117, § 1 and c. 566, § 9, is repealed and the following enacted in place thereof:

§ 753. Credit of State pledged

The Maine Guarantee Authority is authorized to insure the payment of mortgage loans, secured by eligible projects, and to this end the faith and credit of the State is pledged, consistent with the terms and limitations of the Constitution of the State of Maine, Article IX, sections 14-A and 14-B, and such further limitations as may be provided by statute.

Sec. 48. 10 MRSA § 802, 3rd sentence, as last amended by PL 1975, c. 117, § 2 and by c. 566, § 12, is repealed and the following enacted in place thereof:

If bonds are to be issued, the Governor and Council shall order the Treasurer of State to issue bonds in the amount requested, but not exceeding in the aggregate at any one time outstanding the amount set forth in the Constitution of Maine, Article IX, Section 14-A or 14-B, whichever is applicable, as it may be from time to time amended, except that bonds issued under Section 14-A shall not exceed in the aggregate at any one time outstanding the amount of \$40,000,000, and bonds issued under Section 14-B shall not exceed in the aggregate at any one time outstanding the amount of \$17,000,000.

Sec. 49. 10 MRSA § 803, first sentence, as last amended by PL 1975, c. 117, § 3 and c. 566, § 13, is repealed and the following enacted in place thereof:

The authority is authorized to insure a percentage of the mortgage payments required by a first mortgage on any eligible project upon receipt of a proposal from the proposed tenant, such percentage as determined by the authority shall not be greater than 95% nor less than 75% of the first mortgage, such percentage to be determined as to require the uninsured portion of a first mortgage to be a material amount, otherwise, the first mortgage to be insured upon such additional terms and conditions as the authority may prescribe, provided the aggregate amount of the principal obligations of all mortgages so insured outstanding at any one time shall not exceed the amount of authorized and unissued bonds for this purpose.

Sec. 50. 10 MRSA c. 215, as enacted by PL 1975, c. 546, § 1, is repealed.

Sec. 51. 10 MRSA c. 217 is enacted to read:

CHAPTER 217
USED CAR INFORMATION

§ 1471. Definitions

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

1. **Conspicuous.** "Conspicuous or conspicuously" means that a term or clause is written or printed in a manner that so differentiates it from any accompanying matter that an ordinary person against whom it is to operate could be fairly presumed to have been made fully aware of the term or clause.

2. **Dealer.** "Dealer" means and includes a natural person, firm, corporation, partnership and any other legal entity that is engaged in the business of selling, offering for sale, or negotiating the sale of used motor vehicles, except auctioneers licensed by the Secretary of State and includes the officers, agents and employees thereof.

3. **Mechanical defect.** "Mechanical defect" means any defect, failure or malfunction of the mechanical system of a motor vehicle, including but not limited to the motor and transmission, electrical, hydraulic or suspension systems, and any defect, damage, failure or malfunction that affects the safety or normal use of a motor vehicle.

4. **Motor vehicle.** "Motor vehicle" means any self-propelled vehicle designed primarily to transport not more than 14 individuals, except motorcycles as defined in Title 29, section 1, subsection 4, and any vehicles operated exclusively on a rail or rails. This definition is intended to include motor trucks that have a gross vehicle weight of not more than 10,000 pounds as certified by the vehicle manufacturer or its franchised representative pursuant to Title 29, section 1652.

5. **Person.** "Person" means and includes natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations and any other legal entities.

6. **Purchaser.** "Purchaser" means any person who has obtained ownership of a used motor vehicle from a dealer by transfer, gift or purchase.

7. **Used motor vehicle.** "Used motor vehicle" means a motor vehicle that either has been once registered or is not covered by a manufacturer's new car warranty.

8. **Warranty.** "Warranty" shall have the same meaning in this chapter as in Title 11, Article 2, and shall include any expression or affirmation of dealer's willingness or ability to repair the vehicle, or make it conform to other affirmations or expressions of its qualities, communicated in any manner to a purchaser at or before the agreement to sell.

§ 1472. Exclusions

Nothing in this chapter shall apply to motor vehicles sold, offered for sale or transferred for a purpose other than transportation if that purpose is conspicuously written in the contract, but evidence outside the contract will be admissible to contradict such a contract provision.

§ 1473. Construction

The provisions of this chapter shall not be construed to limit or restrict in any way the rights or warranties provided to persons under any other Maine law, except that Title 11, section 2-316, subsection 5 shall not apply to transactions under this chapter.

§ 1474. Warranty

1. **Warranty content.** A dealer warrants that the motor vehicle he sells, negotiates the sale of, offers for sale or transfers to a person has been inspected in accordance with Title 29, section 2122 and with the rules and regulations promulgated thereunder and that the motor vehicle is in the condition and meets the standards required by that statute and the rules and regulations.

2. **Exclusion limitation, modification or waiver prohibited.** The warranty referred to in subsection 1 herein, and any person's remedies for breach thereof, may not be excluded, limited, modified or waived by words or conduct of either the dealer or any other person.

3. **Dealer to furnish certain written statements concerning warranty.** No dealer shall sell, offer for sale or transfer a used motor vehicle to a person unless he furnishes to such person a written statement containing the warranty required by subsection 1. Any other warranty, in addition to that required by subsection 1, that may be extended or agreed to by the dealer must be set forth in this written statement in accordance with further requirements of this section. Every written statement shall contain, fully and conspicuously disclosed, the following information:

A. The name and address of the dealer's place of business, where repairs, replacement of parts and other service under the warranty are to be performed or, if such repairs, replacement of parts and other service under the warranty are not to be performed at such place of business, the name, address and other identifying information of each facility within a radius of 50 miles of the dealer's place of business to which the vehicle may be brought for repairs, replacement of parts and other service under the warranty; and

B. The following notice: "If a dealer fails to perform his obligation under the warranty, the purchaser shall give the dealer written notice of such failure before the purchaser initiates a civil action in accordance with section 1456. The notice must be sent by registered mail to the dealer's last known business address."

In addition, said written statement shall contain, fully and conspicuously disclosed, the following information concerning any additional warranty not required by subsection 1;

C. The date or number of days or mileage at which the warranty will terminate;

D. The parts or systems of the vehicle that are warranted against mechanical defects, or the parts or systems of the vehicle excluded from the warranty; and

E. A statement of what the dealer will do in the event of a mechanical defect and at whose expense.

§ 1475. Disclosure of information

1. **Written disclosure statement.** No dealer shall sell or transfer any used motor vehicle to any person, unless he furnishes to such person a written statement containing the information required by subsection 2 before transferring title, accepting any part of the purchase price or making an agreement to sell, if any, whichever of these events occurs earliest.

2. **Required contents of disclosure statement.** The statement required by subsection 1 shall contain a complete description of the motor vehicle to be sold, including, but not limited to:

A. The make, model, model year and any identification or serial numbers of the motor vehicle;

B. The name and address of the previous owner of the motor vehicle, or dealer, the principal use to which the motor vehicle was put by that owner such as personal transportation, police car, daily rental car, taxi or other descriptive term, and the type of sale or other means by which the person acquired the motor vehicle, such as trade-in, sheriff's sale, repossession, auction or other descriptive term, to the extent that such information is reasonably available to the person;

C. A statement identifying any and all mechanical defects known to the dealer at the time of sale; and

D. A statement identifying the type of damage, if any, that the vehicle has sustained, such as fire, water or substantial collision damage, if such information is known to the dealer.

3. A dealer shall obtain from the seller of a used motor vehicle a written statement containing the following information:

A. The make, model, model year and any identification or serial numbers of the motor vehicle;

B. The name and address of the seller, the principal use to which the motor vehicle was put by the seller, such as personal transportation, police car, daily rental car, taxi or other descriptive term;

C. A statement identifying any and all mechanical defects known to the seller at the time of sale; and

D. A statement identifying the type of damage, if any, that the vehicle has sustained, such as fire, water or substantial collision damage, if such information is known to the seller.

§ 1476. Performance under warranty

1. **Failure to perform warranty obligations prohibited.** No dealer shall fail to perform his obligation under a warranty made in accordance with this chapter. It shall not constitute a failure to perform such obligations if a dealer refuses to act in accordance with the provisions of that warranty with respect to any mechanical defect that resulted from unreasonable use or maltreatment of that motor vehicle by the purchaser.

