

# MAINE STATE LEGISLATURE

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## NINETY - NINTH LEGISLATURE

**Legislative Document**

**No. 1245**

S. P. 427

In Senate, March 13, 1959

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Rogerson of Aroostook.

### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

#### AN ACT Conferring Upon Others the Powers Now Vested in the Executive Council.

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

**Sec. 1. R. S., c. 1, § 6, amended.** The first sentence of section 6 of chapter 1 of the Revised Statutes is amended to read as follows:

'The Governor, with the advice and consent of the ~~council~~ Senate, reserving such jurisdiction, may cede to the United States for purposes named in its Constitution any territory not exceeding 10 acres, but not including any highway; nor any public or private burying ground, dwelling house or meetinghouse, without consent of the owner.'

**Sec. 2. R. S., c. 1, § 7, amended.** The first sentence of section 7 of chapter 1 of the Revised Statutes is amended to read as follows:

'Whenever the public exigencies require it, the Governor with the advice and consent of the ~~council~~ Senate may take in the name of the State, by purchase and deed, or in the manner herein denoted, any lands or right of ways, for the purpose of erecting, using or maintaining any fort, fortification, arsenal, military connection, way, railroad, lighthouse, beacon or other aid to navigation, with all necessary rights, powers and privileges incident to their use, and may deliver possession and cede the jurisdiction thereof to the United States, on such terms as are deemed expedient.'

**Sec. 3. R. S., c. 1, § 8, amended.** The first sentence of section 8 of chapter 1 of the Revised Statutes is amended to read as follows:

'When the Governor ~~and council determine~~ determines that a public exigency requires the taking of any land or rights as provided for in section 7, ~~they he~~

shall cause the same to be surveyed, located and so described that the same can be identified, and a plan thereof ~~with a copy of the order in council~~ shall be filed in the office of the Secretary of State and there recorded.'

**Sec. 4. R. S., c. 1, § 21, amended.** Section 21 of chapter 1 of the Revised Statutes is amended to read as follows:

'**Sec. 21. Leases of right to take kelp on submerged lands.** The power to lease the right to gather and harvest kelp on the submerged lands and reefs within the jurisdiction of the State, seaward of mean low-water mark, and east of 69 degrees 45 minutes west longitude, is vested in the Governor and ~~Council~~ **Commissioner of Sea and Shore Fisheries** who shall have authority to make leases to such persons and upon such terms and for such length of time, except as hereinafter limited, as they may prescribe. No lease shall be executed for a period of over 30 years, but any lease executed ~~as herein provided~~ may be renewed by the lessee for a further period to be fixed by the parties. The rental to be paid to the State for these rights shall be not less than \$3 per year per square mile of territory covered by said lease and shall be determined by the Governor and ~~Council~~ **Commissioner of Sea and Shore Fisheries**. The lessee shall file with the Secretary of State a plot showing the location of the territory desired to be leased with the boundaries located thereon.'

**Sec. 5. R. S., c. 1, § 23, amended.** Section 23 of chapter 1 of the Revised Statutes is amended to read as follows:

'**Sec. 23. Manner of taking.** Whenever the public exigencies require it, the Governor ~~and council~~ may adopt an order of taking which shall contain a description of the land taken, sufficiently accurate for its identification, and shall state the interest therein taken and the purpose for which such property is taken.'

**Sec. 6. R. S., c. 1, § 24-A, amended.** Section 24-A of chapter 1 of the Revised Statutes, as enacted by section 1 of chapter 329 of the public laws of 1957, is amended to read as follows:

'**Sec. 24-A. Purchase of real estate by State.** Whenever ~~it~~ ~~he~~ determines that the public exigencies require it, the Governor ~~and council~~ may purchase or may take by eminent domain real estate adjacent of the State House in Augusta.'

**Sec. 7. R. S., c. 3, § 11, amended.** The 2nd sentence of section 11 of chapter 3 of the Revised Statutes is amended to read as follows:

'One member shall be appointed and commissioned by the Governor ~~with the advice and consent of the council~~ for the term of 4 years.'

**Sec. 8. R. S., c. 4, § 31, amended.** The first paragraph of section 31 of chapter 4 of the Revised Statutes is amended to read as follows:

'The Governor ~~and council~~, not later than the first Tuesday of July in each year in which a primary election is held, shall open and compare the votes so returned, and have the same tabulated, and then forthwith have forwarded to

each candidate a copy of the tabulations of his precinct or district, and may receive testimony on oath to prove that the return from any ~~city, town or plantation~~ **municipality** does not agree with the record of the vote of such ~~city, town or plantation~~ **municipality** in the number of votes or the names of the persons voted for, and to prove which of them is correct; and a return, when found to be erroneous, may be corrected from the record. No such correction shall be made without application therefor made in accordance with ~~the provisions of section 32 hereof~~, nor without reasonable notice thereof given to the person affected thereby and during a period of 14 days after such tabulation any person voted for may personally, and by or with counsel, examine the returns in question in the presence of the Governor ~~and council, or either of them, or any member of the council~~ or the Secretary of State. The person having the highest number of votes for nomination to any office shall be deemed to have been nominated by his political party for that office, provided that he shall have received at least as many votes as would be required to place his name on the primary election ballot by petition ~~and provided further, that when~~. **When** a tie shall exist between 2 or more persons for the same nomination by reason of such persons having at least as many votes as would be required to place their names on the primary election ballot by petition, and having an equal and the highest number of votes for nomination by one party to one and the same office, the Secretary of State shall give notice to each of such persons to attend at the office of the Secretary of State at a time to be appointed by the secretary who shall then and there proceed publicly to decide by lot which of such such persons shall be declared nominated by his party with like effect as if there had been no such tie. To ascertain what persons have received the highest number of votes, the Governor ~~and council~~ shall count and declare for any person all votes appearing by the returns to have been intentionally cast for him, although his name upon the return is misspelled or written with only the initial or initials of his Christian name or names, or with wrong initials or otherwise as the case may be; ~~and they~~. **They** may hear testimony upon oath, in relation to such returns, in order to determine the intention of the voters and shall decide accordingly. When a return is defective by reason of any informality, an attested copy of the record may be substituted therefor.

