

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 1633

Reported by the Committee on Judiciary.

In Senate, October 30, 1957

CHESTER T. WINSLOW, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

COMMITTEE AMENDMENT "A" to S. P. 621, L. D. 1615, Bill, "An Act to
Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by inserting after "Sec. 49" a new 'Sec. 49-A' as follows:

"Sec. 49-A. R. S., c. 41, § 161, amended. The 2nd paragraph of section 161 of chapter 41 of the Revised Statutes, as amended by section 1 of chapter 452 of the public laws of 1955, is hereby further amended to read as follows:

~~It is further provided that, in~~ In the case of any youth qualified for attendance at secondary school in accordance with the provisions of the preceding paragraph, who resides with his parents, legal guardian or person acting in loco parentis, in the unorganized territory, so located that in the judgment of the Commissioner attendance at secondary school necessitates boarding away from home and the arrangement is approved by him in advance upon a form provided for the purpose, the State shall pay an amount for this purpose toward his board not to exceed ~~\$40~~ \$353 for the school year or a prorated amount for any fraction thereof. Payment for said board shall be made, upon receipt of a satisfactory attendance record, at the end of periods not less than one school month and subject to such rules and regulations as the Commissioner may establish.'

Further amend said Bill in "Sec. 55" by striking out all of the last line and inserting in place thereof the following underlined blocked paragraph:

'D. Making sales to persons under age as prohibited by law, except that licensees selling to minors furnishing fraudulent proof of age may be held not administratively liable by the Hearing Examiner;'

Further amend said Bill by inserting after "Sec. 78" a new 'Sec. 78-A,' as follows:

“Sec. 78-A. R. S., c. 90-A, § 3, sub-§ IV, ¶ C, sub-¶ 5, div. (a), amended. The 2nd sentence of division (a) of subparagraph 5 of paragraph C of subsection IV of section 3 of chapter 90-A of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1957, is hereby amended to read as follows:

‘They may permit a variation from the terms of an ordinance where necessary to avoid ~~confiscation~~ **undue hardship**, provided there is no substantial departure from the intent of the ordinance.’”

Further amend said Bill by inserting after **“S c. 79”** a new **‘Sec. 79-A,’** as follows:

“Sec. 79-A. R. S., c. 90-A, § 61, sub-§ III, ¶ B, sub-¶ 1, repealed and replaced. Subparagraph 1 of paragraph B of subsection III of section 61 of chapter 90-A of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

‘1. On an appeal in writing to the board of appeals, it shall, after a public hearing, affirm, modify or set aside the decision appealed from according to the terms of the pertinent ordinance. The board may grant a variance from the terms of an ordinance where necessary to avoid undue hardship, provided there is no substantial departure from the intent of the ordinance. It may permit an exception to an ordinance only when the terms of the exception have been specifically set forth by the municipality. The failure of the board to issue a written notice of its decision, directed to the appellant, within 30 days from the date of filing of the appeal constitutes a denial of the appeal.’”

Further amend said Bill by inserting after **“Sec. 86”**, a new section **‘Sec. 86-A,’** as follows:

“Sec. 86-A. R. S., c. 146, § 2-A, sub-§ III, amended. The last paragraph of subsection III of section 2-A of chapter 146 of the Revised Statutes, as enacted by section 10 of chapter 334 of the public laws of 1957, is hereby amended to read as follows:

‘The court ~~need not file a monthly report with the state, and the~~ shall within 10 days after the end of each month file either a copy of the monthly report to the county commissioners, or a separate report, the form for which shall be prescribed by the State Auditor, with each state department having fees or fines due from such court. The court need not file a bill of costs in any case for any reason. The county commissioners may provide the courts within their county with loose leaf dockets, and require such courts to submit to them each month one carbon copy of each criminal docket entry.’”

Further amend said Bill by inserting before the Emergency Clause at the end thereof 3 new sections, to be numbered **‘Sec. 96,’ ‘Sec. 97’** and **‘Sec. 98’** as follows:

“Sec. 96. P. & S. L., 1955, c. 44, Art. VI, § 1, sub-§ (a), ¶ 8, additional. Subsection (a) of section 1 of article VI of chapter 44 of the private and special laws

of 1955 is hereby amended by adding at the end thereof a new paragraph, to be numbered 8, to read as follows:

'8. All officers and boards whose appointments or elections are not otherwise specifically provided for in this chapter.'

Sec. 97. P. & S. L., 1909, c. 282, § 1, amended. The 3rd paragraph of section 1 of chapter 282 of the private and special laws of 1909, as last amended by section 9 of chapter 160 of the private and special laws of 1957, is further amended to read as follows:

'Such recorder shall receive an annual salary of \$1,000 in full for all services as such recorder, which salary shall be paid to ~~the City of Westbrook~~ him in ~~quarterly~~ monthly payments from the county treasury of the county of Cumberland.'

Sec. 98. P. & S. L., 1909, c. 282, § 2, amended. Section 2 of chapter 282 of the private and special laws of 1909, as last amended by section 1 of chapter 149 and section 10 of chapter 160, both of the private and special laws of 1957, is further amended to read as follows:

'Sec. 2. Salary of judge; clerk hire; rental. The judge of said court shall receive a salary of \$3,000 per year, to be paid to ~~the City of Westbrook~~ him in ~~quarterly~~ monthly payments from the county treasury of the county of Cumberland, which shall be in full for all his services as judge, and \$600 annually additional for clerk hire. All blanks, civil and criminal dockets and record books required by said court shall be furnished by the county of Cumberland, and as rental for said court there shall be paid from the county of Cumberland, in quarterly payments, the sum of \$1,200 annually.'