2. Conditions deemed failure to perform warranty. A dealer shall be considered to have failed to perform his obligations under warranty made in accordance with this chapter if:

A. He fails to perform repair or replacement of parts required under the warranty within:

(1) Five calendar days, excluding Saturday, Sunday and legal holidays, after the date on which the purchaser delivers the motor vehicle to him for such repair or replacement; or

(2) Thirty-five calendar days after the date on which the purchaser delivers the motor vehicle to him if necessary parts are not available to the dealer during the period set forth in subparagraph (1); or

(3) A reasonable period after the period set forth in subparagraph (2) if necessary parts are not available to the dealer because of a strike, natural disaster or other disaster affecting the manufacture, distribution or shipment of parts; or

B. He fails to provide the purchaser with the use of an operating motor vehicle at no cost, except gasoline and oil, beginning at the conclusion of the time stated in paragraph A, subparagraphs (1) and (2), and continuing until repairs have been completed; or

C. He transfers ownership of a used motor vehicle which does not conform to the warranty imposed by section 1454, subsection 1; or

D. He fails in any other material respect to perform an obligation arising out of the warranty within a reasonable time.

3. Purchaser's rights upon failure of dealer to perform warranty obligations. If the dealer fails to perform his obligations under the warranty, the purchaser, in addition to any other rights he or she may have, shall have the right to:

A. Rescind the contract of sale and recover the full consideration paid for the motor vehicle, including the fair market value of any property forming part of that consideration, reduced only by:

(1) The amount of damage caused to the motor vehicle by the purchaser, other than damage resulting primarily from a mechanical defect repairable under the warranty; and

(2) With respect to vehicles that have been in possession of the purchaser for more than 30 days, diminution, if any in the retail fair market value of the motor vehicle attributable to the period during which the consumer has had possession of said motor vehicle in useable condition. Fair market value for the purposes of this subparagraph shall be measured by the average retail price listed in an authorized used car guide, such as the National Automobile Dealer's Association Official Used Car Guide New England Edition, issued next before the sale and next before the rescission.

B. Recover damages in an amount equal to the difference between the fair market value of the motor vehicle in its actual condition at the time the dealer fails to perform his obligations under the warranty and the fair market value of the motor vehicle had it been as warranted. Such damages may be deducted from any balance due on the contract or recovered by the purchaser in a civil action.

Before initiating a civil action pursuant to this paragraph, the purchaser must give the dealer written notice that the dealer has failed to perform his obligation under the warranty. The written notice shall be given to the dealer by registered or certified mail addressed to his usual place of business or to his last known business address.

4. Attorney's fees. If the court finds, in any action commenced under this section, that the dealer failed to perform his obligations under the warranty, the petitioner shall, in addition to other relief provided for by this section and irrespective of the amount in controversy, be awarded reasonable attorney's fees and costs incurred in connection with said action.

§ 1477. Violations

1. Violations of this chapter to be violations of the Unfair Trade Practices Act. Any violation of this chapter shall constitute a violation of Title 5, chapter 10, Unfair Trade Practices Act.

Sec. 52. 10 MRSA § 8001, first ¶ as last amended by PL 1975, c. 134, § 4, c. 547, § 4 and c. 579, § 1, is repealed and the following enacted in place thereof:

There is created and established the Department of Business Regulation to regulate financial institutions and transactions and protect depositors, to regulate the business of insurance in the State, to regulate commercial sports, to award just compensation in land condemnations, to license electricians and oil burner men and to regulate real estate brokers and salesmen. The administrative head of such department shall be the Commissioner of Business Regulation, who shall be appointed by the Governor with the advice and consent of the Council to serve a term coterminous with that of the Governor, subject to removal for cause by the Governor and Council and such department shall be composed of the following bureaus, commissions and boards, as heretofore created and established: The Bureau of Banks and Banking, formerly the Department of Banks and Banking; the Bureau of Consumer Protection; the Bureau of Insurance, formerly the Department of Insurance, except the Fire Prevention Division thereof; the Bureau of Real Estate; the Board of Real Estate Brokers and Salesmen; the Boxing Commission; the Running Horse Racing Commission; the Land Damage Board; the Electricians' Examining Board and the Oil Burner Men's Licensing Board.

Sec. 53. 10 MRSA § 8002, last ¶, as last amended by PL 1975, c. 134, § 5 and c. 579, § 2, is repealed and the following enacted in place thereof:

The commissioner shall not have authority to exercise or interfere with the exercise of any discretionary statutory authority granted to the following, which authority shall be exclusively within the specific bureau, commission or

board: The Bureau of Banks and Banking, formerly the Department of Banks and Banking; the Bureau of Consumer Protection; the Bureau of Insurance, formerly the Department of Insurance; the Real Estate Commission; the Boxing Commission; the Running Horse Racing Commission; the Land Damage Board; the Electricians' Examining Board and the Oil Burner Men's Licensing Board.

Sec. 54. 12 MRSA § 51, State of Maine map by counties, as enacted by PL 1975, c. 172, is repealed.

Sec. 55. 12 MRSA § 552, sub-§ 2, ¶ B, as enacted by PL 1975, c. 339, § 6, is repealed.

Sec. 56. 12 MRSA § 557, sub-§ 3, as enacted by PL 1975, c. 339, § 6, is amended by adding at the end the following new sentence:

This subsection shall apply to the public reserved lands which were located in townships or tracts organized into plantations as of March 1, 1974, when any such plantation, subsequent to that date, becomes incorporated into a town.

Sec. 57. 12 MRSA § 684, 2nd sentence, as enacted by PL 1973, c. 460, § 14, is repealed as follows:

~~The Commissioner of the Department of Conservation shall be chairman of the commission~~

Sec. 58. 12 MRSA § 689, first sentence, as last amended by PL 1973, c. 569, § 16, is further amended to read:

Except where otherwise specified by statute, any person aggrieved by any order or decision of the commission in regard to any matter upon which there was a hearing before the commission and of which a transcript of ~~said~~ that hearing is available, may, within 30 days after notice of the filing of such order or decision, appeal therefrom to the Superior Court of Kennebec County by filing a notice of appeal stating the points of appeal with the clerk of the court and the ~~executive~~ director of the commission.

Sec. 59. 12 MRSA § 2001, 3rd paragraph, as last amended by PL 1973, c. 460, § 19, is further amended to read:

It shall be the duty of the inland fish and game wardens to enforce all laws relating to inland fisheries and ~~game~~ wildlife and all rules and regulations pertaining thereto, Title 7, chapter 707 and section 3602, Title 17, section 2794, Title 32, chapter 65; all regulations of the Federal Migratory Bird Treaty Act, Act of Congress approved July 3, 1918, as amended; all rules and regulations promulgated by the State Bureau of Parks and Recreation relating to hunting, fishing and trapping; all rules and regulations promulgated in accordance with ~~Title 38, section 323~~ section 2067 and all rules and regulations promulgated by authority of chapter 206; to arrest all violators thereof, and to prosecute all offenses against the same.

Sec. 60. 12 MRSA § 2355-A, 4th paragraph, 2nd sentence, as amended by PL 1971, c. 622, § 39, is further amended to read:

The cable trap shall be exempt from the ~~4th~~ 5th paragraph of this section relating to bear.

Sec. 61. 12 MRSA § 2403, as enacted by PL 1975, c. 81, is repealed.

Sec. 62. 12 MRSA § 2405 is enacted to read:

§ 2405. Trap restrictions

It shall be unlawful for any person to use auxiliary teeth on any leg hold trap set on land.

Sec. 63. 12 MRSA § 35c2-B, sub-§ 1, as enacted by PL 1973, c. 513, § 8, is amended to read:

1. May enforce ~~section 4709~~ Title 38, § 475 relating to the Wet Lands Control Law;

Sec. 64. 12 MRSA § 4752, as enacted by PL 1971, c. 541, is amended to read:

§ 4752. Definition

For the purposes of this subchapter, "coastal wetlands" are as defined in ~~section 4701~~ Title 38, section 472.

Sec. 65. 12 MRSA § 4757, 2nd ¶, 2nd sentence, as enacted by PL 1971, c. 541, is amended to read:

After a decree has been entered providing that any such order of the board shall not apply to the wetland involved in the appeal, the board may, after causing an appraisal to be made, negotiate for the purchase of such wetland, if it deems that acquisition of the same is necessary for the purposes of section ~~4702 or~~ 4751 and Title 38, sections 471 to 478.

Sec. 66. 13 MRSA § 903, last sentence, as last amended by PL 1975, c. 635, § 1, is further amended to read:

No fee shall be required by the Attorney General but the Secretary of State shall receive for filing such certificate or amendment thereto, a fee of \$5 in advance and registers of deeds shall receive for recording such certificate or amendment thereto, the fee of ~~\$5~~ \$8.

Sec. 67. 13 MRSA § 932, first sentence, as last amended by PL 1965, c. 282, is further amended to read:

Every corporation organized under sections 901 and 903 to 931 may take and hold by purchase, gift, devise or bequest, tangible or intangible personal property or real estate, and may use and dispose thereof only for the purposes for which the corporation was organized.

Sec. 68. 13 MRSA § 1071, as amended by PL 1965, c. 66, is further amended to read:

§ 1071. Incorporation

Persons of lawful age may organize themselves into a nonprofit-sharing corporation for the purpose of purchasing land for a burying ground and for

the purpose of owning, maintaining and operating a cemetery or cemeteries, as provided in sections 901 ~~902~~ and 903 and may proceed in the manner and, except as restricted, with the powers provided in section 931.

Sec. 69. 13 MRSA § 1301, first sentence is amended to read:

Any 7 or more persons may be incorporated, not for profit, in the manner provided in ~~sections~~ section 901 and ~~902~~ for the purpose of owning, managing and protecting lands and their appurtenances appropriated for public cemeteries.

Sec. 70. 13-A MRSA § 1112, as last amended by PL 1975, c. 18, § 1 and as repealed and replaced by PL 1975, c. 439, § 9, is repealed and the following enacted in place thereof:

§ 1112. Procedure for dissolution upon suit by Attorney General

1. The Secretary of State shall notify the Attorney General of the names of all corporations which appear to have given cause for dissolution as provided in section 1111, together with the facts pertaining thereto. At the same time, he shall notify the corporation of the fact by mailing to its registered office a copy of the notification of cause for dissolution given to the Attorney General.

