

MAINE STATE LEGISLATURE

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New Draft of: S. P. 564, L. D. 1890

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1896

S. P. 590

In Senate, July 6, 1977

Reported by Senator Collins of Knox from the Committee on Judiciary and printed under Joint Rules No. 2.

MAY M. ROSS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Make Additional Corrections of Errors and Inconsistencies in
the 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 § 12, last sentence is amended to read:

If compensation for land is not agreed upon, the estate may be taken for the intended purpose by payment of a fair compensation, to be ascertained and determined in the same manner as and by proceedings similar to those provided for ascertaining damages in locating highways, in Title 23, chapters 201 to ~~209~~ 207.

Sec. 2. 3 MRSA § 2, as repealed and replaced by PL 1975, c. 750, § 1, is amended by adding a new paragraph at the end to read:

The expenses of members of the Legislature traveling outside the State shall be reimbursed for their actual expenses provided that the expense vouchers are approved by the President of the Senate or the Speaker of the House of Representatives.

Sec. 3. 3 MRSA § 3, as last amended by PL 1973, c. 590, § 2, is repealed.

Sec. 4. 3 MRSA § 22, 1st ¶, last sentence, as repealed and replaced by PL 1975, c. 604, § 1, is repealed and the following enacted in its place:

He shall receive a salary of \$400 per week for all official services performed by him during a regular or special session of the Legislature.

Sec. 5. Effective date. Section 4 of this Act shall be retroactive to January 5, 1977.

Sec. 6. 3 MRSA § 22, 2nd ¶, 1st sentence, as repealed and replaced by PL 1975, c. 604, § 2, is repealed and the following enacted in its place:

The Assistant Secretary of the Senate shall receive a salary of \$250 per week for all official services performed by him during a regular or special session of the Legislature.

Sec. 7. Effective date. Section 6 of this Act shall be retroactive to January 5, 1977.

Sec. 8. 3 MRSA § 42, 1st ¶, last sentence, as repealed and replaced by PL 1975, c. 604, § 4, is repealed and the following enacted in its place:

He shall receive a salary of \$400 per week for all official services performed by him during a regular or special session of the Legislature.

Sec. 9. Effective date. Section 8 of this Act shall be retroactive to January 5, 1977.

Sec. 10. 3 MRSA § 42, 2nd ¶, 1st sentence, as repealed and replaced by PL 1975, c. 604, § 5, is repealed and the following enacted in its place:

The Assistant Clerk of the House of Representatives shall receive a salary of \$250 per week for all official services performed by him during a regular or special session of the Legislature.

Sec. 11. Effective date. Section 10 of this Act shall be retroactive to January 5, 1977.

Sec. 12. 4 MRSA § 9-A, last ¶, as enacted by PL 1973, c. 675, is amended by adding at the end a new sentence to read:

Any statute incorporated specifically or in general terms in a rule shall remain in effect.

Sec. 13. 4 MRSA § 103, 2nd and 3rd sentences, as last amended by PL 1969, c. 466, § 3, are further amended to read:

Such justice shall terminate his service before his 71st birthday, **except that a justice who is serving his first term of judicial office which can be credited for the purpose of qualifying for compensation upon retirement may serve for the remainder of that single term beyond his 71st birthday.** Any justice who continues to serve until or after his 71st birthday, **except a justice who is serving his first term of judicial office which can be credited for the purpose of qualifying for compensation upon retirement,** shall waive his right to the compensation mentioned and make no claim therefor at the termination of his service.

Sec. 14. 5 MRSA § 554 is repealed and the following enacted in its place:

§ 554. Personnel records

Every appointment, transfer, promotion, demotion, dismissal, vacancy, change of salary rate, leave of absence, absence from duty and other temporary or permanent change in status of employees in both the classified service and the unclassified service shall be reported to the commissioner at such time, in such form and together with such supportive or pertinent information as he shall by rule prescribe.

The commissioner shall maintain a perpetual roster of all officers and employees in the classified and unclassified services, showing for each person such data as he deems pertinent.

Records of the Department of Personnel shall be public records and open to inspection of the public during regular office hours at reasonable times and in accordance with such procedure as the commissioner may provide.

The term "public records," as defined in Title 1, section 402, subsection 3, shall not apply to: Working papers, research material, records and the examinations prepared for and used specifically in the examination or evaluation of applicants for positions within the classified service of State Government, applications, resumes, rating or performance evaluation sheets, records of disciplinary actions, interoffice or intraoffice memoranda or other correspondence deemed to be related to the personal history of state employees or applicants for classified state positions.

Sec. 15. 5 MRSA § 555, as last amended by PL 1973, c. 633, § 21, is further amended by adding at the end the following new paragraph:

When a permanent, classified employee is on extended leave, a substitute may be employed, subject to personnel rules, until return or separation of the incumbent.

Sec. 16. 5 MRSA § 632, last ¶, as repealed and replaced by PL 1975, c. 766, § 4, is repealed and the following enacted in its place:

All persons competing in any test shall be given written notice of their final earned ratings or of their failure to attain placement upon the eligible register.

Sec. 17. 5 MRSA § 633, first sentence, as amended by PL 1975, c. 766, § 4, is further amended to read:

It shall be the duty of the commissioner to ascertain and record the duties and responsibilities of all positions in the service and to establish classes for such positions, in conformity with regulations adopted therefor by the ~~board~~ commissioner as provided in section ~~592~~ 631.

Sec. 18. 5 MRSA § 634, first paragraph, as amended by PL 1975, c. 766, § 4, is further amended to read:

The commissioner shall, as soon as practicable after the adoption of the classification plan, submit to the ~~board~~ Legislature a proposed plan of compensation showing for each class of position in the classified service minimum and maximum salary rates and such intermediate rates as he deems desirable.

Sec. 19. 5 MRSA § 634, 2nd ¶, as last amended by PL 1975, c. 766, § 4, is further amended to read:

When the compensation plan has become effective through its adoption by the ~~board as provided in section 592~~ Legislature, it shall constitute the official schedule of salaries for all classes of positions in the classified service, except that if the adoption of a compensation plan results in the reduction of salary of an employee, the Commissioner of Personnel shall certify to the proper fiscal officer of the State that the employee's salary shall not be subject to any reduction for a period of one year from the effective date of adoption of said plan.

Sec. 20. 5 MRSA § 634, 3rd ¶, first sentence, as amended by PL 1975, c. 766, § 4, is further amended to read:

Salary advancements within an established range shall not be automatic, but shall be dependent upon specific recommendation of the appointing officer and approval of the commissioner ~~and the board~~.

Sec. 21. 5 MRSA § 637, as amended by PL 1975, c. 766, § 4, is further amended to read:

§ 637. Service ratings

The commissioner shall establish standards of performance for each class of position and a system of service ratings based upon such standards, which shall be in effect upon their approval ~~by the board~~ as provided in section ~~592~~ 631.