**Sec. 9. R. S., c. 4, § 32, amended.** The 5th sentence of section 32 of chapter 4 of the Revised Statutes is amended to read as follows:

'The Governor ~~and council~~ in open meeting shall examine such ballots and if such return or record is found to be erroneous, it shall be corrected in accordance with the number of ballots found to have been actually cast in such town; ~~but no~~. **No** such examination of ballots shall be made without reasonable notice to all candidates upon the ballot for the offices specified in the application as to which such errors are alleged to have occurred, stating when and where such examination will be made and affording such candidates a reasonable opportunity to be present in person or by counsel and be heard in relation thereto.'

**Sec. 10. R. S., c. 4, § 33, amended.** Section 33 of chapter 4 of the Revised Statutes is amended to read as follows:

'**Sec. 33. Agreements to facilitate recounts.** In the examination of ballots upon application as provided in ~~the preceding~~ section 32 and in **chapter 5, sec-**

tion 50 of chapter 5, the Governor ~~and council~~ upon making corrected returns may in ~~their~~ his discretion accept as facts such conclusions material to the inquiry as the candidates concerned may agree upon.'

**Sec. 11. R. S., c. 5, § 25, amended.** Section 25 of chapter 5 of the Revised Statutes, as amended by chapter 204 of the public laws of 1955 and by chapter 310 of the public laws of 1957, is further amended to read as follows:

**'Sec. 25. Clerks to preserve check lists, and furnish certified copies thereof.** Clerks of towns shall preserve the check lists used at any election for one year without alteration, and shall furnish to any person a certified copy thereof within 20 days after demand and payment or tender of the legal charges therefor, which shall be 75c per 100 names or part thereof, and shall without charge furnish the Governor ~~and council~~ with a certified copy thereof within 20 days after demand, under the penalty provided in section 96.'

**Sec. 12. R. S., c. 5, § 26, amended.** The 3rd sentence of section 26 of chapter 5 of the Revised Statutes is amended to read as follows:

~~'Provided, however, that with~~ **With** the approval of the Secretary of State ~~and the Attorney General and a member of the Governor's council to be designated by the Governor,~~ cities and towns may at their own expense provide ballot boxes with sufficient locks and seal fastenings, which shall contain mechanical devices for receiving, registering and indorsing every legal ballot deposited therein; but no such ballot box shall record any distinguishing number or mark upon a ballot.'

**Sec. 13. R. S., c. 5, § 29, amended.** The first sentence of section 29 of chapter 5 of the Revised Statutes is amended to read as follows:

~~'The Secretary of State and the Attorney General and a member of the Governor's council to be designated by the governor shall at such times, under such conditions, and after such public notice as they see fit to give, examine voting and counting machines and apparatus; and they. They shall certify their approval of such machines as, in their judgment, furnish convenient, simple and satisfactory means of voting and of ascertaining the true result thereof with facility and accuracy, special regard being had to preventing and detecting double voting; but no. No machine shall be approved which does not secure to the voter a degree of secrecy in voting equal to that afforded by the use of the official ballot provided by law.'~~

**Sec. 14. R. S., c. 5, § 50, amended.** Section 50 of chapter 5 of the Revised Statutes is amended to read as follows:

**'Sec. 50. Mode of determining who are elected; proceedings for correcting returns; notice of election; rule for canvassing returns and determining election.** The Governor ~~and council~~, not later than the first day of December as to presidential elections and not later than the 15th day of October as to all other regular elections, in each year in which an election is held, and within 15 days after any special election shall open and compare the votes so returned and have the same tabulated, and may receive testimony on oath to prove that the return from any town does not agree with the record of the vote of such town in the number of votes, or the names of the persons voted for, and to prove which of

them is correct; ~~and the~~. The return, when found erroneous, may be corrected by the record. The Secretary of State shall cause to be printed copies of the tabulation of the vote of such election which shall be available to the public, and no such correction may be made without application within 20 days after the printed tabulation is so made available, stating the error alleged, nor without reasonable notice thereof given to the persons affected by such correction, and during said 20 days any person voted for may personally, and by or with counsel examine the returns in presence of the Governor ~~and council, or either of them, or of any member of the council~~. Upon written application filed with the Secretary of State within 20 days after the printed tabulation is so made available, alleging that the return or record of the vote cast in any town does not correctly state the vote as actually cast in such town and specifying the offices as to which such errors are believed to have occurred, the Governor ~~and council~~ in open meeting shall examine the ballots cast in such town and the return thereof, and if such return or record is found to be erroneous, it shall be corrected in accordance with the number of ballots found to have been actually cast in such town; ~~but no~~. No such examination of ballots shall be made without reasonable notice to all candidates for the offices specified in the application as to which such errors are alleged to have occurred, stating when and where such examination will be made, and affording such candidates a reasonable opportunity to be present in person or by counsel at such examination and be heard in relation thereto. The persons having the highest numbers of votes, not exceeding the number to be chosen, shall be declared elected; and the Governor shall issue a certificate thereof in accordance with ~~the provisions of section 4 of~~ chapter 21, **section 4**, and such persons shall enter upon the discharge of their official duties on the first day of January thereafter. If a number of persons, exceeding the number to be chosen, receive an equal number of votes, no one is elected.

To ascertain what persons have received the highest numbers of votes, the Governor ~~and council~~ shall count and declare for any person all votes appearing by the returns to have been intentionally cast for him, although his name upon the return is misspelled or written with only the initial or initials of his Christian name or names; ~~and they~~. He may hear testimony upon oath, in relation to such returns, in order to ascertain the intention of the electors, and shall decide accordingly. This section shall apply in determining the election of all county officers and so far as it relates to the examination and correction of returns, it shall apply in determining the election of United States Senators, Representatives to Congress, members of the Legislature and presidential electors. When a return is defective by reason of any informality, an attested copy of the record may be substituted therefor.'

**Sec. 15. R. S., c. 5, § 51, amended.** The last sentence of section 51 of chapter 5 of the Revised Statutes is amended to read as follows:

'In all cases not otherwise provided for, if no person eligible to the office receives the requisite number of votes to elect him, then the Governor shall order a new election; ~~provided, however, that nothing~~. **Nothing** in this section shall give the Governor ~~and council~~ authority to determine questions of eligibility in cases of Senators and Representatives to the Legislature.'