2. The Attorney General may file an action in the name of the State against each such corporation, if he is satisfied from the facts given by the Secretary of State, and from his own investigation, that the corporation should be dissolved for any of the reasons stated in section 1111.

3. If, before the action is filed, the corporation shall remedy its noncompliance with this Act, to the satisfaction of the Secretary of State and the Attorney General, no action shall be filed.

4. If, after such action is filed but before final judgment is entered, the corporation shall remedy its noncompliance with this Act, to the satisfaction of the Secretary of State and the Attorney General, the action shall be dismissed upon payment of a penalty of \$100 and the court costs.

Sec. 71. 13-A MRSA § 1403, sub-§ 4, as last amended by PL 1973, c. 483, § 28, is further amended to read:

4. Upon filing articles of merger or consolidation, in which the surviving or new corporation is a domestic corporation, and which increase the number ~~of~~ or aggregate par value of shares which the surviving or new corporation will have authority to issue, in excess of the total number or par value of shares which all participating domestic corporations had authority to issue: A fee equal to the amount that a like corporation originally organized with such increased authorized shares would have to pay upon filing its original articles of incorporation, pursuant to subsection 1 or 2, minus the amount that a like corporation originally organized with the previously authorized shares would have to pay upon filing its original articles of incorporation pursuant to subsection 1 or 2.

Sec. 72. 14 MRSA § 704, as last amended by PL 1975, c. 280, §§ 1 and 2, is repealed.

Sec. 73. 14 MRSA § 704-A is enacted to read:

§ 704-A. Persons subject to jurisdiction

1. Declaration of purpose. It is declared, as a matter of legislative determination, that the public interest demands that the State provide its citizens with an effective means of redress against nonresident persons who, through certain significant minimal contacts with this State, incur obligations to citizens entitled to the state's protection. This legislative action is deemed necessary because of technological progress which has substantially increased the flow of commerce between the several states resulting in increased interaction between persons of this State and persons of other states.

This section, to insure maximum protection to citizens of this State, shall be applied so as to assert jurisdiction over nonresident defendants to the fullest extent permitted by the due process clause of the United States Constitution, 14th amendment.

2. Causes of action. Any person, whether or not a citizen or resident of this State, who in person or through an agent does any of the acts hereinafter enumerated in this section, thereby submits such person, and, if an individual, his personal representative, to the jurisdiction of the courts of this State as to any cause of action arising from the doing of any of such acts;

- A. The transaction of any business within this State;
- B. Doing or causing a tortious act to be done, or causing the consequences for a tortious act to occur within this State;
- C. The ownership, use or possession of any real estate situated in this State;
- D. Contracting to insure any person, property or risk located within this State at the time of contracting;
- E. Conception resulting in paternity within the meaning of Title 19, chapter 5, subchapter III;
- F. Contracting to supply services or things within this State;
- G. Maintaining a domicile in this State while subject to a marital or family relationship out of which arises a claim for divorce, alimony, separate maintenance, property settlement, child support or child custody; or the commission in this State of any act giving rise to such a claim; or
- H. Acting as a director, manager, trustee or other officer of a corporation incorporated under the laws of, or having its principal place of business within, this State.

3. Personal service. Service of process upon any person who is subject to the jurisdiction of the courts of this State, as provided in this section, may be made by personally serving the summons upon the defendant outside this

State, with the same force and effect as though summons had been personally served within this State.

4. Jurisdiction based upon this section. Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him is based upon this section.

5. Other service not affected. Nothing contained in this section limits or affects the right to serve any process in any other manner now or hereafter provided by law.

Sec. 74. 19 MRSA, § 500, sub-§ 2, as enacted by PL 1975, c. 532, § 3, is amended to read:

2. Commencement of action. Actions to collect any debt accrued or accruing under section ~~493~~ 495 may commence after 20 days from the date of service of the notice of debt described in this section.

Sec. 75. 19 MRSA § 725, as last repealed and replaced by PL 1975, c. 488, is amended by inserting at the end the following new sentence:

The appropriate recording fee shall be paid prior to the recording.

Sec. 76. 22 MRSA § 1452, as last repealed by PL 1975, c. 397, § 1 and as amended by PL 1975, c. 469, is repealed.

Sec. 77. Effective date. Sec. 76 of this Act shall become effective October 2, 1976.

Sec. 78. 22 MRSA § 1471-J, as enacted by PL 1975, c. 397, § 2 and as amended by PL 1975, c. 623, § 26-A, is repealed and the following enacted in place thereof:

§ 1471-J. Penalties

Any person who violates any provision of this chapter or any order, regulation, decision, certificate or license issued by the board or does any act constituting a ground for revocation except in section 1471-D, subsection 8, paragraphs A and H shall be punished by a fine of not more than \$500 for the first offense, and not less than \$500 for each subsequent offense. Each day that any person so operates shall be considered a separate offense.

Sec. 79. Effective date. Section 78 of this Act shall become effective on October 2, 1976.

Sec. 80. 22 MRSA § 4459-A, as enacted by PL 1973, c. 473, § 1 and as amended by PL 1975, c. 293, § 4, is repealed.

Sec. 81. 23 MRSA § 1201, sub-§ 26, as enacted by PL 1975, c. 6, is repealed.

Sec. 82. 23 MRSA § 1201, sub-§ 28 is enacted to read:

28. Pleasant Mountain Recreational Area: Such sign shall be constructed and maintained on the Maine Turnpike no less than 7 miles southerly from exit 7 and shall be worded as follows:

PLEASANT MOUNTAIN RECREATIONAL AREA — EXITS 8 AND 11

Sec. 83. 23 MRSA § 3023, 4th paragraph, as enacted by PL 1975, c. 711, § 8, is repealed and the following enacted in place thereof:

Unless specifically provided in the order of condemnation or unless the property or interests to be taken include land or right-of-way of a railroad corporation or a public utility, title to property taken for town ways after December 31, 1976, shall be in fee simple absolute.

Sec. 84. Effective date. Section 83 of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 85. 24 MRSA § 2318, as enacted by PL 1975, c. 428, § 1, is repealed.

Sec. 86. 24 MRSA § 2319 is enacted to read:

§ 2319. Newborn children coverage

All individual and group nonprofit hospital and medical service organization contracts which provide coverage for a family member of the subscriber shall, as to such family members' coverage, also provide that the benefits applicable for children shall be applicable with respect to a newly born child from the moment of birth.

The coverage for newly born children shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

If payment of a specific subscription fee is required to provide coverage for a child, the contract may require that notification of birth of a newly born child and payment of the required fees must be furnished to the nonprofit hospital or medical service organization within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

The requirements of this section shall apply to all subscriber contracts delivered or issued for delivery in this State more than 120 days after the effective date of this Act.

Sec. 87. 24-A MRSA § 2741, as enacted by PL 1975, c. 428, § 2, is repealed.

Sec. 88. 24-A MRSA § 2741, as enacted by PL 1975, c. 561, is repealed.

Sec. 89. 24-A MRSA §§ 2743 and 2744 are enacted to read:

§ 2743. Newborn children coverage

All individual health insurance policies providing coverage on an expense incurred basis which provide coverage for a family member of the insured or subscriber shall, as to such family members' coverage, also provide that the health insurance benefits applicable for children shall be payable with respect to a newly born child of the insured or subscriber from the moment of birth.

The coverage for newly born children shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

If payment of a specific premium or subscription fee is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly born child and payment of the required premium or fees must be furnished to the insurer or nonprofit service or indemnity corporation within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

The requirements of this section shall apply to all policies delivered or issued for delivery in this State more than 120 days after the effective date of this Act.

§ 2744. Mental health services

1. Notwithstanding any provision of a health insurance policy subject to this chapter, whenever the policy provides for payment or reimbursement for services which are within the lawful scope of practice of a psychologist licensed to practice in this State, any person covered by the policy shall be entitled to reimbursement for these services if the services are performed by a physician or psychologist licensed to practice in this State. This section shall apply to all health insurance policies, contracts or certificates issued, renewed, modified, altered, amended or reissued on or after July 1, 1975.

2. Nothing in subsection 1 shall be construed to require a health insurance policy subject to this chapter to provide for reimbursement of services which are within the lawful scope of practice of a psychologist licensed to practice in this State.

Sec. 90. 24-A MRSA § 2832, as enacted by PL 1975, c. 428, § 3, is repealed.

Sec. 91. 24-A MRSA § 2832, as enacted by PL 1975, c. 562, is repealed.

Sec. 93. 24-A MRSA §§ 2834 - 2836 are enacted to read:

§ 2834. Newborn children coverage

All group and blanket health insurance policies providing coverage on an expense incurred basis which provide coverage for a family member of the insured or subscriber shall, as to such family members' coverage, also provide that the health insurance benefits applicable for children shall be payable with respect to a newly born child of the insured or subscriber from the moment of birth.

The coverage for newly born children shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

If payment of a specific premium or subscription fee is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly born child and payment of the required premium or fees must be furnished to the insurer or nonprofit service or indemnity corporation within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

The requirement of this section shall apply to all policies delivered or issued for delivery in this State more than 120 days after the effective date of this Act.