Sec. 22. 5 MRSA § 671, 2nd ¶, last sentence is repealed and the following enacted in its place:

No person shall be appointed, transferred, promoted or reduced as an officer, clerk or employee or laborer in the classified service in any manner or by any means other than those prescribed in chapters 51 to 67 and in the rules made in pursuant to chapters 51 to 67.

Sec. 23. 5 MRSA § 671, last ¶ is repealed and the following enacted in its place:

Competitive and noncompetitive, in accordance with rules and regulations prescribed by the commissioner.

Sec. 24. 5 MRSA § 673, first ¶ is repealed and the following enacted in its place:

All examinations for positions in the classified service shall relate to those matters which will fairly test the capacity and fitness of the persons examined to discharge the duties of the office or employment sought by them.

Sec. 25. 5 MRSA § 673, last ¶, as last amended by PL 1975, c. 766, § 4, is further amended to read:

Public notice of ~~the time, place and general scope or nature of~~ every examination or test shall be given in the manner prescribed by rules and regulations drawn up by the commissioner.

Sec. 26. 5 MRSA § 678, first ¶, as amended by PL 1973, c. 390, § 4, is further amended to read:

An appointing authority may dismiss, suspend or otherwise discipline an employee for cause. This right is subject to the right of appeal and arbitration of grievances set forth in sections 751 to 753, **or by personnel rule**; and said sections 751 to 753 shall apply to any employee who has satisfactorily completed an initial probationary period.

Sec. 27. 5 MRSA § 711, sub-§ 13 is enacted to read:

13. **Scalers and surveyors appointed by the Director of the Bureau of Public Lands pursuant to Title 12, section 553, subsection 3, paragraph H.**

Sec. 28. 5 MRSA § 711, sub-§ 14 is enacted to read:

14. **Appointed by the commissioner of conservation. The Director of the Bureau of Forestry, the Director of the Bureau of Parks and Recreation and the Director of the Bureau of Public Lands.**

Sec. 29. 5 MRSA § 741 is repealed.

Sec. 30. 5 MRSA § 1094, sub-§ 16, last ¶, as enacted by PL 1975, c. 742, § 1, is amended to read:

Paragraph B shall not apply to teachers who retire immediately following completion of the contractual obligations of a contract valid and in effect on ~~the effective date of this Act~~ **July 29, 1976**. Such retiring teachers may receive credit for membership service for accumulated or accrued leave under this section as in effect immediately prior to ~~the effective date of this Act~~ **July 29, 1976**.

Sec. 31. 5 MRSA § 1094, sub-§ 17, is enacted to read:

17. **Members of the Legislature; retirement purposes. In the event that the Legislature convenes on the first Wednesday in December, for the purposes of eligibility to participate in and receive benefits from the Maine State Retirement System, any person who is a member of the Legislature on the 2nd day next preceding the first Wednesday in December, 1978, shall be deemed to be a member of the Legislature through the day next preceding the first Wednesday after the first Tuesday in January, 1979.**

Sec. 32. 5 MRSA § 1121, sub-§ 2, ¶ G, as enacted by PL 1965, c. 439, § 1, is amended to read:

G. Paragraph C shall apply to all superintendents employed in any public school who have been retired under an order issued by the Governor and Council and are now receiving benefits, providing such benefits are less than those authorized by ~~said~~ paragraph C.

Sec. 33. 5 MRSA § 1122, sub-§ 4, as repealed and replaced by PL 1975, c. 622, § 54, is amended by adding at the end a new paragraph to read:

For the purpose of this subsection, the disability beneficiary's average final compensation at retirement, used to determine his earning capacity, shall include the same percentage adjustments, if any, that would apply to the amount of retirement allowance of the beneficiary under section 1128.

Sec. 34. 5 MRSA § 2301, sub-§ 1, 22nd ¶ is amended to read:

Chief of the State Police or his duly designated enforcement officer, but only as he controls and supervises the licensing of official inspection stations;

Sec. 35. 5 MRSA § 3306, as repealed by PL 1975, c. 755, § 2 and as amended by PL 1975, c. 771, § 86, is repealed.

Sec. 36. 7 MRSA § 2504 is repealed and the following enacted in its place:
§ 2504. Penalties

A violation of chapters 503, 505 and 507 is a civil violation, for which a forfeiture of not more than \$10 and costs may be adjudged for each offense.

Sec. 37. 7 MRSA § 3402, as last repealed and replaced by PL 1975, c. 140, § 3, is amended to read:

§ 3402. Copies of law posted

The commissioner shall seasonably forward to the clerks of the several municipalities copies of sections 3451, 3452 and 3701 to 3703, and each clerk shall annually, at least 20 days before the first day of ~~April~~ **January**, post ~~said~~ these copies in the usual places for posting notices of the annual municipal or town elections.

Sec. 38. 7 MRSA § 3455, as enacted by PL 1973, c. 45, § 1, is further amended by adding at the end the following new paragraph:

"Owner" means any person or persons, firm, association or corporation owning, keeping or harboring a dog.

Sec. 39. 7 MRSA § 3604, as repealed by PL 1977, c. 251, § 3, is reenacted to read:

§ 3604. Killing for assault permitted

Any person may lawfully kill a dog which suddenly assaults him or another person when peaceably walking or riding.

Sec. 40. 8 MRSA § 275, 2nd ¶, first sentence, as last amended by PL 1977, c. 96, § 5, is further amended to read:

A sum equal to 1% of the total contributions on regular wagers and a sum equal to ~~2 1/2%~~ 1% of the total contributions on exotic wagers on all pari-mutuel pools conducted or made at any race or race meet licensed under this chapter shall be paid and returned to the licensees for the purpose of supplementing purse money. A sum equal to 1 1/2% of the total contributions on exotic wagers on all pari-mutuel pools conducted or made at any race or race meet licensed under this chapter shall be retained by the licensee and shall be added to purse money.

Sec. 41. Retroactivity. Section 40 shall be retroactive to April 26, 1977.

Sec. 42. 9 MRSA § 3738, 2nd sentence, as amended by PL 1967, c. 494, § 9, is further amended to read:

No financial institution as defined in ~~section 222~~ Title 9-B, section 131, credit union, national bank or federal savings and loan association authorized to do business in this State shall be required to obtain a license or pay a license fee ~~hereunder, however, nothing~~. Nothing contained in this chapter shall be deemed to have any effect whatever upon any existing law regulating the power of or the conditions and limitations under which such institutions may engage in the business of a home repair financing agency.

Sec. 43. 9 MRSA § 4065, as enacted by PL 1975, c. 429, § 1, is amended to read:

§ 4065. Applicability of Truth-in-Lending Act and the Maine Consumer Credit Code

If a transaction subject to this Part is also subject to the Federal Consumer Credit Protection Act, Title 1, chapter 2 ~~of this Title, Part 22~~ or the Consumer Credit Code, the provisions and requirements of said Act ~~Part 22~~ or the Consumer Credit Code shall control in any case where they may conflict with this Part.