**Sec. 16. R. S., c. 5, § 52, amended.** Section 52 of chapter 5 of the Revised Statutes is amended to read as follows:

**‘Sec. 52. Application in determining certain questions.** This chapter shall apply in determining the results of voting upon any resolve of the Legislature submitting a constitutional amendment to the people and the results of voting upon any measures submitted to the determination of the people under the amendment to the Constitution of the State adopted September 14, 1908, except questions relating to municipal affairs submitted under ~~the provisions of section 21 of Part Third of Article IV of the Constitution, Article IV, Part Third, Section 21 provided, however, that the~~ **Article IV, Part Third, Section 21** provided, however, that ~~the~~ **The** Governor and council may, without the application mentioned in section 50, examine in open meeting the ballots cast on any such resolve or measure; ~~and when.~~ **When** such examination is made with or without application, in lieu of the notice prescribed in section 50, a notice thereof and of the time and place fixed therefor shall be given by publishing such notice at least twice in some newspaper, if any, published in the town where the ballots to be examined were cast, and if there be no such newspaper then in a newspaper published in the town in the same county nearest the town where the ballots to be examined were cast; ~~the.~~ **The** first publication of such notice shall be at least 7 days before the time fixed for such examination.’

**Sec. 17. R. S., c. 5, § 65-A, amended.** The first sentence of the 2nd paragraph of section 65-A of chapter 5 of the Revised Statutes, as enacted by section 1 of chapter 157 of the public laws of 1957, is amended to read as follows:

‘The Governor ~~with the advice and consent of the council~~ shall appoint some suitable person to the office of registration commissioner of Indian Island voters hereinafter referred to as registration commissioner.’

**Sec. 18. R. S., c. 5, § 65-B, amended.** The first sentence of the 2nd paragraph of section 65-B of chapter 5 of the Revised Statutes, as enacted by section 2 of chapter 157 of the public laws of 1957, is amended to read as follows:

‘The Governor ~~with the advice and consent of the council~~ shall appoint some suitable person to the office of registration commissioner of Peter Dana Point voters hereinafter referred to as registration commissioner.’

**Sec. 19. R. S., c. 5, § 65-C, amended.** The first sentence of the 2nd paragraph of section 65-C of chapter 5 of the Revised Statutes, as enacted by section 3 of chapter 157 of the public laws of 1957, is amended to read as follows:

‘The Governor ~~with the advice and consent of the council~~ shall appoint some suitable person to the office of registration commissioner of Pleasant Point voters hereinafter referred to as registration commissioner.’

**Sec. 20. R. S., c. 5, § 70, amended.** The 2nd sentence of section 70 of chapter 5 of the Revised Statutes is amended to read as follows:

‘Pending such election, the Governor ~~with the advice and consent of the council~~ shall make a temporary appointment to fill the vacancy, and the person so appointed shall serve until the election and qualification of the person duly elected to fill such vacancy.’

**Sec. 21. R. S., c. 5, § 72, amended.** Section 72 of chapter 5 of the Revised Statutes is amended to read as follows:

**'Sec. 72. Clerks of towns to mail returns to Secretary of State; canvass of returns, declaration of result and issue of certificate of election.** The clerk of each town, within 24 hours after the close of the polls, shall deposit in some post office the returns of the votes cast at such special election postpaid, directed to the Secretary of State, to be transmitted by mail. ~~The Governor and council shall meet 7~~ **Seven** days after such election, ~~and the Governor shall open and canvass such returns, and declare the result. They~~ **He** shall receive certified copies of the record of any town if the return from such town is lost, or is not received by the Secretary of State. The Governor shall immediately issue a certificate of election to the person thus declared to have received a plurality of votes.'

**Sec. 22. R. S., c. 5, § 78, amended.** Section 78 of chapter 5 of the Revised Statutes, as amended by section 6 of chapter 47 of the public laws of 1955, is further amended to read as follows:

**'Sec. 78. Votes, how received, returned and counted; Secretary of State to send for delinquent returns; notice to persons elected.** The votes shall be sorted, counted, declared and recorded; ~~and the~~ **The** returns of the number of ballots and of the votes given for each candidate shall be made, according to the Constitution and laws, to the Secretary of State, on or before the 2nd Tuesday after such meeting; ~~on.~~ **On** said 2nd Tuesday the Governor ~~and council shall be in session, and~~ shall open, examine and count the returns of votes so made, and the Secretary of State shall forthwith send a messenger to every city and town from which a return has not been received at his office for the purpose of procuring the wanting return and the Governor ~~and council shall again meet~~ not later than the first day of December following such election, ~~and examine and count all the votes received from the several cities, towns and plantations municipalities and the votes of citizens in the military service lawfully returned into the office of the Secretary of State; and they.~~ **He** shall forthwith send a certificate of election to each person who has received the greatest number of all votes returned, not exceeding the number to be chosen.

A vote for the candidates of any political party for both President and Vice-president shall be conclusively deemed to be a vote for candidates of the same party for presidential electors, and shall be so counted and recorded for such electors as the State shall be empowered to elect.

The canvass of the votes for candidates for President and Vice-president and the returns thereof shall be a canvass and return of the votes cast for the electors of the same party, respectively, and the certificate of such election made by the Governor ~~and council~~ shall be in accord with such return.'

**Sec. 23. R. S., c. 5, § 79, amended.** Section 79 of chapter 5 of the Revised Statutes, as amended by section 2 of chapter 30 of the public laws of 1955, is hereby amended to read as follows:

**'Sec. 79. Expense of sending for returns to be paid by State.** The expense of each messenger sent as required by ~~the preceding~~ **section 78** shall be audited and allowed by the Governor ~~and council~~, and paid out of the State Treasury;



~~but if.~~ If the same messenger is sent to 2 or more towns on the same route, the amount to be paid by each of them shall be apportioned by the Governor ~~and council~~ according to their relative distances and the expense of traveling. If the Governor ~~and council determine~~ **determines** that the officers of any delinquent town have not fully performed their duties in making the required returns, the amount so paid shall be repaid the State by such town. Such town shall be precluded from drawing from the State Treasury any funds set apart for such town so long as such amount remains unpaid.'

**Sec. 24. R. S., c. 10, § 1, amended.** Section 1 of chapter 10 of the Revised Statutes is amended to read as follows:

'**Sec. 1. Certified rolls of members elect.** The Secretary of State shall, on or before the day preceding the meeting of the Legislature, furnish to the Secretary of the preceding Senate a certified roll, under the seal of the State, of the names and residences of Senators-elect, according to the report of the Governor ~~and council~~, and to the Clerk of the preceding House of Representatives a certified roll, under the seal of the State, of the names and residences of the Representatives-elect, according to the report of the Governor ~~and council~~, and shall report the vacancies if any exist.'