§ 2835. Mental health services

1. Notwithstanding any provision of a health insurance policy subject to this chapter, whenever the policy provides for payment or reimbursement for services which are within the lawful scope of practice of a psychologist licensed to practice in this State, any person covered by the policy shall be entitled to reimbursement for these services if the services are performed by a physician or psychologist licensed to practice in this State. This section shall apply to all health insurance policies, contracts or certificates issued, renewed, modified, altered, amended or reissued on or after the effective date of this Act.

2. Nothing in subsection 1 shall be construed to require a health insurance policy subject to this chapter to provide for reimbursement of services which are within the lawful scope of practice of a psychologist licensed to practice in this State.

§ 2836. Limits on priority liens

No group or blanket policy shall provide for priority over the insured member of payment for any hospital, nursing, medical or surgical services, or of any expenses paid or reimbursed under the policy, in the event the insured member is entitled to receive payment reimbursement from any other person as a result of legal action or claim, except as provided in this section.

A policy may contain a provision that allows such payments, if that provision is approved by the superintendent, and if that provision requires the prior written approval of the insured member and allows such payments only on a just and equitable basis, and not on the basis of a priority lien. A just and equitable basis shall mean that any factors that diminish the potential value of the insured member's claim shall likewise reduce the share in the claim for those claiming payment for services or reimbursement. Such factors shall include, but are not limited to:

1. Legal defenses. Questions of liability and comparative negligence or other legal defenses;

2. Exigencies of trial. Exigencies of trial that reduce a settlement or award in order to resolve the claim; and

3. Limits of coverage. Limits on the amount of applicable insurance coverage that reduce the claim to an amount recoverable by the insured member.

In the event of a dispute as to the application of any such provision or the amount available for payment to those claiming payment for services or reimbursement, the dispute shall be determined if the action is pending, before the court in which it is pending; or if no action is pending, by filing an action in any court for determination of the dispute.

Sec. 94. 25 MRSA § 2440, as last amended by PL 1975, c. 43, § 2 and by c. 533, is repealed and the following enacted in place thereof:

§ 2440. Penalties; recovery and appropriation

Penalties provided in sections 2431 to 2436-A and section 2439 may be recovered by complaint, indictment or civil action, $\frac{1}{2}$ to the municipality where the offense is committed and $\frac{1}{2}$ to the State.

Sec. 95. 25 MRSA § 2803, sub-§ 1-A is enacted to read:

1-A. Certification of police chiefs. To certify and set standards for certification of Maine police chiefs;

Sec. 96. 25 MRSA § 2805, sub-§ 1, last sentence, as repealed and replaced by PL 1973, c. 672, § 1, is repealed and the following enacted in place thereof:

This section shall not apply to any person employed as a full-time local law enforcement officer in a municipality on September 23, 1971, or in a county on October 3, 1973.

Sec. 97. 26 MRSA § 626-A, last ¶, as last amended by PL 1975, c. 623, § 37-C, is further amended to read:

The suit for unpaid wages may be brought by either the affected employee or employees or by the ~~bureau~~ Department of Manpower Affairs. The ~~bureau~~ Department of Manpower Affairs is further authorized to supervise the payment of the judgment.

Sec. 98. 26 MRSA § 1043, sub-§ 11, ¶ F, sub-¶ (30), as enacted by PL 1975, c. 217, is repealed.

Sec. 99. 26 MRSA § 1043, sub-§ 11, ¶ F, sub-¶ (31) is enacted to read:

(31) Services performed by a contract interviewer engaged in marketing research or public opinion interviewing, when such interviewing is conducted in the field or over the telephones on premises not used or controlled by the person for whom such contract services are being provided.

Sec. 100. 26 MRSA § 1192, sub-§ 3, as repealed and replaced by PL 1975, c. 26 and as amended by PL 1975, c. 344, § 2, is repealed and the following enacted in place thereof:

3. Is able and available for work. He is able to work and is available for work at his usual or customary trade, occupation, profession or business or in such other trade, occupation, profession or business for which his prior training or experience shows him to be fitted or qualified; and in addition to having complied with subsection 2 is himself actively seeking work in accordance with the regulations of the commission; provided that an unemployed individual who is neither able nor available for work due to good cause as determined by the commissioner shall be eligible to receive prorated benefits for that portion of the week during which he was able and available.

Sec. 101. 26 MRSA § 1193, sub-§ 4, ¶ D, as enacted by PL 1975, c. 537, is amended to read:

D. He became unemployed because of a strike or lockout caused by an employer's willful failure to observe the terms of the safety and health section of a union contract; an employer's willful failure to comply in a timely fashion with an official citation for a violation of federal and state laws involving ~~occupational~~ occupational safety and health; or the quitting of labor by an employee or employees in good faith because of an abnormally dangerous condition for work at the place of employment of such employee or employees; provided that such strike or lockout shall not extend

past the time of the employer's compliance with the safety and health section of the union contract, the employer's compliance with the official citation, or the finding that an abnormally dangerous condition does not exist by a federal or state official empowered to issue official citations for violation of federal and state laws involving occupational safety and health.

Sec. 102. **26 MRSA § 1194, sub-§ 2, last ¶, first sentence**, as last repealed and replaced by PL 1975, c. 710, § 2, is amended to read:

If an employer files an amended separation report or otherwise raises a new issue as to the employee's eligibility or changes the wages or weeks used in determining benefits which results in a denial of benefits or a reduction of the weekly benefit amount, the benefits paid prior to the ~~termination date~~ **date the determination is mailed** shall not constitute an overpayment.

Sec. 103. Effective date. Section 102 of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 104. **27 MRSA § 224, 11th ¶**, as last repealed and replaced by PL 1975, c. 120, is amended to read:

Penobscot, ~~\$3,000~~ \$10,000;

Sec. 105. **28 MRSA § 55, sub-§ 14, 5th sentence**, as last amended by PL 1971, c. 351, is further amended to read:

Their power and duties shall include the duty to inquire into and arrest for violations of any of the provisions of this Title, to arrest for violations of Title 17, chapter 69 ~~and Title 17, section 3953~~ **Title 17-A, section 501**, to arrest for violations of Title 29, section 2182, to arrest for impersonation of or interference with liquor inspectors, and to arrest for disturbances of the peace in the pursuance of their duties relating to liquor under this Title and to serve all processes necessary for and pertaining to enforcement of any of the provisions of this Title.

Sec. 106. **28 MRSA § 103, first paragraph, next to last sentence**, as repealed and replaced by PL 1971, c. 622, § 89-A, is repealed as follows:

~~Voting age residents in an unincorporated place shall be as shown by returns to the State Tax Assessor dated April 1, 1971, which returns shall be deposited by the Tax Assessor in the Secretary of State's office~~

Sec. 107. **28 MRSA § 153, first sentence**, as repealed and replaced by PL 1975, c. 256, is amended to read:

The bureau, with the approval of the State Liquor Commission, shall have authority to license and regulate, in cities, towns and unorganized territories which have voted in favor of the operation of state stores under local option provisions and where there ~~is no state store~~ **are no state stores**, and on islands which are within cities, towns and unorganized territories where there are state stores but which are not connected to those cities, towns and unorganized territories by bridge and which have no state stores on them, retailers as special agency stores on an annual, seasonal or temporary basis for the purposes of selling liquor in sealed bottles, containers or original packages for consumption off the premises.

Sec. 108. 29 MRSA § 354, sub-§ 5, as last amended by PL 1975, c. 252, § 9 and by c. 319, § 1, is repealed and the following enacted in place thereof:

5. Certificate for mobile homes. No mobile home, as defined in Title 36, section 1481, shall be moved over the highways of this State unless the operator of the vehicle hauling such mobile home has in his possession a written certificate from the tax collector of the municipality from which the mobile home is being moved, identifying the mobile home and stating that all property taxes applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from such taxes. The tax year shall be the period from April 1st through March 31st.

Sec. 109. 29 MRSA § 532, 1st ¶, is amended by adding after the 2nd sentence the following new sentence:

If any such licensed operator, while accompanying an applicant and occupying a seat beside the driver while the vehicle is being operated on a public way, has his mental or physical functioning substantially impaired as a result of the use of intoxicating liquor or drugs, such operator is guilty of a misdemeanor.

Sec. 110. 29 MRSA § 583, 3rd ¶, as enacted by PL 1973, c. 437 and as amended by PL 1973, c. 738, § 8, is repealed and the following enacted in place thereof:

After September 1, 1977, no motorcycle or motor driven cycle learner's permit or permission or restriction to operate a motorcycle or motor driven cycle shall be issued to any person under 17 years of age, unless such person shall present a certificate of successful completion of a motorcycle driver education course and examination given by the public secondary schools and academies receiving tuition students as described in Title 20, section 1291; or certificate of successful completion of a driver education course and examination given by some person or persons licensed by the Secretary of State. No license shall be required of certified teachers conducting a motorcycle driver education course in public secondary schools or academies receiving tuition students as described in Title 20, section 1291. All licenses expire on December 31st of the year of issue.