Sec. 44. 9-A MRSA § 2-502, sub-§ 3, last sentence, as repealed and replaced by PL 1975, c. 268, is amended to read:

For purposes of this subsection a payment is applied first to any instalment due in the computational period, under section ~~2-510~~ 2-503, subsection ~~4~~ 1, ~~paragraph B~~ in which it is received and then, in the absence of specific written direction by the consumer to the contrary, to delinquent instalments and charges.

Sec. 45. 9-A MRSA § 3-506, as enacted by PL 1973, c. 762, § 1, is amended to read:

§ 3-506. Limitation

This Part shall not apply to any transaction covered by ~~Title 9, section 3917~~ Title 9-A, section 7-117, nor shall it apply to any sale, by any dealer or agent or salesman of a registered dealer, registered pursuant to Title 32, chapter 13, of stocks, bonds, debentures or securities representing stocks, bonds or debentures registered pursuant to Title 32, chapter 13 or expressly exempt from registration thereof.

Sec. 46. ~~9-A~~ **MRSA § 6-107**, as enacted by PL 1973, c. 762, § 1, is amended to read:

§ 6-107. Application of part on administrative procedure and judicial review

Except as otherwise provided, an administrative action taken by the administrator pursuant to this Article or the Part on supervised lenders, Part 2, of the Article on Finance Charges, Article II, may be taken under Part on Administrative Procedure and Judicial Review, Part 4, of this Article, notwithstanding ~~Title 9, section 7~~ **Title 9-B, section 231, subsections 2 and 3 and section 233.**

Sec. 47. ~~9-A~~ **MRSA § 7-124, last sentence**, as enacted by PL 1975, c. 446, § 2, is amended to read:

~~Title 9, section 6, subsection 4~~ **Title 9-B, section 215**, shall not apply to regulations issued under this Article.

Sec. 48. ~~9-B~~, **MRSA § 464, sub-§ 3, ¶ C**, as enacted by PL 1977, c. 152, § 4, is amended to read:

C. Purchasing shares of any type of its own capital stock or the capital stock of its parent financial institution holding company pursuant to any stock option plan, stock bonus plan or other incentive plan for any or all directors, officers and employees duly adopted by the ~~financing~~ **financial** institution's board of directors.

Sec. 49. ~~10~~ **MRSA § 8002, last ¶**, as repealed and replaced by PL 1975, c. 767, § 9 and PL 1975, c. 770, § 59, is repealed and the following enacted in its place:

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary regulatory or licensing authority granted by statute to the bureaus, boards or commissions within the department set forth in section 8001.

Sec. 50. ~~10~~ **MRSA § 1474, sub-§ 3, ¶ B, first sentence**, as enacted by PL 1975, c. 770, § 57, is amended to read:

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~~ **1476.**"

Sec. 51. ~~12~~ **MRSA § 685-B, sub-§ 2, ¶ B**, as enacted by PL 1971, c. 457, § 5, is repealed and the following enacted in its place:

B. The fee prescribed by the commission rules, such fee to be the greater of \$10 or 1/10 of 1% of the total construction costs;

Sec. 52. ~~12~~ **MRSA § 1978, sub-§ 2, first sentence**, as repealed and replaced by 1971, c. 356, § 12, is amended to read:

It is unlawful to operate or attempt to operate any snowmobile in any place while ~~intoxicated by the use~~ **under the influence** of intoxicating liquor or drugs

or to operate or attempt to operate any snowmobile in any place while a person's mental or physical faculties are ~~impaired by the use~~ **under the influence** of intoxicating liquors or drugs.

Sec. 53. 12 MRSA § 2070, sub-§ 10, last sentence, as amended by PL 1975, c. 772, § 5, is repealed and the following enacted in its place:

In all other cases, the division shall send a list of registrations issued annually to the Bureau of Taxation.

Sec. 54. 12 MRSA § 2602, as last amended by PL 1977, c. 78, § 83, is repealed.

Sec. 55. 12 MRSA § 3058, as last amended by PL 1977, c. 78, § 92, is repealed.

Sec. 56. 12 MRSA § 3401, sub-§ 5-B is enacted to read:

5-B. Commercial fishing. "Commercial fishing" means to fish for or take by any means, to transport, land or sell any type of fish.

Sec. 57. 12 MRSA § 3401, sub-§ 23-A is enacted to read:

23-A. Scallops. "Scallops," as used in chapters 401 to 419, refers to sea scallops, *placopecten magellanicus*, only.

Sec. 58. 12 MRSA § 3653, 1st ¶ is amended to read:

A sheriff, deputy sheriff, police officer, constable and inland fish and ~~game~~ **wildlife** warden, within their respective jurisdictions, are vested with the powers of a coastal warden, except the powers provided in section 4457.

Sec. 59. 12 MRSA § 3708, sub-§ 1, ¶ A, as amended by PL 1973, c. 513, § 22, is further amended to read:

A. Any municipality that has had the right to the taking of alewives, exclusive or otherwise, or is granted the right by the department, must take action through its legislative body on those rights and file a copy of such action with the Commissioner of Marine Resources prior to April ~~1st~~ **20th** of any calendar year or lose the right to the taking of alewives during that calendar year ~~and for the following calendar year. Rights in existence on January 1, 1974 which are not exercised for 3 consecutive years shall lapse~~

Sec. 60. 12 MRSA § 3708, sub-§ 1, ¶ C, 1st sentence, as repealed and replaced by PL 1975, c. 216, § 2, is amended to read:

Any municipality engaged in the harvesting of alewives shall submit in writing a proposed harvesting plan to the Commissioner of Marine Resources prior to April ~~1st~~ **20th** of each calendar year.

Sec. 61. 12 MRSA § 3708, sub-§ 1, ¶ D, as repealed and replaced by PL 1973, c. 343, § 2, is repealed and the following enacted in its place:

D. If in any year a municipality fails to act as provided, the taking of alewives in said waters shall be in accordance with the provisions of the general laws of the State and any regulations adopted under authority of this section shall be enforced by the municipal officers of the town.

Sec. 62. 12 MRSA § 4301, sub-§ 4, as amended by PL 1965, c. 59, § 2, is further amended to read:

4. License designation; general scope. The license, designated as a commercial shellfish license, entitles the holder to dig or take any amount of clams, quahogs, mussels or oysters, when and where it is otherwise lawful to do so, to transport and sell ~~the same shellstock~~ within the State. **Shucked shellfish may be sold only to a consumer from the license holder's residence.**

Sec. 63. 12 MRSA § 4303, 1st ¶, is amended by adding at the end a new sentence to read:

It is unlawful for the holder of this license to buy, take or possess shucked shellfish from any source other than a properly licensed and certified wholesale seafood dealer in containers properly marked in accordance with section 4353.

Sec. 64. 12 MRSA § 4309, 1st ¶, as amended by PL 1975, c. 743, § 10, is further amended to read:

It is unlawful for any person, firm or corporation that holds a wholesale seafood dealer's and processor's license or interstate shellfish transportation license to buy, sell, process, ship or transport clams, quahogs, oysters or mussels, whether the same have been removed from the shell or not, ~~or to sell such shellfish to another for shipment or transportation beyond the limits of the State~~ or to cause the same to be done, without having a current shellfish certificate from the commissioner as provided in this section.