**Sec. 25. R. S., c. 10, § 33-A, amended.** The first sentence of section 33-A of chapter 10 of the Revised Statutes, as enacted by section 3 of chapter 405 of the public laws of 1955, is amended to read as follows:

'The Commission on Uniform State Laws, as heretofore established, shall consist of 3 members to be appointed for a term of 4 years by the Governor ~~with the advice and consent of the council.~~

**Sec. 26. R. S., c. 11, §§ 3, 4, repealed.** Sections 3 and 4 of chapter 11 of the Revised Statutes are repealed.

**Sec. 27. R. S., c. 11, § 5, amended.** The first sentence of section 5 of chapter 11 of the Revised Statutes is amended to read as follows:

'All civil officers, appointed by the Governor and ~~council~~ **Senate**, whose tenure of office is not fixed by law or limited by the Constitution, ~~otherwise than during the pleasure of the governor and council~~ except ministers of the gospel appointed to solemnize marriages and persons appointed to qualify civil officers, shall hold their respective offices for 4 years and no longer, unless reappointed, and shall be subject to removal at any time within said term by the Governor ~~and council.~~

**Sec. 27. R. S., c. 11, § 6, amended.** Section 6 of chapter 11 of the Revised Statutes is amended to read as follows:

'**Sec. 6. Civil officers, other than judicial officers, to serve until successors qualified.** All civil officers, other than judicial officers, appointed by the Governor with the advice and consent of the ~~council~~ **Senate** and whose terms of office are fixed by law, shall hold office during the term for which they were appointed and until their successors in office have been appointed and qualified, unless soon removed in accordance with law.'

**Sec. 28. R. S., c. 11, § 7, amended.** The first sentence of section 7 of chapter 11 of the Revised Statutes is amended to read as follows:

'The Governor ~~with the advice and consent of the council~~ may appoint in every county persons who shall be designated as dedimus justices, before whom the oath required by the Constitution to qualify civil officers may be taken and subscribed.'

**Sec. 29. R. S., c. 11, § 8, amended.** Section 8 of chapter 11 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 8. Certain officers to take oath before the Governor; others before a magistrate.** The Justices of the Supreme Judicial Court and of the Superior Court and all state officials elected by the Legislature shall take and subscribe the oath or affirmation required by the Constitution, before the Governor ~~and council, when in session, and in their recess, before any 2 members of the council; and every.~~ Every other person elected or appointed to any civil office shall take and subscribe the oath before ~~any one member of the council, or~~ any magistrate commissioned by the Governor for that purpose, except when the Constitution otherwise provides.'

**Sec. 30. R. S., c. 11, § 9, amended.** Section 9 of chapter 11 of the Revised Statutes is amended to read as follows:

'**Sec. 9. Officers to qualify within 30 days or office deemed vacant.** All public officers appointed by the Governor and ~~council~~ Senate shall, within 30 days after being commissioned, qualify to perform the duties of their office and the certificate of such qualification shall be filed in the office of the Secretary of State. Any such officer who fails to qualify and file a certificate of qualification in the office of the Secretary of State within 30 days ~~as above provided~~ shall be deemed to have forfeited his appointment and the office may be declared vacant by the Governor ~~and council~~ and a new appointment made.'

**Sec. 31. R. S., c. 11, § 11, amended.** Section 11 of chapter 11 of the Revised Statutes is amended to read as follows:

'**Sec. 11. Governor may employ armed vessels to protect the coast of the State.** When the Governor ~~and council deem~~ deems it necessary to protect the coast of the State from invasion, ~~they~~ he may procure, equip, officer and man, such armed vessels as ~~they think~~ he thinks expedient, to cruise along the coast of the State for the purpose of protecting the inhabitants thereof; and fix the relative rank and compensation of the officers, and the number and compensation of seamen employed.'

**Sec. 32. R. S., c. 11, § 12-A, amended.** Section 12-A of chapter 11 of the Revised Statutes, as enacted by section 1 of chapter 51 of the public laws of 1957, is amended to read as follows:

'**Sec. 12-A. Promotion of Maine.** There is ~~hereby~~ established a special account, to be set up by the State Controller, to be designated "Promotion of Maine Account" for the purpose of promoting Maine and to which shall be credited such amounts as are appropriated by the Legislature ~~therefor~~.

This account shall be under the complete supervision and control of the Governor and ~~council~~ **Commissioner of Economic Development**, and the Governor and ~~council~~ **is Commissioner of Economic Development** are authorized in ~~its~~ **their** discretion to designate any part of this account for meeting necessary expenses in providing for such needs in the promotion of Maine after ample evidence is presented of the need for an allotment from this account.

No allotment or release shall be authorized for any normal operation of the State Government for which funds have been provided by the Legislature, it being the intent of the Legislature that the use of this account be limited to such unusual and unforeseen needs as may arise in the promotion of specific projects which bear a direct positive effect on the economy of Maine. This shall not be construed to authorize the Governor and ~~council~~ **Commissioner of Economic Development** to create any new department or function, and no part of this account shall be used for attorneys' fees, increases of salaries, the creation of any new positions in any department of the State Government, or for the construction or equipping of any building.'

**Sec. 33. R. S., c. 11, § 13, amended.** Section 13 of chapter 11 of the Revised Statutes is amended to read as follows:

'**Sec. 13. Insurance on public buildings and property.** All fire and liability insurance upon public buildings and other property belonging to the State shall be placed thereon by the several heads of departments having said property in charge, subject to the approval of the Governor and ~~council~~ **Commissioner of Finance and Administration**, or by the Governor and ~~council~~ **Commissioner of Finance and Administration**, and all expense therefor shall be paid from the several appropriations for insurance on said property. The policies for all insurance so placed shall be deposited with the Insurance Commissioner, and a record thereof kept by the Governor ~~and council~~ and ~~said commissioner~~ **the Insurance Commissioner.**'

**Sec. 34. R. S., c. 11, § 14, amended.** Section 14 of chapter 11 of the Revised Statutes is amended to read as follows:

'**Sec. 14. Insurance money available for replacement.** Whenever any officer or department of the State has taken out fire insurance on property owned by the State, or for which the State is responsible, and the property has been destroyed, the money paid by the insurance companies on the loss shall, with the approval of the Governor and ~~council~~ **Commissioner of Finance and Administration**, be made immediately available for the use of such office or department in replacing the destroyed property, or otherwise, as may be needed in the work of the office or department.'