Sec. 111. 29 MRSA § 895-A, sub-§ 1, first sentence, as enacted by PL 1975, c. 569, is amended to read:

If a motor vehicle with damage to its mechanical or body parts ~~which has resulted from an accident~~ has been brought to the premises of any garage, auto body repair shop, service station or auto dealership for storage or repair, or both, and has been left on such premises for 6 months or more, if the identity of the owner of ~~said~~ that vehicle has been determined and such owner, after reasonable notice, has not claimed ~~said~~ that vehicle and paid all reasonable costs and charges for its storage and repair or, if the identity or location of the owner of ~~said~~ that vehicle has not been ascertained, the owner of such premises may cause to be published at least once in a newspaper of general circulation in the county where ~~said~~ such premises are located a notice clearly describing ~~said~~ that vehicle and stating that if the owner of ~~said~~ that vehicle

has not properly claimed it and paid all reasonable costs and charges for its storage and any repair work that may have been done on it within 30 days of the date of such published notice, title to that vehicle shall pass to the owner of the garage, auto body repair shop, service station or auto dealership where it is located.

Sec. 112. 29 MRSA § 1654, as last amended by PL 1975, c. 237, § 5, is further amended by inserting before the 4th paragraph from the end the following:

When an officer determines that a vehicle which is within the gross maximum weight limits is in violation of the axle weight limits, he shall permit the operator to redistribute the load once by hand before proceeding and if it then conforms to the axle weight limits of this Title, no penalty for such violation shall be imposed. Nothing contained in this paragraph shall permit, validate or in any way apply to the use of the Interstate System as defined in the Federal Aid Highway Act of 1956.

Sec. 113. 29 MRSA § 2183, first ¶, is amended to read:

No person shall ~~operate a motor vehicle after his license or right to operate has been suspended or revoked, or operate or permit any other person to operate a vehicle while the certificate of registration of such vehicle is suspended or after it has been terminated or canceled or attach or permit to be attached to a vehicle a number plate assigned to another vehicle, or obscure or permit to be obscured the figures of any number plate attached to any vehicle, or fail to properly display on a vehicle the number plates and registration number duly issued therefor.~~

Sec. 114. 29 MRSA § 2184, is repealed and the following enacted in place thereof:

§ 2184. Driving while license or registration suspended or revoked

1. License. Any person who operates a motor vehicle on any public highway of this State at a time when his license, permit or right to operate has been suspended or revoked shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 6 months, or by both. Any person convicted of a 2nd or subsequent offense shall be punished by imprisonment for not less than 2 days, nor more than 11 months, and in addition thereto, the court may impose a fine as provided. In allegations charging 2nd or subsequent offenses, the certified copy of the prior convictions from the office of the Secretary of State shall be admitted in evidence as proof of the prior convictions.

2. Registration. Any person who operates or permits any other person to operate a vehicle at a time when the registration of such vehicle is suspended or after it has been cancelled is guilty of a misdemeanor.

Sec. 115. 29 MRSA § 2241, sub-§ 2, 2nd and 3rd sentences, as enacted by PL 1971, c. 292, § 1, are amended to read:

The regulations adopted by the Secretary of State shall include a designated level of point accumulation which so identifies drivers. The Secretary of State

may assess points for convictions or adjudications in other states of offenses which, if committed in this State, would be grounds for such assessment.

Sec. 116. 30 MRSA § 105-J, 2nd and 3rd ¶¶, as enacted by PL 1973, c. 149, § 1, are amended to read:

Commissioner District number 1, consisting of the municipalities and unorganized townships of Albany Township, Andover, Andover West Surplus Township, Bachelers Grant Township, Bethel, Brownfield, Denmark, Fryeburg, Gilead, Grafton Township, Hanover, Hiram, Lovell, Mason Township, Newry, Norway, Porter, Riley Township, Stoneham, Stow, Sweden, Upton, Waterford, **Milton Township**;

Commissioner District number 2, consisting of the municipalities and unorganized townships of Adamstown Township, Andover North Surplus Township, Bowmantown Township, C Surplus Township, Lincoln Plantation, Lower Cupsuptic Township, Lynchtown Township, Magalloway Plantation, Oxbow Township, Parkerstown Township, Parmachenee Township, Richardson Town Township, Township C, Upper Cupsuptic Township, Byron, Mexico, Roxbury, Rumford ~~Milton Township~~;

Sec. 117. 30 MRSA § 254-A, as enacted by PL 1975, c. 200, is repealed.

Sec. 118. 30 MRSA § 426 is enacted to read:

§ 426. Ambulance service in the plantations and unorganized territories of Piscataquis County

The county commissioners of Piscataquis County are authorized to expend funds for ambulance service in the plantations and unorganized territories of that county, which funds may be raised by tax levy in those plantations and territories. The commissioners may contract with either a profit or nonprofit agency or a municipality for the providing of ambulance service and may enter into reciprocal agreements with private, public and municipal agencies for ambulance service.

Sec. 119. 30 MRSA § 2411, sub-§ 2, ¶ E, as enacted by PL 1971, c. 622, § 103, is amended to read:

E. Municipalities ~~of 5,000 or more residents~~ may by ordinance provide for a board of appeals with associate members not to exceed 3 in number. In the event there are 2 or 3 associate members, the chairman shall designate which shall serve in the stead of the absent member.

Sec. 120. 30 MRSA § 3001, first sentence is amended to read:

The licensing board shall prosecute for any violation of sections 2751, 2752, ~~to~~ 2754 and 2851 to 2854 that comes to its knowledge, by complaint, indictment or civil action.

Sec. 121. 30 MRSA § 4251, sub-§ 1, as repealed and replaced by PL 1969, c. 152, § 3, is amended to read:

1. Revenue producing facilities. To acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain and operate any revenue pro-

ducing municipal facility consisting of a water system or part thereof, a sewer system or part thereof, or airport or part thereof, within or without, or partly within and partly without, the corporate limits of the municipality or of a parking facility within the corporate limits of the municipality, or telecommunications system or part thereof, within or without, or partly within or without, the corporate limits of the municipality;

Sec. 122. 30 MRSA § 4251, sub-§ 5, as last amended by PL 1969, c. 152, § 4, is further amended to read:

5. **Pledge of revenues.** To pledge the revenues derived from any water system or part thereof, sewer system or part thereof, or airport or part thereof, or telecommunications system, or part thereof, to the payment of such revenue or revenue refunding bonds issued with respect to such water or sewer system or part thereof, or airport or part thereof, or telecommunications system, or part thereof, and, notwithstanding section 2151, subsection 2, paragraph D, subparagraph (1), to pledge the revenues derived from any parking facility or system to the payment of revenue or revenue refunding bonds issued with respect to any parking facility included within such system;

Sec. 123. 30 MRSA § 4251, sub-§ 10, as last amended by PL 1969, c. 519, § 4, is further amended to read:

10. **Use of streets and highways.** To enter upon, use, occupy and dig up any street, alley, road, highway or other public places necessary to be entered upon, used or occupied in connection with the acquisition, construction, reconstruction, improvement, maintenance or operation of any telecommunication system, airport or parking facility or system, water system, sewer system or water and sewer system; when highways maintained by the State are affected, the municipality shall be subject to the same statutory provisions applicable to those corporations authorized to lay their pipes and conduits in the public ways;

Sec. 124. 30 MRSA § 4253, sub-§ 5 is enacted to read:

5. **Telecommunication system rates.** In the case of a telecommunications system or part thereof, the rates, fees, and charges shall be adequate, just, reasonable, nondiscriminatory and uniform throughout the corporate limits of the municipality and shall be based upon the extent and quality of service, number of channels, hours of operation, variety of programs, local coverage, safety measures, installation costs and other such basis which are reasonably related to the use of or service furnished by the telecommunications system revenue producing facility.

Sec. 125. 30 MRSA § 4254, first ¶ and sub-§ 1, as last amended by PL 1969, c. 519, § 6, are further amended to read:

Any resolution providing for the issuance of revenue bonds for a water system or sewer system, water and sewer system and airport or parking facility or telecommunications system under this chapter, or the trust agreement securing such bonds may include any or all of the following provisions, and may require the municipal officers to adopt such resolutions or take such other lawful action as shall be necessary to effectuate such provisions and

the municipal officers are hereby authorized to adopt such resolutions and to take such other action:

1. **Deposits.** That the municipality may require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay rates, fees or charges for the use of or for the services furnished by any water system or sewer system, water and sewer system and airport or parking facility or **telecommunications system** owned or operated by the municipality to **make a reasonable deposit** with the municipality in advance to insure the payment of such rates, fees or charges and to be subject to application to the payment thereof if and when delinquent.

Sec. 126. 30 MRSA § 4255, first sentence, as amended by PL 1969, c. 152, § 6, is further amended to read:

The resolution authorizing the issuance of revenue bonds under this chapter, or any trust agreement securing such bonds, may provide that all or a sufficient amount of the revenues derived from the water system, sewer system, water and sewer system, airport or parking facility or system, or **telecommunications system**, including the revenue producing municipal facility financed with revenue bonds issued under this chapter, after providing for the payment of the cost of repair, maintenance and operation and reserves therefor as may be provided in such resolution or trust agreement, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement and deposited to the credit of a sinking fund for the payment of the interest on and the principal of revenue bonds issued under this chapter as the same shall become due, and the redemption price or purchase price of bonds retired by call or purchase.