Sec. 65. 12 MRSA § 4309, sub-§§ 1, 2 and 3, as amended by PL 1967, c. 82, §§ 11, 12 and 13, are repealed and the following enacted in their place:

1. Application. Any person, firm or corporation may apply for a shellfish certificate on a form provided by the commissioner in accordance with section 4302-B and regulations promulgated thereunder.

2. Issuance of certificate; contents of certificate. The commissioner may issue a certificate provided the applicant has complied with all the requirements for the particular class of certificate he has applied for in accordance with section 4302-B and regulations promulgated thereunder.

3. Holder to make and file records with department. The holder of the certificate shall make a record of all sales and purchases of shellfish on forms supplied by the department and shall file those records with the department monthly in accordance with section 4302-B and regulations promulgated thereunder.

Sec. 66. 12 MRSA § 4353, as last amended by PL 1969, c. 408, § 4, is repealed and the following enacted in its place:

§ 4353. Shellfish in unlabeled containers

All containers, except hermetically sealed containers, used in the shipment or transportation of clams, quahogs, oysters or mussels must bear a label as provided in this section:

1. What label must state. The label must state in plain and distinct letters and figures the following information:

- A. Name and address of shipper.
- B. The current valid certificate number of the shipper.
- C. Date packed.
- D. Kind of shellfish and quantity in the container.

2. Illegal to ship or transport unlabeled containers or attempt to do so. It is unlawful for any person, firm or corporation to ship or transport, or attempt to ship or transport, clams, quahogs, oysters and mussels or cause the same to be done, unless the containers are clearly marked as provided in this section, or the shellfish are being transported in hermetically sealed containers, except the holder of a commercial shellfish license may transport shellstock he has dug or taken.

3. Unlawful to mislabel containers. It is unlawful for any person, firm or corporation to label any container required to be labeled under this section with any false or incorrect information, or to cause the same to be done.

Sec. 67. 13 MRSA § 982, last sentence is amended to read:

If, upon complaint by any person, the Governor ~~and Council~~, after notice and hearing, find that any institution or association has violated this section, such institution or association shall forfeit its right to any appropriation from the State.

Sec. 68. 13 MRSA § 1822, sub-§ 4 is amended to read:

4. **Financing.** Financing any of the above enumerated activities for its members, subject to the limitations of ~~Title 9, section 171, subsection a~~ Title 9-B, section 466.

Sec. 69. 13 MRSA § 1956, sub-§ 2, 1st sentence, as enacted by PL 1973, c. 621, § 1, is amended to read:

The board shall consist of 5 members who shall be appointed by the Governor ~~with the approval of the Council~~.

Sec. 70. 13 MRSA § 1956, sub-§ 2, 2nd ¶, 5th sentence, as enacted by PL 1973, c. 621, § 1, is amended to read:

In the event of a vacancy, the Governor ~~and Council~~ shall, within one month, appoint a successor to fill the unexpired term of his predecessor.

Sec. 71. 14 MRSA § 6321, first ¶, 2nd sentence, as enacted by PL 1975, c. 552, § 5, is repealed and the following enacted in its place:

The method of foreclosure of real estate mortgages provided by this section is an alternative method to those provided in sections 6201 and 6203 and is specifically subject to the order of priorities set out in section 6205.

Sec. 72. 14 MRSA § 6325, 1st sentence, as enacted by PL 1975, c. 552, § 5, is amended to read:

The method of foreclosure set forth in sections 6321 to 6324 may be used for the foreclosure of all real property mortgages **executed subsequent to October 1, 1975**, except for railroad mortgages, so called, or for indentures or deeds of trust securing bond issues of corporations wherein the method of foreclosure or sale is provided in the indenture or deed of trust or any similar instrument; provided that any such railroad mortgage, corporate indenture, deed of trust or similar instrument executed subsequent to January 1, 1976 shall be subject to this subchapter unless the applicability of this chapter is expressly negated in such instrument.

Sec. 73. 14 MRSA § 7452 is amended by adding at the end a new paragraph to read:

Notwithstanding Title 4, sections 807 to 811, a corporation may appear as a plaintiff or a defendant in such an action without an authorized attorney.

Sec. 74. 15 MRSA § 393, sub-§ 1, as enacted by PL 1977, c. 225, § 2, is amended by adding at the end a new sentence to read:

For the purposes of this subsection, a person shall be deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty by a court of competent jurisdiction.

Sec. 75. 15 MRSA § 393, sub-§ 2, 1st sentence, as enacted by PL 1977, c. 225, § 2, is amended to read:

Any person subject to the provisions of subsection 1 may, after the expiration of 5 years from the date of his ~~discharge or release from prison or jail, termination of probation, parole or conviction, if only a fine was imposed~~ that the person is finally discharged from any and all sentences imposed as a result of the conviction, apply to the Commissioner of Public Safety for a permit to carry a firearm.

Sec. 76. 15 MRSA § 2115-A, sub-§ 4, as enacted by PL 1967, c. 547, § 1, is amended to read:

4. Fees and costs. The Supreme Judicial Court shall allow reasonable counsel fees ~~which in any case shall not be less than minimum bar fees prevailing for similar services in the county in which the criminal case was heard~~ and costs for the defense of appeals under this section.

Sec. 77. 16 MRSA § 1 is repealed.

Sec. 78. 16 MRSA § 55 is repealed.

Sec. 79. 16 MRSA § 56, as amended by PL 1973, c. 295, is further amended to read:

§ 56. Prior conviction as affecting credibility

No person is incompetent to testify in any court or legal proceeding in consequence of having been convicted of an offense, but conviction of a felony, any larceny or any other crime involving moral turpitude may be shown to affect his credibility, provided that less than 15 years have transpired since

said conviction and or less than 10 years have transpired since termination of any incarceration period therefor.

Sec. 80. 16 MRSA § 59, as enacted by PL 1967, c. 406, is repealed.

Sec. 81. 16 MRSA § 60, as enacted by PL 1973, c. 48, is repealed.

Sec. 82. 16 MRSA § 354 is repealed.

Sec. 83. 16 MRSA § 355, last sentence, is repealed.

Sec. 84. 16 MRSA § 452 is repealed.

Sec. 85. 17 MRSA § 2265, 2nd ¶, as enacted by PL 1971, c. 405, § 1, is repealed and the following enacted in its place:

A record of adjudication of a violation of this section or section 2266 shall be forwarded to the Secretary of State in accordance with Title 29, section 2304, who shall add such violation to that department's point system and such violation shall be counted in determining an individual's total points under the point system of the Division of Motor Vehicles.

Sec. 86. 17-A MRSA § 4-A, sub-§ 1, ¶ B, as enacted by PL 1975, c. 740, § 14, is amended to read:

B. For all other purposes, this section shall become effective ~~October 1,~~ ~~1977~~ 90 days after the adjournment of the First Regular Session of the 108th Legislature.