**Sec. 35. R. S., c. 11, § 15, amended.** Section 15 of chapter 11 of the Revised Statutes is amended to read as follows:

'**Sec. 15. State authorized to accept federal grants.** The Governor ~~with the advice and consent of the council~~ is authorized and empowered to accept for the State any federal funds or any equipment, supplies or materials apportioned under ~~the provisions of~~ federal law and to do such acts as are necessary for the purpose of carrying out ~~the provisions of~~ such federal law. The Governor

~~with the advice and consent of the council~~ is further authorized and empowered to authorize and direct departments or agencies of the State, to which are allocated the duties involved in the carrying out of such state laws as are necessary to comply with the terms of the federal act authorizing such granting of federal funds or such equipment, supplies or materials, to expend such sums of money and do such acts as are necessary to meet such federal requirements.'

**Sec. 36. R. S., c. 11, § 16, amended.** Section 16 of chapter 11 of the Revised Statutes is amended to read as follows:

'**Sec. 16. State authorized to accept gifts.** The Governor, with the advice and consent of the ~~council~~ **Attorney General**, is authorized to accept in the name of the State any and all gifts, bequests, grants or conveyances to the State of Maine.'

**Sec. 37. R. S., c. 11, § 17, amended.** Section 17 of chapter 11 of the Revised Statutes is amended to read as follows:

'**Sec. 17. Governor and Commissioner of Finance and Administration to authorize audit of state's books.** Whenever it seems advisable to the Governor and ~~council~~ **Commissioner of Finance and Administration**, they may cause the books and accounts of the State or any department or agency thereof to be audited, and for that purpose may employ auditors other than those employed by the State Department of Audit. In any event, the Governor and ~~council~~ **Commissioner of Finance and Administration** shall cause an audit of the books of the State to be made at least once in every 4 years by auditors other than those employed by the State Department of Audit.'

**Sec. 38. R. S., c. 12, § 4, amended.** Section 4 of chapter 12 of the Revised Statutes is amended to read as follows:

'**Sec. 4. State Civil Defense and Public Safety Agency.** Whenever it is deemed advisable by the Governor, there shall be created within the executive branch of the State Government a Department of Civil Defense and Public Safety, as heretofore established and hereinafter in this chapter called the "Civil Defense and Public Safety Agency", and a Director of Civil Defense and Public Safety, hereinafter in this chapter called the "director", who shall be the head thereof. The director and such administrative and operative assistants as may be necessary shall be appointed by the Governor ~~with the advice and consent of the council~~ and they shall hold office during the pleasure of the Governor ~~and council~~. They shall receive such compensation as shall be fixed by the Governor and ~~council~~ **Commissioner of Finance and Administration** and shall hold no other state office.

The director may employ such technical, clerical, stenographic and other personnel, subject to the provisions of the Personnel Law, and make such expenditures on approval of the Governor and ~~council~~ **Commissioner of Finance and Administration**, as may be necessary to carry out the purposes of this chapter.

The director and other personnel of the Civil Defense and Public Safety Agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as provided for personnel of other state agencies.

The director, subject to the direction and control of the Governor, shall be the executive head of the Civil Defense and Public Safety Agency and shall be responsible to the Governor for carrying out the program for civil defense and public safety. He shall coordinate the activities of all organizations for civil defense and public safety within the State, and shall maintain liaison with and cooperate with civil defense and public safety agencies and organizations of other states, the Federal Government and foreign countries, and the political subdivisions thereof, and shall have such additional authority, duties and responsibilities as may be prescribed by the Governor.'

**Sec. 39. R. S., c. 12, § 4-A, amended.** The first sentence of the 2nd paragraph of section 12-A of chapter 12 of the Revised Statutes, as enacted by section 1-A of chapter 435 of the public laws of 1955, is amended to read as follows:

'Such rules and regulations shall become effective when approved in writing by the Governor and ~~council~~ **Attorney General** and when a certified copy thereof has been filed with the Secretary of State.'

**Sec. 40. R. S., c. 12, § 5, amended.** The 2nd and 3rd sentences of section 5 of chapter 12 of the Revised Statutes are amended to read as follows:

'All members shall be appointed by the Governor ~~with the advice and consent of the executive council~~. They shall serve during the pleasure of the Governor ~~and executive council~~.'

**Sec. 41. R. S., c. 12, § 7, amended.** The 4th paragraph of section 7 of chapter 12 of the Revised Statutes is amended to read as follows:

'The Governor shall, with the approval of the ~~executive council~~ **Attorney General** award reasonable compensation to the owners of the property which he may take under ~~the provisions of~~ this section and for its use and for any injury thereto or destruction thereof caused by such use.'

**Sec. 42. R. S., c. 12, § 20, amended.** The first sentence of the 2nd paragraph of section 20 of chapter 12 of the Revised Statutes is amended to read as follows:

'The Governor, with the advice and consent of the ~~council~~ **Secretary of State and the Attorney General**, is authorized and empowered, whenever an emergency has been declared as provided in section 6, to transfer to this fund any state moneys in the General Fund of the State, including unexpended appropriation balances of any state department or agency allotted or otherwise.'

**Sec. 43. R. S., c. 14, § 11, amended.** The 11th paragraph of section 11 of chapter 14 of the Revised Statutes is amended to read as follows:

'Subject to the approval of the Governor, the Adjutant General may appoint a property officer and a plans and training officer both of whom shall meet the requirements for appointment of staff officers provided in section 9, hold office at the pleasure of the Adjutant General and receive salaries to be fixed by the Governor and ~~council~~ **Commissioner of Finance and Administration**.'

**Sec. 44. R. S., c. 14, § 50, amended.** The first sentence of section 50 of chapter 14 of the Revised Statutes is amended to read as follows:

'All property furnished by the State shall remain and continue to be the property of the State, to be used for military purposes only, and when not so in use

shall be kept in the armories or designated places of deposit; ~~provided however that upon~~. **Upon** order of the Governor ~~and council~~, the quartermaster general is authorized to issue to the municipal officers of any city or town field ordnance of obsolete pattern under such regulations as the Governor ~~and council~~ may prescribe.'