Sec. 127. 30 MRSA § 4256, 2nd sentence, as amended by PL 1969, c. 152, § 7, is further amended to read:

The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from the water system, sewer system, water and sewer system, airport or parking facility or system or **telecommunications system**, including the revenue producing municipal facility financed with revenue bonds issued under this chapter, but shall not convey or mortgage any revenue producing municipal facility or system including a revenue producing municipal facility.

Sec. 128. 30 MRSA § 4262, as repealed and replaced by PL 1967, c. 429, § 5, is amended to read:

§ 4262. Exemption from taxation

As proper revenue producing municipal facilities as defined are essential for the health and safety of the inhabitants of the municipalities, and as the exercise of the powers conferred to effect such purposes constitute the performance of essential governmental functions, and as municipal facilities acquired or constructed under this chapter constitute public property and are used for municipal purposes, no municipality shall be required to pay any taxes or assessments upon any parking facility or system or water or sewer system or **telecommunications system** revenue producing facility, or any part

thereof, whether located within or without the corporate limits of the municipality, or upon the income therefrom, and any bonds issued under this chapter, and their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the State, provided that nothing contained in this section shall exempt any lessee or person in possession of a parking facility or part thereof or the property so leased or possessed from taxes or assessments payable under Title 36, section 551.

Sec. 129. 30 MRSA § 4602, sub-§ 2, ¶, as last amended by PL 1975, c. 456, § 6 and as repealed and replaced by PL 1975, c. 625, § 13, is repealed and the following enacted in place thereof:

D. Any person may serve as a member of the advisory board, and any person who, at the time of his appointment, is a resident of Maine, may serve as a commissioner, provided that the director need not be a resident of the State prior to appointment. Each commissioner, except for the director, and each advisory board member shall serve a 4-year term commencing with the expiration of the term of his predecessor, provided that a vacancy occurring in such a position prior to the normal expiration of the appointment shall be filled as soon as practicable by a new gubernatorial appointee who shall serve for the balance of the unexpired term. Each advisory board member and commissioner shall continue to hold office after the expiration of his term until his successor shall have been appointed and, in the case of commissioners, confirmed by the Executive Council. In any instance in which more than one commissioner or advisory board member shall be serving beyond his original term, any new appointee shall be deemed to succeed the commissioner or advisory board member whose term expired first.

The Secretary of State shall prepare a certificate evidencing the appointment of each advisory board member and commissioner. An original of such certificate shall be furnished the appointee. One authenticated copy shall be retained by the state authority and one by the Secretary of State. An authenticated certificate of appointment shall be conclusive evidence of such appointment. Each commissioner attending any regular meeting of the authority shall receive \$50 pay for attending such meeting duly called for the purpose of conducting state authority business. Each commissioner attending any special meeting or any public hearing of the authority or otherwise performing official duties for the authority shall receive \$10 an hour pay, unless a commissioner's attendance at such special meeting or public hearing is for more than 4 hours, in which case the commissioner shall receive \$50 pay for attending such special meeting or public hearing duly called for the purpose of conducting state authority business. The director shall be a full-time employee of the authority, but shall be permitted to receive fees or honoraria for services provided to others not in conflict with his full-time duties and not performed during time for which he is receiving compensation from the state authority. In addition to any authorized compensation, the director shall be entitled to such employee benefits as may be made available to other employees of the state authority, including, but not limited to, authority contributions to any retirement plan,

insurance plan, deferred compensation plan or other similar benefits, and each commissioner and advisory board member shall be entitled to receive reimbursement for actual expenses incurred in the performance of state authority business and such equipment, materials, memberships or insurance protection as shall be appropriate and necessary to the performance of his duties.

Sec. 130. 30 MRSA § 5051, sub-§ 3, as last repealed and replaced by PL 1973, c. 407, is amended to read:

3. **Savings banks investments.** Invested according to the law governing the investment of funds of savings banks in Title 9 9-B, chapter 53 55.

A. For the purpose of this section, the words "deposits of a bank" or their equivalent as used in Title 9 9-B, chapter 53 55 mean the total assets of the permanent reserve fund, permanent trust fund or other permanent fund being invested, but the limitation concerning the maximum amount which may be invested in a security or type of security under ~~said~~ Title 9 9-B, chapter 53 55 applies only to an investment in that security or type of security which exceeds \$2,000.

Sec. 131. 30 MRSA § 5051, sub-§ 5, 5th sentence is amended to read:

The collateral shall only consist of securities in which savings banks may invest as provided in Title 9 9-B, sections ~~622 to 631~~ 551 to 559

Sec. 132. 30 MRSA § 5062 reenacted, as enacted by PL 1973, c. 665, and as repealed and replaced by PL 1973, c. 788, § 146 and as repealed and replaced by PL 1975, c. 367, § 2 and repealed by PL 1975, c. 623, § 48, is reenacted to read:

§ 5062. Exclusion

The limitations on municipal debt in section 5061 shall not be construed as applying to any funds received in trust by any municipality, any loan which has been funded or refunded, notes issued in anticipation of federal or state aid or revenue sharing money, tax anticipation loans, notes maturing in the current municipal year, indebtedness of entities other than municipalities, indebtedness of any municipality to the Maine School Building Authority, debt issued under chapter 235 and chapter 242, obligations payable from revenues of the current municipal year or from other revenues previously appropriated by or committed to the municipality, and the state reimbursable portion of school debt.

For the purpose of this section, the state reimbursable portion of school debt with respect to any municipality shall be the sum of the amounts determined by multiplying: The outstanding amount of each issue of debt incurred for school purposes by the municipality in connection with a project which qualifies for state school construction aid; and the percentage of the capital outlay costs of such project which was applicable to determine the amount of state school construction aid therefor pursuant to Title 20, at the time such project was approved for such state school construction aid. The certificate of the Commissioner of Educational and Cultural Services that a project qualifies for state school construction aid and as to the percentage

of such aid to which a municipality was so entitled shall be conclusive evidence of the facts stated therein.

Sec. 133. 30 MRSA § 5105, sub-§ 2-A is enacted to read:

2-A. Community health facility. Constructing, maintaining, operating and supporting a community health facility which may be used in any manner that will improve health services in the community, including the leasing of space at fair market rates to physicians and other medical personnel;

Sec. 134. 32 MRSA § 151, last ¶, as last amended by PL 1975, c. 123, § 2 and by c. 575, § 4, is repealed and the following enacted in place thereof:

The board shall be composed of 5 practicing architects, or 4 practicing architects and one professor of architecture and one representative of the public, who shall be appointed by the Governor with the advice and consent of the Council. The term of office of each present member of the board shall expire as now provided. The successors to the first 3 terms of office to expire shall be appointed for 2-year terms, thereafter all members shall be appointed for 3-year terms. All board members shall serve until their successors are duly appointed and qualified. Each member of the board shall receive a certificate of his appointment from the Governor.

Sec. 135. 32 MRSA § 152, as last amended by PL 1975, c. 123, § 3 and c. 575, § 5, is repealed and the following enacted in place thereof:

§ 152. Qualifications for members

Each member of the board shall be a citizen of the United States, a resident of this State and in the case of architect members, an architect of recognized standing who shall have been engaged in the independent practice of architecture for at least 5 years prior to appointment, with the exception of one architect member who may be a professor of architecture in any college or university of this State and whose combined experience in practice and teaching shall not be less than 5 years, at least 2 of which shall have been in the active practice of architecture as a profession.

Sec. 136. 32 MRSA § 1659-A, sub-§ 2, 2nd sentence, as last repealed by PL 1975, c. 463, § 3 and as amended by PL 1975, c. 575, § 22, is repealed.

Sec. 137. 32 MRSA § 2351, first sentence, as last amended by PL 1975, c. 575, § 30 and c. 579, § 16, is repealed and the following enacted in place thereof:

An Oil Burner Men's Licensing Board, as heretofore established and in this chapter called the "board," shall consist of an executive secretary, who shall be the Commissioner of Business Regulation or a representative appointed by the commissioner, with the approval of a majority of the board, and 5 other members, hereinafter called the "appointive members," who shall be appointed by the Governor with the advice and consent of the Council.

Sec. 138. 32 MRSA § 2592, sub-§ 2, last sentence, as enacted by PL 1973, c. 374, § 1, is amended to read:

Failure of the accused osteopathic physician to appear at the hearing or be represented by legal counsel shall be grounds for a finding of admission by the accused of any and all complaints or allegations against him and shall empower the board to take a disciplinary action, after the hearing, as provided in section 2596 ~~subsection a.~~

Sec. 139. 32 MRSA § 2851, first ¶, as last amended by PL 1975, c. 575, § 34, and as repealed and replaced by PL 1975, c. 588, is repealed and the following enacted in place thereof:

A Board of Commissioners of the Profession of Pharmacy, as heretofore established and in this chapter called the "board," shall consist of 5 pharmacists all of whom shall be residents of this State and actually engaged in the practice of their profession, and one representative of the public, who shall be appointed and may be removed for cause by the Governor with the advice and consent of the Council. The public representative commissioner shall hold office for 5 years from the first day of December of the year in which he is appointed or until his successor is appointed and qualified. The terms of office of the pharmacist commissioners shall be so arranged that one pharmacist member of that board shall be appointed annually as the terms of the present members expire, to hold office for 5 years from the first day of December in each year or until his successor is appointed and qualified. Vacancies shall be filled by appointment for the unexpired term. No pharmacist shall be appointed to serve as a commissioner unless he has had at least 10 years' experience in the practice of pharmacy as a registered pharmacist prior to his appointment. At no time shall there be less than 3 commissioners serving on the board who do not possess a degree in pharmacy from an accredited college of pharmacy. The board shall have power:

Sec. 140. 32 MRSA § 3276, as repealed and replaced by PL 1975, c. 404, § 4 and as repealed by c. 623, § 51, is reenacted to read as follows:

§ 3276. Temporary licensure

Any physician who is qualified under section 3271 may be granted a temporary license for a period not to exceed one year, when the board deems it necessary to provide relief for local or national emergencies or for situations in which there are insufficient physicians to supply adequate medical services. The fee for this temporary license shall be \$50 payable at the time of application.