Sec. 87. 18 MRSA § 2552, as repealed and replaced by PL 1977, c. 192, is amended by adding at the end the following new sentences:

If a claim based on section 2551 is settled without an action having been commenced, the amount paid in settlement of the claim shall be distributed as provided in this section. No settlement on behalf of minor children shall be valid unless approved by the court, as provided in section 3652.

Sec. 88. 19 MRSA § 721, as amended by PL 1971, c. 399, § 1, is repealed and the following enacted in its place:

§ 721. Alimony

The court may decree to either spouse reasonable alimony out of the estate of the other spouse, having regard to that spouse's ability to pay and may order that spouse to pay sufficient money for the defense or prosecution of hearings regarding alimony. To effect the purposes of this section, the court may order so much of one spouse's real estate, or the rents or profits thereof, as is necessary to be assigned or set out the other spouse for life. The court may order instead of alimony, a specific sum to be paid or to be payable in such manner and at such times as the court may direct. The court may at any time alter, amend or suspend a decree for alimony or specific sum when it appears that justice requires. The court may use all necessary legal processes to carry its decrees into effect.

Sec. 89. 20 MRSA § 2921, 2nd sentence, as enacted by PL 1967, c. 452, § 1, is amended to read:

He shall appoint ~~one member~~ **2 members** for one year, 2 members for 2 years and 3 members for 3 years.

Sec. 90. 20 MRSA § 3127, sub-§ 3, ¶ B, 1st ¶ and sub-¶ (1), as enacted by PL 1977, c. 325, § 2, are amended to read:

B. If conciliation between all interested parties cannot be attained within 45 days after the commissioner has determined that probable cause exists ~~and~~ that the unit is in violation of this chapter, the commissioner shall notify all interested parties of the time and place of a local hearing to be held to consider whether the unit is in violation of this chapter.

(1) The local hearing shall be conducted by the department in accordance with the due process ~~requirement~~ **requirements** set forth in section 3131, subsection 1;

Sec. 91. 20 MRSA § 3131, sub-§ 1-A, ¶ B, as enacted by PL 1977, c. 325, § 3, is amended to read:

B. The State shall train ~~an~~ impartial hearing ~~official~~ **officials** to hear appeals presented to the State Board of Education.

Sec. 92. 20 MRSA § 3131, sub-§ 1-B, ¶ B, sub-¶¶ (1) and (2), as enacted by PL 1977, c. 325, § 3, is amended to read:

(1) Request a local hearing regarding the identification, evaluation and educational placement of the child;

(2) Appeal the decision of the local hearing to ~~the local school board or school committee and~~ the State Board of Education; and

Sec. 93. 20 MRSA § 3744, sub-§ 1, ¶ O, as repealed and replaced by PL 1977, c. 323, § 1, is amended to read:

O. Optional local funds without state participation raised under section 3749, subsection 1 ~~including the 10% local portion of paragraphs C to F~~ and expended during the base year; and

Sec. 94. 20 MRSA § 3748, sub-§ 1, ¶ C, sub-¶ (1), 2nd ¶, last sentence, as enacted by PL 1977, c. 358, § 11, is repealed and the following enacted in its place:

In the state's fiscal year 1979, an administrative unit's state subsidy for special education tuition and board shall be based on the amount of money which it expended for special education tuition and board in fiscal year 1978 or the amount of money it will expend for special education tuition and board in the fiscal year 1979, whichever amount is less.

Sec. 95. 20 MRSA § 3748, sub-§ 3, ¶ H, 1st sentence, as enacted by PL 1977, c. 358, § 12, is amended to read:

If the parents of a special education pupil change residence within the State at any time during the 1978 fiscal year, then the commissioner shall adjust the special education tuition and board estimates of the affected administrative units.

Sec. 96. 20 MRSA § 3749, sub-§ 1, 1st sentence, as repealed and replaced by PL 1977, c. 323, § 4, is amended to read:

In addition to the allocation of state funds provided by this chapter and such appropriations that may be made under section 3748, subsection 4, any administrative unit may raise and expend the difference between its computed elementary and secondary per pupil operating costs for the base year, as adjusted, and the basic elementary and secondary per pupil operating rates, respectively, as established under ~~section~~ sections 3747 subsections 1 and 2 and 3748.

Sec. 97. 20 MRSA § 3749, sub-§ 5, as repealed and replaced by PL 1977, c. 323, § 4, is amended to read:

5. **Spending limit.** No unit shall raise and expend funds for purposes of elementary and secondary education except as authorized in this ~~chapter~~ Title.

Sec. 98. 21 MRSA § 102-A, sub-§ 1, ¶ G, last sentence, as repealed and replaced by PL 1975, c. 761, § 9, is repealed.

Sec. 99. 21 MRSA § 201, sub-§ 1, ¶ G, as repealed and replaced by PL 1975, c. 761, § 14, is amended to read:

G. Whether a citizen by birth or naturalization: If by naturalization, the date, place and court of naturalization ~~and the date on which the official empowered to register voters inspected the certificate or certified copy of the court record of naturalization;~~

Sec. 100. 27 MRSA § 119, as enacted by PL 1977, c. 125, § 7, is repealed and the following enacted in its place:

§ 119. Distribution of appropriations

The Commissioner of Educational and Cultural Services is authorized to apportion funds appropriated by the Legislature for the support of regional library systems.

Sec. 101. 28 MRSA § 701-A, sub-§ 4, ¶ M, as enacted by PL 1977, c. 246, § 5, is repealed.

Sec. 102. 28 MRSA § 701-A, sub-§ 4, ¶ N is enacted to read:

N. Qualified catering services.

Sec. 103. 28 MRSA § 752, 2nd sentence, as last amended by PL 1977, c. 211, § 15, and c. 246, § 6, is repealed and the following enacted in its place:

No other license to sell malt liquor to be consumed on the premises where sold shall be issued to any person for any premises, except a bona fide hotel, restaurant, tavern, club, qualified catering service or civic auditorium, nor unless the application therefor be approved by the municipal officers of the city or town where such hotel, restaurant, tavern, club, qualified catering service or civic auditorium is located, and if such hotel, restaurant, tavern or club or qualified catering service is located in an unorganized place, the application shall be approved by the county commissioners of the county within which such unorganized place is located.

Sec. 104. 28 MRSA § 1060, 3rd sentence, as enacted by PL 1971, c. 227, is amended to read:

The commission, upon receipt of an application, ~~accompanied by a photograph of the applicant~~ and such supporting documents and information as it may require, shall issue an identification card to the applicant bearing his photograph, together with his name, address, date of birth and such other information and identification as it may deem necessary.

Sec. 105. 28 MRSA § 1151, as repealed by PL 1977, c. 292, § 7 and as amended by PL 1977, c. 431, § 1, is repealed.