**Sec. 45. R. S., c. 15, §1, amended.** Section 1 of chapter 15 of the Revised Statutes is amended to read as follows:

'**Sec. 1. Chief; appointment and duties; members of force; rules and regulations; deputy chief.** The Governor, with the advice and consent of the ~~council~~ **Senate**, shall appoint a Chief of the State Police, as heretofore appointed, to serve for a term of 4 years unless removed for cause. Such appointment may be made from the membership of the State Police. He may be removed by the Governor ~~and council~~ only after charges have been preferred in writing and, if he so requests, after public hearing. The chief shall be the executive head of the State Police and shall execute the duties of his office under the direction and subject to the approval of the Governor ~~and council~~. The Chief of the State Police may enlist suitable persons as members of the State Police to enforce the provisions of law, who shall enlist for a period of 3 years-.

**I.** During the first year of the first enlistment a member will be on probation and may be summarily discharged by the chief without hearing;

**II.** A qualified and accepted recruit will take the oath to be prescribed by regulations of the department and such oath shall be set out in the enlistment paper. Each accepted recruit shall sign such paper and expressly agree to abide by and be subject to all the conditions and obligations therein set forth;

**III.** After the first year of the first enlistment period members may be discharged only after trial before a trial court to be designated by the Chief of the said State Police;

**IV.** Members may be discharged on their own request if deemed consistent with the good of the service by the chief;

**V.** Voluntary withdrawal from the force during the term of enlistment or reenlistment without the consent of the chief shall constitute a misdemeanor;

**VI.** The chief shall make rules and regulations subject to the approval of the Governor and ~~council~~ **Attorney General** for the discipline and control of members of the State Police and for the examination and qualification of applicants for enlistment therein and violation of any rules and regulations ~~approved as aforesaid~~ by any member of the State Police shall constitute a misdemeanor. Subject to the approval of the Governor ~~and council~~, the chief may designate a member of the State Police to act as his deputy.'

**Sec. 46. R. S., c. 15, § 5, amended.** The first sentence of section 5 of chapter 15 of the Revised Statutes is amended to read as follows:

'The Governor and ~~council~~ **Commissioner of Finance and Administration** shall determine the salary of the chief and deputy chief.'

**Sec. 47. R. S., c. 15, § 8, amended.** Section 8 of chapter 15 of the Revised Statutes, as amended by section 1 of chapter 259 of the public laws of 1957, is further amended to read as follows :

**'Sec. 8. Weighing points; designation of inspecting officers.** From time to time the Chief of State Police shall designate, of his own motion or by order of the Governor ~~and council~~, along the main highways of this State, weighing points, stations or barracks at which a suitable set of platform or portable scales for the weighing of motor vehicles shall be available for use.

The Chief of State Police shall also designate, of his own motion or by order of the Governor ~~and council~~, certain state police officers who will be empowered to examine loads and replace seals as provided by section 9.'

**Sec. 48. R. S., c. 15, § 21, amended.** Section 21 of chapter 15 of the Revised Statutes is amended to read as follows :

**'Sec. 21. Governor to authorize fingerprinting.** The law enforcement agencies of the State, upon request of the Governor ~~and council~~, shall have the authority to take, or cause to be taken, and shall take, or cause to be taken, the fingerprints of the persons enumerated in section 20 and of any persons who shall request their fingerprints to be taken for civilian identification.'

**Sec. 49. R. S., c. 15, § 22, amended.** The last sentence of the last paragraph of section 22 of chapter 15 of the Revised Statutes is amended to read as follows :  
'Upon his request for retirement, made in writing to the Governor ~~and council~~, he shall receive thereafter  $\frac{1}{2}$  of the pay per year that is paid to him as chief at the time of his retirement, provided he has served at least 4 years as chief ; otherwise he shall receive thereafter  $\frac{1}{2}$  of the pay per year that was paid to him as a member at the time he was appointed chief.'

**Sec. 50. R. S., c. 15-A, § 1, amended.** Section 1 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows :

**'Sec. 1. Department of Finance and Administration; commissioner; appointment; removal; vacancy; salary.** The Department of Finance and Administration, as heretofore established, shall exercise such powers and perform such duties as are set forth in this chapter and chapters 16 and 17 ~~of the Revised Statutes~~.

The department shall be under the supervision and control of a Commissioner of Finance and Administration, hereinafter called the "commissioner," who shall be appointed by the Governor, with the advice and consent of the ~~council~~ Senate, to serve for a term of 7 years, and until his successor is appointed and qualified.

The commissioner may be removed from office by the Governor ~~and council~~ for cause.

Any vacancy in the said office shall be filled by appointment for a like term in the same manner as hereinbefore provided.

The salary of the commissioner shall be fixed by the Governor ~~and council~~.'

**Sec. 51. R. S., c. 15-A, § 2, sub-§ II, amended.** Subsection II of section 2 of

chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

**‘II. To coordinate financial planning and programming activities of departments and agencies of the State Government for review and action by the Governor ~~and council~~;**’

**Sec. 52. R. S., c. 15-A, § 12, amended.** Section 12 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

**‘Sec. 12. Handling appropriations.** No appropriations to any state department or agency shall become available for expenditure until allotted upon the basis of the work program duly approved by the Governor ~~and council~~ as provided in this chapter.’

**Sec. 53. R. S., c. 15-A, § 15, amended.** Section 15 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

**‘Sec. 15. Transfer of unexpended appropriations on recommendation of State Budget Officer.** Any balance of any appropriation or subdivision of an appropriation made by the Legislature for any state department or agency, which at any time may not be required for the purposes named in such appropriation or subdivision may, upon the recommendation of the department or agency head concerned and the State Budget Officer, be transferred by the Governor ~~and council~~, at any time prior to the closing of the books, to any other appropriation or subdivision of an appropriation made by the Legislature for the use of the same department or agency for the same fiscal year.’

**Sec. 54. R. S., c. 15-A, § 16, amended.** Section 16 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

**‘Sec. 16. Work program and allotments.** Not later than June 1st of each year, the Governor shall require the head of each department and agency of the State Government to submit to the Bureau of the Budget a work program for the ensuing fiscal year. Such work program shall include all appropriations made available to said department or agency for its operation and maintenance and for the acquisition of property, and it shall show the requested allotments of said appropriations by quarters for the entire fiscal year, classified to show allotments requested for specific amounts for personal services, capital expenditures and amounts for all other departmental expenses. The Governor ~~and council~~, with the assistance of the State Budget Officer, shall review the requested allotments with respect to the work program of each department or agency and shall if they deem it necessary, revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriations made available to said department or agency for the fiscal year in question. The State Budget Officer shall transmit a copy of the allotments as approved by the Governor ~~and council~~ to the head of the department or agency concerned and also a copy to the State Controller. The State Controller shall thereupon authorize all expenditures to be made from the appropriations on the basis of such allotments and not otherwise.