Sec. 141. 32 MRSA § 3280, 3rd sentence, as enacted by PL 1971, c. 591, § 1, is amended to read:

This section shall not apply to interns or residents registered under section 3279 nor shall it apply to those holding temporary certificates for practice in hospitals or camps as provided in ~~sections section 3276 and 3277.~~

Sec. 142. 32 MRSA § 4102-A, as last amended by PL 1975, c. 547, § 24, is further amended to read:

§ 4102-A. Temporary license in case of death

In the event of the death of a licensed broker, who is the sole proprietor of a real estate business, the ~~bureau~~ bureau shall, upon application by his legal

representative, issue, without examination, a temporary license to such legal representative, or to an individual designated by him and approved by the bureau and the payment of the prescribed fee of \$15, which shall authorize such temporary licensee to continue to transact ~~said~~ that business for a period not to exceed one year from the date of death subject to all other provisions of sections 4001 to 4110, except that such temporary license shall not be renewed.

Sec. 143. 32 MRSA § 4110, 4th sentence, as last amended by PL 1975, c. 294 and c. 547, § 31, is repealed and the following enacted in place thereof:

Such fee shall entitle any applicant for a license to take the examination which is next given by the bureau without additional charge should the applicant fail to pass the first examination and the fee for a broker's license shall be reduced by \$5 for each 6 months remaining on an applicant's unexpired salesman's license.

Sec. 144. 32 MRSA § 4751, as last repealed by PL 1975, c. 477, § 3 and as amended by PL 1975, c. 575, § 49, is repealed.

Sec. 145. 32 MRSA § 5012, sub-§ 2, as enacted by PL 1975, c. 490, is amended to read:

2. Engaged in the practice. Any person who shall have been engaged in the practice of professional forestry as defined in section 5003, subsection 3 4 for at least 4 years in a period of 8 years immediately preceding the effective date of this chapter October 1, 1975, shall be eligible for registration as a registered professional forester without reference to the provisions set forth in subsection 1, provided such person shall file an application with the board within 18 months of the effective date of this chapter October 1, 1975.

Sec. 146. 32 MRSA § 5013, as enacted by PL 1975, c. 490, is amended by inserting after the first sentence the following new sentence:

Notwithstanding any other provision of law, any communications solicited or received by the board as references may be kept confidential by the board and any discussion of such references may be conducted in executive session.

Sec. 147. 32 MRSA § 5013, 3rd sentence, as enacted by PL 1975, c. 490, is amended to read:

Should the applicant fail to remit the remaining balance within 30 days after being notified by ~~registered~~ certified mail that his application has been accepted, he shall forfeit the right to have a license so issued and ~~said~~ such applicant may be required to again submit an original application and upon payment of an original fee.

Sec. 148. 32 MRSA § 5018, 6th ¶, as enacted by PL 1975, c. 490, is amended to read:

If, after such hearing, 3-4 or more members of the board vote in favor of finding the accused guilty, the board shall suspend or revoke the license of such registrant.

Sec. 149. 32 MRSA § 5018, last ¶, first sentence, as enacted by PL 1975, c. 490, is amended to read:

The board, for reasons it may deem sufficient, may reissue a license to a registrant whose license has been revoked, provided 3/4 or more members of the board vote in favor of such reissuance.

Sec. 150. 34 MRSA § 1-A, as enacted by PL 1975, c. 495, § 2, is repealed.

Sec. 151. 34 MRSA § 1-B is enacted to read:

§ 1-B. Disclosure of information

All orders of commitment, medical and administrative records, applications and reports and facts therein pertaining to any persons receiving services from the department, from any hospital pursuant to chapter 191, or from any facility licensed by the department pursuant to section 2052-A, shall be kept confidential and shall not be disclosed by any person except insofar:

1. Consent of individual. As the individual identified or his legal guardian, if any, or, if he is a minor, his parent or legal guardian, having been given the opportunity to review the information sought to be disclosed shall consent;

2. Necessity. As disclosure may be necessary to carry out any of the statutory functions of the department, or the hospitalization provisions of chapter 191, or

3. Court directive. As may be subpoenaed by a court of record subject to any limitations contained within the privileged communication provisions of Title 32.

As to persons receiving services pursuant to chapters 184-A, 184-B, and 187, nothing in this section shall preclude disclosure, upon proper inquiry, of information relating to the physical condition or mental status of an individual receiving such services to any members of his or her family, his or her relatives or friends; nor the disclosure of biographical or medical information concerning the individual to commercial or governmental insurers, or any other corporation, association or agency from which the department may receive reimbursement for the care and treatment, education, training or support of the individual; nor the disclosure or use of any information, including recorded or transcribed diagnostic and therapeutic interviews, concerning any individual receiving such services in connection with any educational or training program established between a public hospital and any college, university, hospital, psychiatric or counseling clinic or school of nursing, provided that in the disclosure or use of any such information as part of a course of instruction or training program, the patient's identity shall remain undisclosed.

Any person willfully violating any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

This section shall not apply to the medical records and reports pertaining to persons receiving services from any private hospital pursuant to chapter 191.

Sec. 152. 34 MRSA § 7, as amended by PL 1975, c. 174 and as repealed and replaced by c. 553, § 2, is repealed and reenacted to read:

§ 7. Rules and regulations

The central principle underlying all rules, regulations, procedures and practices relating to residents of the several institutions within the department and hospitals as defined by section 2251, subsection 3, shall be that such persons shall retain all rights of an ordinary citizen, except those expressly or by necessary implication taken from them by law.

1. Rules and regulations. The department shall establish such rules and regulations as it may determine appropriate or necessary for the care and management of the property of all institutions described in section 1, the production and distribution of industrial products of said institutions and for the execution of the statutory purposes and functions of all such institutions. It may provide for the training of nurses.

2. Rights. Any person residing in an institution described in section 1 has a right to nutritious food in adequate quantities, adequate professional medical care, an acceptable level of sanitation, ventilation and light, a reasonable amount of space per person in any sleeping area, a reasonable opportunity for physical exercise and recreational activities, protection against any physical or psychological abuse and a right to a reasonably secure area for the maintenance of permitted personal effects.

Sec. 153. 34 MRSA § 529, as enacted by PL 1975, c. 193, is repealed.

Sec. 154. 34 MRSA § 529, as enacted by PL 1975, c. 553, § 3, is repealed.

Sec. 155. 34 MRSA §§ 530 and 531 are enacted to read:

§ 530. Reallocation of institutional appropriations

In administering the policy and purposes of this chapter, the Bureau of Corrections is authorized to expend correctional institutional appropriations on persons within that portion of its sentenced or committed population participating in halfway house, prerelease, vocational training, educational, drug treatment or other correctional programs being administered physically apart from the institutions to which such persons were originally sentenced or committed, for the purpose of defraying the direct and related costs of such persons' participation in such programs.

§ 531. Disciplinary action; conditions of solitary confinement and segregation.

Punishments for violations of the rules of the institutions under the general administrative supervision of the Bureau of Corrections may be imposed in accordance with the procedures set forth in the rules and regulations governing such institutions. As to the Men's Correctional Center, Women's Correctional Center and the Maine State Prison, punishment may consist of warnings, loss of privileges, confinement to a cell and segregation or solitary con-

finement or a combination thereof and at the Maine State Prison may include loss of earned good conduct time. In no event shall corporal punishment be imposed. As to the juvenile institutions, punishment may consist of warnings and loss of privileges. All punishments involving solitary confinement, segregation or loss of earned good time shall be first approved by the head of the institution.

The bureau shall develop and describe in writing a fair and orderly procedure for processing disciplinary complaints against persons in any of the institutions under its general administrative supervision and shall establish rules, regulations and procedures to insure the maintenance of a high standard of fairness and equity. The rules shall describe offenses and the punishments for them that may be imposed. Any punishment that may affect the term of commitment, sentence and parole eligibility and any complaint, the disposition of which may include the imposition of segregation or solitary confinement of a person in such an institution, shall not be imposed without an impartial hearing at which the resident shall have a right to be present, to present evidence on his own behalf, to call one or more witnesses, which right shall not be unreasonably withheld or restricted, to question any witness who testifies at the hearing, which right shall not be unreasonably withheld or restricted and to be represented by counsel substitute as prescribed in the regulations. The person shall be informed in writing of the specific nature of his alleged misconduct and a record shall be maintained of all disciplinary complaints, hearings, proceedings and the disposition thereof. In all cases, the person charged shall have the right to appeal final disposition prior to imposition to the head of the institution and if at any stage of the proceedings the resident is cleared of the charges within a complaint or the complaint is withdrawn, all documentation to the complaint shall be expunged.