Sec. 106. 29 MRSA § 342, 2nd ¶, as enacted by PL 1975, c. 770, § 137, is repealed and the following enacted in its place:

A person is "engaged in the business of buying, selling or offering to negotiate the sale of a vehicle" if that person buys motor vehicles for the purpose of resale, sells or offers to negotiate the sale of more than 5 motor vehicles in any 12-month period, or displays or permits the display of 3 or more motor vehicles for sale at any one time or within any 30-day period upon premises owned or controlled by him, unless that person has owned and registered each vehicle for at least 6 months.

Sec. 107. 29 MRSA § 1655, last ¶, first sentence, as amended by PL 1975, c. 745, § 11, is further amended to read:

~~The provisions of this section, as they relate~~ This section, as it relates to weight tolerances, shall not apply to motor vehicles manufactured prior to the 1976 model year when the model year of such a vehicle is 10 or more years prior to the year for which registered, unless the Departments of Transportation and Public Safety are provided with proof that the gross axle weight ratings, the gross vehicle weight rating or both, as certified by the vehicle manufacturer, or an intermediate or final stage manufacturer as defined ~~in section 1652~~ by federal regulations, are such that they will permit said vehicle to take advantage of a portion or all of the tolerances in this section without exceeding such certified gross axle or gross weight ratings.

Sec. 108. 29 MRSA § 1911, 2nd sentence, as amended by PL 1967, c. 431, § 1, is repealed and the following enacted in its place:

Service of this process shall be made by leaving a copy thereof with a fee of \$2 in the hands of the Secretary of State, or in his office. This service shall be sufficient service upon such a nonresident, provided that notice of this service and a copy of the process are forthwith sent by registered mail by the plaintiff to the defendant and the defendant's receipt for such registered mail and the plaintiff's affidavit of compliance herewith are appended to the summons and are filed with the clerk of the court in which the action is pending, or that such notice and copy are served upon the defendant by an officer duly qualified to serve legal process in the jurisdiction where the defendant is found and the officer's return showing such service to have been made is filed with the clerk of the court where the action is pending. If the defendant is deceased, service may be made in the same manner upon his personal

representative, and if there is no personal representative, upon the public administrator in the county in which the action is pending. When service is made upon the public administrator, he shall forthwith petition the probate court of his county for probate of the defendant's estate, any other statutory requirements for probate of estates notwithstanding.

Sec. 109. 29 MRSA § 2123, as last amended by PL 1975, c. 731, § 61, is further amended to read:

§ 2123. Penalties

Whoever violates or fails to comply with any provision of sections 1369 ~~and 2122 to 2126, 2122, 2124 or 2125~~, or any rules or regulations established thereunder, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not more than 90 days, or by both.

Sec. 110. 29 MRSA § 2364, sub-§ 1, ¶ C, as repealed and replaced by PL 1977, c. 294, § 7, is amended to read:

C. The date of purchase by the applicant, the name and address of the person from whom the vehicle was acquired and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements and, if a new vehicle, the application shall be accompanied by a manufacturer's or importer's certificate of origin and, if a used vehicle, the application ~~is~~ shall be accompanied by a previous certificate of title;

Sec. 111. 29 MRSA § 2364, sub-§ 2, as amended by PL 1977, c. 294, § 8, is further amended to read:

2. —**purchased from the dealer.** If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of any lienholder or assignee holding a security interest created or reserved at the time of sale and the date of his security agreement and be signed by the owner and the dealer. **The dealer** or, in the case of a security interest created or reserved at the time of sale, the lienholder or assignee shall, within 20 days after the time of sale, mail or deliver the application to the Secretary of State.

Sec. 112. 30 MRSA § 2, sub-§ 3, 2nd sentence, as enacted by PL 1977, c. 67, § 3, is repealed and the following enacted in its place:

Without limiting the generality of the foregoing, they shall allow to sheriffs the costs of boarding, guarding and transporting prisoners, whether awaiting trial, during trial or after conviction, or juveniles, whether awaiting hearing, during hearing or after adjudication that a juvenile offense has been committed, and whether acting within or outside the county.

Sec. 113. 30 MRSA § 2, 19th ¶, last sentence, as repealed and replaced by PL 1977, c. 114, § 32, is repealed.

Sec. 114. 30 MRSA § 1105, 3rd sentence is amended to read:

If the execution is returned unsatisfied and he has not made such disclosure or if the judgment was rendered for his own official delinquency, the creditor

may file an attested copy of such execution and return with the Governor ~~and Council~~, and serve on such sheriff a copy of such copy, attested by the Secretary of State, with a notice under his hand of the day on which such first copy was filed.

Sec. 115. 30 MRSA § 1901, first ¶ is repealed and the following enacted in its place:

The listed terms as used in chapters 201 to 213, 235 and 239, subchapters I to VI and chapter 241 to 245 are defined as follows, unless a different meaning is plainly required by the context.

Sec. 116. 30 MRSA § 4162, sub-§ 8, as enacted by PL 1975, c. 339, § 9, is amended to read:

8. Persons with residential leasehold interests in public lands on October 1, 1975. With respect to persons with residential leasehold interests in public reserved lands on ~~the effective date of this Act~~ **October 1, 1975**, or on lands exchanged for public reserved lands, the Director of the Bureau of Public Lands shall enter into new leasehold agreements with such persons, and shall thereafter renew such leases on what may from time to time be reasonable terms and conditions, so long as the lessee complies with the terms and conditions of such leases and with all applicable laws and regulations of the State.

Sec. 117. 30 MRSA § 4602, sub-§ 2, ¶ C, next to last sentence, as enacted by PL 1969, c. 470, § 8, is amended to read:

The rate and amount of compensation of the director shall be established by the Governor ~~with the advice and consent of the Executive Council~~.

Sec. 118. 30 MRSA § 4602, sub-§ 2, ¶ D, 1st ¶, next to last sentence, as repealed and replaced by PL 1975, c. 770, § 175, is amended to read:

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~~.

Sec. 119. 32 MRSA § 582, 2nd sentence, as enacted by PL 1965, c. 430, § 1, is amended to read:

Such rules and regulations shall be adopted in the manner prescribed in ~~Title 9, section 6, subsection 4~~ **Title 9-B, section 215**.

Sec. 120. 32 MRSA § 1870 is enacted to read:

§ 1870. Exception for beverage containers used on international flights

This chapter shall not apply to any beverage container sold to an airline and containing a beverage intended for consumption on an aircraft flight originating or terminating in a foreign country.

Sec. 121. 32 MRSA § 2446, as enacted by PL 1975, c. 563, § 6, is amended to read:

§ 2446. Drugs

Any optometrist who uses diagnostic drugs, without first having obtained a license under section 2427 or being duly registered as provided in section 2421 and 2424 after ~~the effective date of this Act~~ **October 1, 1975**, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$200.

Sec. 122. 32 MRSA § 3279, 3rd ¶, as enacted by PL 1971, c. 591, § 1, is repealed and the following enacted in its place:

The board at its discretion may waive the requirement of the Education Commission for Foreign Medical Graduates of section 3271 for no longer than one year in granting temporary educational certificates to interns or residents.

Sec. 123. 32 MRSA § 3295, as enacted by PL 1973, c. 625, § 218, is repealed.