The head of any department or agency of the State Government, whenever he shall deem it necessary by reason of changed conditions, may revise the work program of his department or agency at the beginning of any quarter during the fiscal year, and submit such revised program to the Bureau of the Budget with his request for a revision of the allotments of the remaining quarters of that fiscal year. If, upon such reexamination of the work program, the State Budget Officer, with the approval of the Governor ~~and council~~, shall decide to grant the request for the revision of the allotments, the same procedure, so far as it relates to review, approval and control shall be followed as in the making of the original allotments.

In order to provide some degree of flexibility to meet emergencies arising during each fiscal year in the expenditures for operation and maintenance of the various departments and agencies of the State Government, the State Budget Officer, with the approval of the Governor ~~and council~~, may require the head of each department and agency in making original allotments, to set aside a reserve, the exact amount of which shall be determined by the State Budget Officer, of the total amount appropriated to the department or agency. At any time during the fiscal year this reserve or any portion of it may be returned to the appropriation to which it belongs and may be added to any one or more of the allotments, provided the State Budget Officer shall deem such action necessary and shall notify the State Controller of such action. Any unused portion of such reserve shall remain at the end of the fiscal year as an unexpended balance of appropriation. Any unexpended and unencumbered balance of allotment at the end of each quarter shall be credited to a reserve set up for the fiscal year.'

**Sec. 55. R. S., c. 15-A, § 20, amended.** Section 20 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957 and as amended by section 10 of chapter 429 of the public laws of 1957, is further amended to read as follows:

**Sec. 20. Unappropriated Surplus; report.** The State Controller shall maintain on the books of the State an account to be known as "Unappropriated Surplus." The balances of all revenue and appropriation accounts not otherwise provided for by law, together with any other necessary adjustments of balances previously closed to the Unappropriated Surplus Account, shall be closed to this account at the end of each fiscal year. Any amounts authorized for allocation by the Governor ~~and council~~ or representing permanent working capital advances shall be removed from Unappropriated Surplus and set up in separate accounts so that the balance of the Unappropriated Surplus Account shall be the amount of free and unencumbered surplus according to generally accepted accounting principles.

The State Controller shall include in his official annual financial report a statement of the Unappropriated Surplus Account reflecting all changes in this account during the fiscal year and the balance of this account at the close of the fiscal period.

The Governor and ~~council~~ **Commissioner of Finance and Administration** may allocate from the "Unappropriated Surplus" amounts not to exceed \$500,000 for the purchase of real estate adjacent to the State House in accordance with ~~section 24-A of chapter 1, section 24-A.'~~

**Sec. 56. R. S., c. 15-A, § 23, amended.** The 2nd sentence of the 2nd paragraph of section 23 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows: 'Monthly newspapers may be used for this purpose on authorization of the Governor ~~and council.~~'

**Sec. 57. R. S., c. 15-A, § 25, sub-§ XVII, amended.** Subsection XVII of section 25 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

'**XVII.** To provide, with the consent of the Governor ~~and council~~, food service in the state office buildings located at the seat of government and elsewhere in the State as may be determined by the Governor ~~and council~~;

**Sec. 58. R. S., c. 15-A, § 26, amended.** Section 26 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

'**Sec. 26. Competitive bids for public improvements.** Any contract for any public improvement involving a total cost of more than \$3,000, except contracts for professional, architectural and engineering services, shall be awarded by a system of competitive bidding in accordance with the provisions of this chapter and such other conditions and restrictions as the Governor and ~~council~~ **Attorney General** may from time to time prescribe.'

**Sec. 59. R. S., c. 15-A, § 28, amended.** The 3rd sentence of section 28 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

'Sealed proposals submitted in accordance with such advertisements shall be addressed to the trustees, commissioners or such other persons having the construction in charge and shall remain sealed until opened in the presence of ~~a committee of the executive council~~ **the Commissioner of Finance and Administration** at such time as the Governor ~~and council~~ may direct.'

**Sec. 60. R. S., c. 15-A, § 43, amended.** Section 43 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, and as amended by section 12 of chapter 429 of the public laws of 1957, is further amended to read as follows:

'**Sec. 43. State owned cars; marking.** The State shall provide no automobiles for travel of state employees. This shall not apply to the Governor, the State Police, the Department of Inland Fisheries and Game, the Department of Sea and Shores Fisheries, supervising state fire inspectors, the Department of State, supervisors in the Maine Forestry District, the State Highway Commission or to such other agencies, boards, commissions and departments of the State Government as the Governor ~~and council~~ may from time to time designate.

All state owned cars shall display a marker or insignia, approved by the Secretary of State, plainly designating them as state owned vehicles. The Governor ~~and council~~ may designate the use of certain state owned cars without the said insignia thereon.'

**Sec. 61. R. S., c. 15-A, § 44, amended.** The 2nd sentence of section 44 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

'The Governor ~~with the advice and consent of the council~~ may suspend the operation of this section and require state officials and employees to travel in automobiles owned or controlled by the State, if such automobiles be available.'

**Sec. 62. R. S., c. 15-A, § 45, amended.** The first paragraph of section 45 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

'All state officials and employees shall be bonded. The Insurance Commissioner shall select and prescribe the forms and types of bond, subject to the approval of the Governor ~~and council~~. Such bonds shall be in blanket or comprehensive form, so called, and for such an amount or amounts as may be determined by the State Auditor and the Commissioner of Finance and Administration with the approval of the Governor ~~and council~~. In event of inability to obtain a blanket or comprehensive form, so called, a list shall be submitted annually to the Governor ~~and council for their~~ **for his** approval, as recommended by the State Auditor and the Commissioner of Finance and Administration, and designating such state officials and employees who in their discretion shall be bonded. The condition of any bond covering state officials and employees shall be to faithfully discharge the duties of the office or employment of such official or employee. All such bonds shall be deposited with the Treasurer of State for safekeeping.'