The imposition of segregation and solitary confinement shall be subject to the following conditions:

1. Diet. The person shall be provided with a sufficient quantity of wholesome and nutritious food.

2. Sanitary and other conditions. Adequate sanitary and other conditions required for the health of the person shall be maintained.

3. Confinement exceeding 24 hours. When solitary confinement or segregation exceeds 24 hours, the head of the institution shall cause the institution physician or a member of the institution's medical staff to visit the person forthwith, and at least once in each succeeding 24-hour period in such confinement thereafter, to examine into the state of health of the person. The head of the institution shall give full consideration to recommendations of the physician or medical staff member as to the person's dietary needs and the conditions of his confinement required to maintain the health of the person. Such confinement shall be discontinued if the physician states that it is harmful to the mental or physical health of the person.

4. Reports. In the event that any person shall be held in such confinement for a period in excess of 5 days, the head of the institution shall forward a report thereof to the Director of Corrections giving the reasons therefor.

A written report shall be forwarded by the head of the institution to the Director of Corrections when the recommendations of the physician or medical staff member regarding any person's dietary or other health needs while in such confinement are not carried out.

Sec. 156. 34 MRSA § 2290, 3rd sentence, as last amended by PL 1973, c. 716, § 5, is further amended to read:

Any patient shall be free to leave such hospital at any time after admission; this ~~however~~ shall not preclude the admission of any such person to a hospital under section 2333 ~~or 2333-A~~ when at any time such admission is considered necessary in the interest of the patient and of the community.

Sec. 157. 36 MRSA § 654, sub-§ 1, ¶ F, first sentence, is amended to read:

No property conveyed to any person for the purpose of obtaining exemption from taxation under ~~paragraphs D~~ paragraph and E shall be so exempt, and the obtaining of such exemption by means of fraudulent conveyance shall be punished by a fine of not less than \$100 and not more than 2 times the amount of the taxes evaded by such fraudulent conveyance, whichever amount is greater.

Sec. 158. 36 MRSA § 1760, sub-§ 11 is amended to read:

11. Sales of liquor. Sales of spirituous or vinous liquors sold in stores operated by the State Liquor Commission or sales of spirituous or vinous liquors, excepting sales of table wine containing not more than 14% alcohol by volume, in special agency stores licensed by the Bureau of Alcoholic Beverages pursuant to Title 28, section 153;

Sec. 159. 36 MRSA § 1765, as last amended by PL 1975, c. 317, § 3 and by c. 528, is repealed and the following enacted in place thereof:

§ 1765. Trade-in credit for vehicles, boats and aircraft

When one or more motor vehicles, boats, aircraft or farm tractors are traded in toward the sale price of another motor vehicle, boat, aircraft or farm tractor, the tax imposed by chapters 211 to 225 shall be levied only upon the difference between the sale price of the purchased motor vehicle, boat, aircraft or farm tractor and the sale price of the motor vehicle or vehicles, or boat or boats, aircraft or farm tractor or tractors taken in trade, except for transactions between dealers involving exchange of farm tractors, boats, aircraft or motor vehicles from inventory.

Sec. 160. 36 MRSA c. 107, sub-c. V, 2nd line is amended to read as follows:

SUPPLEMENTAL ASSESSMENTS

Sec. 161. 37-A MRSA § 207-A, sub-§ 3, as enacted by PL 1975, c. 679, § 3, is amended to read:

3. Accounting of expenses. Whenever personnel or equipment of the National Guard are ordered into state service pursuant to this section, the Adjutant General shall prepare an accounting of all expenses incurred and shall

present the accounting to the Commissioner of Human Services for payment pursuant to ~~Title 22, section 3283.~~

Sec. 162. 38 MRSA § 361-C, 2nd ¶, last sentence, as enacted by PL 1975, c. 390, is amended to read:

Such petition shall set forth in detail the findings, conclusions or conditions to which ~~the applicant~~ such person objects, the basis of the objections, the nature of the relief requested and the nature of the new or additional evidence.

Sec. 163. 38 MRSA § 413, sub-§ 7, first sentence, as last amended by PL 1973, c. 788, § 209, is further amended to read:

In connection with a license under ~~this subchapter~~ sections 414 and 414-A, whenever issued, the board may grant to a licensee a permit to construct, maintain and operate any facilities necessary to comply with the terms of such license in, on, above or under tidal waters or subtidal lands of the State.

Sec. 164. 38 MRSA § 423, first and 2nd ¶¶, as enacted by PL 1973, c. 625, § 274, are amended to read:

No person, firm, corporation or other legal entity shall discharge, spill or permit to be discharged sewage, garbage or other waste material from watercraft, as defined in ~~section 201, subsection 14~~ Title 12, section 2061, subsection 17, and including houseboats, into inland waters of this State, or on the ice thereof, or on the banks thereof in such a manner that the same may fall or be washed into such waters, or in such manner that the drainage therefrom may flow into such waters.

Any watercraft, as defined in ~~section 201, subsection 14~~ Title 12, section 2061, subsection 17, including houseboats operated upon the inland waters of this State and having a permanently installed sanitary waste disposal system shall have securely affixed to the interior discharge opening of ~~said~~ such sanitary waste disposal system a holding tank or suitable container for holding sanitary waste material so as to prevent its discharge or drainage into the inland waters of the State.

Sec. 165. 38 MRSA § 606, as enacted by PL 1975, c. 570, is repealed.

Sec. 166. 38 MRSA § 607 is enacted to read:

§ 607. Municipal alternative

1. Cone burners. The provisions of this chapter shall not apply to cone burners constructed or operated by any municipality, group of municipalities, quasi-municipal corporations or district, providing a system of solid waste management for public purposes and for the health, welfare, comfort and convenience of the inhabitants of the district; provided that the population served does not exceed 25,000 people and that proper leachate control, ash sifting and ash disposal is accomplished in a legal manner and provided that the public health, safety and welfare are not adversely affected by the emissions of this type of unit. In determining the effect on public health, safety and welfare and before ordering the closing of any cone burner operation,

the Department of Environmental Protection shall show that the operation of the burner violates the standards set forth in section 584-A.

2. Notification. Any municipality, group of municipalities, quasi-municipal corporations or district shall notify the Department of Environmental Protection of its intent to construct and operate a cone burner and may request technical assistance be provided by the department.

Sec. 167. 38 MRSA § 1208, 2nd ¶, last sentence, as enacted by PL 1965, c. 310, is amended to read:

The fee to be charged by the district to the rate payer for such notice and filing shall not exceed \$1.50 \$2 and the fee to be charged to the district by the register of deeds for filing and recording shall not exceed \$1.

Sec. 168. 39 MRSA § 58, first sentence, as last amended by PL 1975, c. 480, § 8 and by c. 493, § 3, is repealed and the following enacted in place thereof:

If death results from the injury, the employer shall pay the dependents of the employee, dependent upon his earnings for support at the time of his injury, a weekly payment equal to $\frac{2}{3}$ his average gross weekly wages, earnings or salary, but not more than the average weekly wage in the State of Maine as computed by the Employment Security Commission; 133 $\frac{1}{3}$ % of such average weekly wage as of July 1, 1977; 166 $\frac{2}{3}$ % of such average weekly wage as of July 1, 1979; and 200% of such average weekly wage as of July 1, 1981; nor less than \$25 weekly; from the date of death, until such time as provided for in the following paragraph.

Sec. 169. P & SL 1975, c. 25, § 6-A is enacted to read:

Sec. 6-A. The Plantation of St. John is hereby authorized to acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, own, operate and maintain a television translator facility, and for this purpose is vested with the power to raise money at its annual meeting or at any legal meeting called for that purpose, for the purchase or lease of lands and rights of way to provide such facility, and for the purchase of apparatus necessary for constructing, equipping and properly maintaining a television translator facility.

Sec. 170. P & SL 1975, c. 63, § 4-A is enacted to read:

Sec. 4-A. Existing ordinances ratified. All ordinances of the York Harbor Village Corporation, as set forth in the pamphlet entitled "York Harbor-Zoning-Building Code-Traffic & Parking Control- & Misc. Ordinances, amended to April 1975," are hereby ratified, confirmed and declared valid.

Sec. 171. P & SL 1975, c. 114, first sentence is amended to read:

There is appropriated from the General Fund to the Legislature the sum of ~~\$700,000~~ \$675,000 to carry out the purposes of this Act.

Sec. 172. P & SL 1975, c. 124, § 14, 2nd ¶, 2nd sentence is amended to read:

At each annual meeting of said town, beginning with the first annual meeting after acceptance of this Act, one trustee shall be elected by ballot ~~as hereafter~~

~~provided~~ to serve until the annual meeting of said town occurring 3 years thereafter until his successor is elected and qualified.

Sec. 173. P & SL 1975, c. 124, § 14, 3rd ¶, is repealed.

Sec. 174. P & SL 1975, c. 126, 3rd ¶ of the emergency preamble is amended to read:

Whereas, the Orono-Veazie Water District ~~supplies~~ desires to supply vitally needed water to many inhabitants of the Orono-Veazie area; and

Sec. 175. **Effective date.** Section 174 of this Act shall be retroactive to March 10, 1976.

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