Sec. 124. 32 MRSA § 3811, sub-§ 3, as enacted by PL 1967, c. 544, § 82, is amended to read:

3. **Limitation.** Nothing in this chapter shall be construed as permitting the practice of medicine as defined in section ~~3257~~ 3270 by psychological examiners or psychologists.

Sec. 125. 32 MRSA § 3815, as enacted by PL 1967, c. 544, § 82, is repealed.

Sec. 126. 33 MRSA § 471, first and 2nd ¶¶, as enacted by PL 1975, c. 511, are amended to read:

The spouse of a grantor who, 20 years or more before ~~the effective date of this Act~~ **October 1, 1975**, has conveyed land without the joinder therein of such spouse in release of the spouse's right and interest by descent in the land conveyed, and which spouse intends to claim such right and interest, or any person claiming by, through or under the spouse after such right and interest has become vested in the spouse, may preserve such right and interest, or claim thereto, by filing the notice provided in section 472 in the registry of deeds for the county in which the land is located, within 2 years of ~~the effective date of this Act~~ **October 1, 1975**.

The spouse of a grantor who, less than 20 years before or at any time after ~~the effective date of this Act~~ **October 1, 1975**, has conveyed land without the joinder therein of such spouse in release of the spouse's right and interest by descent in the land conveyed and which spouse intends to claim such right and interest, or any person claiming by, through or under the spouse after said right and interest has become vested in the spouse, may preserve such right and interest, or claim thereto, by filing the notice provided in section 472 in the registry of deeds for the county in which the land is located, before the recording of the conveyance or within the later of 20 years of the date of recording of the conveyance or 2 years of ~~the effective date of this Act~~ **October 1, 1975**.

Sec. 127. 34 MRSA § 41, 3rd sentence is amended to read:

No member of the Legislature ~~or the Governor's Council~~ shall serve on any Board of Visitors.

Sec. 128. 34 MRSA § 531, as enacted by PL 1975, c. 756, § 17 and by PL 1975, c. 770, § 200, is repealed and the following enacted in its place:

§ 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 Maine Correctional Center and the Maine State Prison, punishment may consist of warnings, loss of privileges, confinement to a cell and segregation or solitary confinement or a combination thereof and may include loss of earned good conduct time. In no event shall corporal punishment be imposed. As to the Maine Youth Center, 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 the 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 exceed 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 the Bureau of Corrections giving the reasons therefor. A written report shall be forwarded by the head of the institution to the Director of the Bureau 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. 129. 34 MRSA § 1501, sub-§ 1, as amended by PL 1967, c. 391, § 26, is repealed and the following enacted in its place:

1. **Correctional institution.** "Correctional institution" means the following state institution: **Maine Correctional Center.**

Sec. 130. 34 MRSA § 2002, first sentence, as amended by PL 1977, c. 58, § 1 and by c. 78, § 195, is repealed and the following enacted in its place:

The commissioner shall, with the advice of the Mental Health Advisory Council, appoint and set the salary subject to the approval of the Governor, for a Director of Mental Health who shall be a person with training and experience in mental health program administration or who has had satisfactory experience in the direction of work of a comparable nature.

Sec. 131. 35 MRSA § 1303, 3rd sentence, as enacted by PL 1977, c. 209, is amended to read:

Railroad police officers shall be qualified persons as defined in section 1302, subsection 1, and shall be subject to the existing rules and regulations of the commissioner.

Sec. 132. 36 MRSA § 1481, sub-§ 5, 1st sentence, is repealed and the following enacted in its place:

"Vehicle" means any motor vehicle or mobile home, and heavier and lighter than air aircraft.

Sec. 133. 36 MRSA § 4523, 3rd sentence from the end, as enacted by PL 1975, c. 444, § 6, is amended to read:

Members of the council shall be allowed actual traveling and other necessary expenses incurred in the performance of their duties and each member shall receive a per diem compensation for the time actually spent in the performance of his duties, such compensation to be determined by the Governor and Executive Council.

Sec. 134. 38 MRSA § 342, sub-§ 1, 2nd sentence, as enacted by PL 1971, c. 618, § 8, is repealed as follows:

~~He shall have the right to vote only in the case of a tie vote~~

Sec. 135. 38 MRSA § 395, as enacted by PL 1977, c. 123, § 2, is repealed and the following enacted in its place:

§ 395. Violations

Each day of violation shall be considered a separate offense. A finding that any such violation has occurred shall be prima facie evidence that the activity was performed or caused to be performed by the owner of the property upon which, or immediately adjacent to which, the violation is found to have occurred.

Sec. 136. 38 MRSA § 397, as enacted by PL 1977, c. 123, § 2, is repealed.

Sec. 137. 38 MRSA § 422, as last amended by PL 1975, c. 388, §§ 3 and 4, is repealed.

Sec. 138. 38 MRSA § 451-A, sub-§ 6, ¶ B, as enacted by PL 1975, c. 700, § 2, is amended to read:

B. Has been used as his dwelling place either year round or seasonally prior to ~~the effective date of this Act~~ March 30, 1976; and

Sec. 139. 38 MRSA § 451-A, sub-§ 6, ¶ C, sub-¶ (3), as enacted by PL 1975, c. 700, § 2, is amended to read:

(3) the discharge will not differ in kind or be greater in quantity from that which occurred prior to ~~the effective date of this Act~~ March 30, 1976, on a year round basis or seasonally;

Sec. 140. PL 1975, c. 741, § 35 is repealed.

Sec. 141. P & SL 1941, c. 69, § 20, 1st sentence, as enacted by P & SL 1957, c. 133, is amended to read:

The provisions of the Revised Statutes and amendment thereto shall apply to criminal acts and civil violations committed on the turnpike.

Sec. 142. P&SL 1949, c. 75, ARTICLE XIV, § 2, 3rd sentence, is amended to read:

The 2nd commissioner from the State of Maine shall be a Legislator ~~and member of~~ designated by the Maine Commission on Interstate Cooperation, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said legislative office ~~or said office as commissioner on interstate cooperation~~ and his successor as commissioner herein shall be named in like manner.

Sec. 143. P&SL 1949, c. 89, is amended to read:

Sec. 1. Number of trustees. Such of the provisions of the charter of the Bangor Theological Seminary, formerly the Maine Charity School, as relate

to the number of members of the board of trustees, are hereby amended so as to permit and provide for a board of trustees of not exceeding 30 in number as may be determined from time to time by the seminary.

Sec. 2. Number of trustees; perpetual succession. The number of the trustees shall never be more than 30, 12 of whom shall be a quorum for doing business and the trustees who are by this Act, with their associates and successors, created a corporation and body politic, shall be, and hereby are declared to have perpetual succession, with all the powers and privileges actually given to and exercised and enjoyed by other institutions of like nature and purpose.

Sec. 144. P&SL 1955, c. 139, § 16, 2nd ¶, 3rd sentence, as repealed and replaced by P&SL 1977, c. 55, § 3, is repealed and the following enacted in its place:

The commissioners shall meet monthly, and specially as may be necessary, and each shall receive compensation of \$25 for each regular or special meeting attended, provided that the total annual compensation of each shall not exceed \$600.

Sec. 145. P&SL 1957, c. 128, § 9, 3rd ¶ from the end, as repealed and replaced by P&SL 1977, c. 49, is repealed and the following enacted in its place:

Said trustees may not issue the district's notes or bonds in an aggregate sum of more than \$500,000, except for notes and bonds issued in anticipation of federal or state funds, or both, without first obtaining the approval of a majority of the voters at a duly called and held town meeting called by the municipal officers of the Town of Topsham. The selectmen of the town shall call such a meeting promptly on written request of a majority of the trustees of the district. Outstanding sums due on any bonds or notes issued in anticipation of federal or state funding are not to be included in determining the \$500,000 limit requiring municipal vote.

Sec. 146. Resolves, 1957, c. 3, is repealed.

Sec. 147. Resolves, 1977, c. 10, amended. Resolved: That that part relating to District Number Six (Two) of the resolves of 1977, c. 10, is amended to read:

Distirct Number Six (Two), consisting of that part of the City of Lewiston described as follows: Beginning at the intersection of College Road and Stetson Road; thence southerly along College Road to the center line of Holland Street; thence easterly along the center line of Holland Street to the center line of Nichols Street; thence southerly along the center line of Nichols Street to the center line of Sabattus Street; thence easterly in the center line of Sabattus Street to the center line of Webster Avenue Street; thence southeasterly in the center line of Webster Avenue Street to the center line of Sylvan Avenue; thence northerly in the center line of Sylvan Avenue to the center line of Sabattus Street; thence easterly in the center line of Sabattus Street to the center line of Garcelon Street; thence northerly and northwesterly along the center line of Garcelon Street to the center line of the Old Greene Road; thence ~~northerly~~ southwesterly along the center line of Old Greene

Road to the center line of Montello Street; thence northwesterly in the center line of Montello Street to the center line of Hogan Road; thence northerly in the center line of Hogan Road to the center line of Stetson Road; thence westerly in the westerly line of Stetson Road to the point of beginning, 1 Representative;

Sec. 148. Resolves, 1977, c. 10, District Number Eighty-Three (One), is repealed and the following enacted in its place:

District Number Eighty-Three (One), consisting of that part of the City of Bangor described as follows: Beginning in the center of the Penobscot River at the Bangor-Hampden town line; thence northwesterly in the Bangor-Hampden town line to U.S. Route 202; thence northerly along U.S. Route 202 to Interstate Route 395; thence westerly along Interstate Route 395 to the center line of Webster Avenue; thence northeasterly along Webster Avenue to the center line of Crestmont Road; thence southeasterly and northeasterly along Crestmont Road to the center line of Silver Road; thence northwesterly along the center line of Silver Road to the center line of Seventh Street; thence northeasterly along the center line of Seventh Street to the center line of Buck Street; thence northwesterly along the center line of Buck Street to the center line of West Broadway; thence northeasterly along the center line of West Broadway to the center line of Hammond Street; thence easterly along the center line of Hammond Street to the center line of Cedar Street; thence southeasterly along the center line of Cedar Street to the center line of Sanford Street; thence northeasterly along the center line of Sanford Street to the center line of Union Street; thence northwesterly in the center line of Union Street to the center line of Clinton Street; thence northeasterly in the center line of Clinton Street to the center line of Ohio Street; thence northwesterly along the center line of Ohio Street to the center line of Highland Avenue; thence northwesterly along the center line of Highland Avenue to the center line of James Street; thence northeasterly along the center line of James Street to the center line of Ohio Street; thence southerly along the center line of Ohio Street to the center line of Bower Street; thence southeasterly along the center line of Bower Street to the center line of Drummond Street; thence northeasterly along the center line of Drummond Street to the center line of Nelson Street; thence northeasterly along the center line of Nelson Street to the center line of Valley Avenue; thence southerly along the center line of Valley Avenue (Harlow Street) to the center line of Spring Street; thence easterly along the center line of Spring Street to the center line of Center Street; thence southerly in the center line of Center Street to the center line of Somerset Street; thence easterly in the center line of Somerset Street to the center line of Essex Street; thence southerly in the center line of Essex Street to the center line of State Street; thence easterly in the center line of State Street to the center line of Newbury Street; thence southerly in the center line of Newbury Street and an extension thereof to the center line of the Penobscot River; thence southwesterly in the center of the Penobscot River to the point of beginning, 1 Representative;

Sec. 149. Resolves, 1977, c. 10, District Number Eighty-Three (Two), is repealed and the following enacted in its place:

District Number Eighty-Three (Two), consisting of that part of the City of Bangor described as follows: Beginning in the Bangor-Hampden town line at its intersection with U.S. Route 202; thence westerly along the Bangor-Hampden town line to the Bangor-Herman town line; thence northerly along the Bangor-Hermon town line to the center line of Union Street; thence southeasterly in the center line of Union Street to the Interstate Route 95; thence easterly in the center line of Interstate 95 to the center of the Kenduskeag Stream; thence southerly along the center of the Kenduskeag Stream to the center line of Valley Avenue near Nelson Street at the boundary line of District Number Eighty-Three (One); thence generally southwesterly along the boundary line of District Number Eighty-Three (One) to the point of beginning, 1 Representative;

Sec. 150. Resolves, 1977, c. 10, District Number Eighty-Three (Three), is repealed and the following enacted in its place:

District Number Eighty-Three (Three), consisting of that part of the City of Bangor described as follows: Beginning in the Bangor-Hermon town line at the center line of Union Street; thence southeasterly in the center line of Union Street to the center line of Interstate Route 95; thence northeasterly in the center line of Interstate Route 95 to the center line of Kenduskeag Avenue; thence northwesterly in the center line of Kenduskeag Avenue to the southeasterly corner of a lot of land now or formerly owned by Husson College, said lot being designated as lot No. 9 on a plan entitled "Husson College Land," dated June 16, 1975, recorded in Map File No. 467, Penobscot Registry of Deeds; thence generally easterly along the southerly boundary of said lot No. 9 to the northeast corner of said lot; thence generally northerly along the easterly boundary of said lot and lots No. 8, 7 and 5 on said plan to the center line of a 70' right-of-way located on the northerly boundary of said lot No. 5; thence along the center line of said right-of-way to the center line of Broadway; thence northerly in the center line of Broadway to the center line of Hudson Road; thence northerly and westerly in the center line of Hudson Road to the Bangor-Glenburn town line; thence westerly along the Bangor-Glenburn town line to the Bangor-Hermon town line; thence southerly in the Bangor-Hermon town line to the point of beginning, 1 Representative;

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

STATEMENT OF FACT

The intent of this new draft is to provide, in addition to chapter 78 of the public laws of 1977 passed earlier this session, a second errors and inconsistencies bill which is designed to make supplemental changes and be the final and over-riding bill of the first regular session.