**Sec. 63. R. S., c. 15-A, § 45-A, amended.** Section 45-A of chapter 15-A of the Revised Statutes, as enacted by section 14 of chapter 429 of the public laws of 1957, is amended to read as follows:

'**Sec. 45-A. Allocations from the Construction Reserve Fund.** Funds appropriated by the Legislature to the Construction Reserve Fund may be allocated by the Governor ~~with the advice and consent of the council and the Commissioner of Finance and Administration~~ whenever:

- I. The Legislature makes specific recommendations for the use of funds appropriated to the Construction Reserve Fund;
- II. An increase in construction or equipment costs results in a project cost in excess of the amount appropriated therefor by the Legislature;
- III. A condition arises during the course of a project which necessitates a change in plans, specifications or equipment resulting in a project cost in excess of funds previously made available therefor;
- IV. It appears to be in the best interests of the State to acquire real estate or to have estimates, plans or specifications prepared for a project in advance of the date on which funds may be made available therefor by the Legislature, except that with respect to allocations from the Construction Reserve Fund, no allocations shall be made for the purpose of acquiring real estate in any municipality until such time as the acquisition has been approved by the governing body of that municipality;

V. It appears to be necessary and in the best interests of the State to proceed with the construction of, or the purchase of equipment for, a project for which funds were not otherwise made available by the Legislature.

Any allocation of funds made by the Governor and ~~council~~ **Commissioner of Finance and Administration** under ~~the provisions of~~ this section shall constitute a continuous carrying account for the purposes designated by the Governor and ~~council~~ **Commissioner of Finance and Administration**. The State Controller is authorized to carry forward all such allocations to the succeeding fiscal year, provided work shall have begun by the letting of a contract or contracts or by actually starting the work during the year in which the allocation was made. Any balance remaining after the completion of the object of the allocation shall revert to the Construction Reserve Fund.'

**Sec. 64. R. S., c. 15-A, § 47, amended.** The 2nd sentence of section 47 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

'Such certification shall be by the Attorney General, the Commissioner of Finance and Administration and the Treasurer of State, subject to the approval of the Governor ~~and council~~.'

**Sec. 65. R. S., c. 15-A, § 50, amended.** The 2nd sentence of section 50 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

'Such return shall be made only on the recommendation of the department or agency head having jurisdiction over the advance and with the approval of the Commissioner of Finance and Administration and the Governor ~~and council~~.'

**Sec. 66. R. S., c. 15-A, § 51, amended.** The first paragraph of section 51 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

'The Governor, with the advice and consent of the ~~council~~ **Attorney General and the Commissioner of Finance and Administration**, may allocate from the State Contingent Account amounts not to exceed in total the sum of \$450,000 in any fiscal year. Such allocations may be made to meet any expense necessarily incurred under any requirements of law, or for the maintenance of government within the scope existing at the time of the previous session of the Legislature or contemplated by laws enacted thereat, or to pay bills arising out of some emergency requiring an expenditure of money not provided by the Legislature. The Governor ~~and council~~, **the Attorney General and the Commissioner of Finance and Administration** shall determine the necessity for such allocations. All such allocations shall be supported by a statement of facts setting forth the necessity for the allocations. At the close of each fiscal year there shall be transferred from the Unappropriated Surplus of the General Fund an amount sufficient to restore the State Contingent Account to \$450,000.'

**Sec. 67. R. S., c. 15-A, § 52, amended.** Section 52 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

'**Sec. 52. State funds eliminated.** Unless the Legislature shall otherwise direct, the Commissioner of Finance and Administration, with the approval of the

Governor and ~~council~~ **the State Auditor**, shall have authority to discontinue any or all special expendable state funds with the exception of the sinking funds and trust funds and to merge the balance or balances of such fund or funds so discontinued with the General Fund.'

**Sec. 68. R. S., c. 16, § 59, amended.** Section 59 of chapter 16 of the Revised Statutes is amended to read as follows :

'**Sec. 59. Annual report to Governor.** The State Tax Assessor shall annually, before the first day of January, make a report to the Governor ~~and council~~ of the proceedings of the Bureau of Taxation, and shall include therein tabular summaries derived from returns from local assessors, with summaries showing the taxes assessed against corporations, and such statistics and other information concerning revenue and taxation as may be deemed of public interest, and for the years in which the board of equalization shall have equalized the valuation of the State, the report shall include tabular statements of the state valuation by towns.'

**Sec. 69. R. S., c. 16, § 65, amended.** Section 65 of chapter 16 of the Revised Statutes is amended to read as follows :

'**Sec. 65. Board of Equalization.** The Board of Equalization, as heretofore established, shall consist of the State Tax Assessor as chairman serving without additional salary, and 2 associate members not otherwise connected with the State Government or any local government thereof appointed by the Governor ~~and council~~ for terms of 4 years. One of the associate members shall be of the minority party. The associate members shall be persons known to possess knowledge of and training in the valuation of property, and shall devote to the duties of their office such time as may be required of them by the chairman. Each associate member shall be paid a per diem, to be fixed by the Governor and ~~council~~ **the Commissioner of Finance and Administration**, when attending meetings called by the chairman, and shall also receive his actual expenses incurred in the performance of his official duties. The director of the property tax division in the Bureau of Taxation shall serve as secretary of the board, and he shall maintain all the records and papers of the board, and be in charge of all its clerical work and correspondence.'

**Sec. 70. R. S., c. 16, § 74, amended.** The first sentence of section 74 of chapter 16 of the Revised Statutes is amended to read as follows :

'The State Tax Assessor may, subject to the approval of the Governor and ~~council~~ **the Attorney General**, within 3 years from the assessment, if justice requires, make an abatement of any state, county or forestry district taxes.'

**Sec. 71. R. S., c. 16, § 75, amended.** Section 75 of chapter 16 of the Revised Statutes is amended to read as follows :

'**Sec. 75. May abate tax when property has been doubly taxed.** Whenever it appears to the State Tax Assessor that any parcel of property in the State has been doubly taxed in any year, and it appears by the records that a moiety of such tax has been paid, the State Tax Assessor may, subject to the approval of the Governor and ~~council~~ **the Attorney General**, abate the balance remaining

unpaid, the said tax or taxes shall be canceled upon the books of the State.'

**Sec. 72. R. S., c. 18, § 1, amended.** The 3rd paragraph of section 1 of chapter 18 of the Revised Statutes is amended to read as follows:

'The chief clerk in the office of the Treasurer of State shall be designated as "deputy treasurer of state." In the event of a vacancy in the office of Treasurer of State or during the absence or disability of that officer, the deputy treasurer of state shall perform the duties of the office. When a vacancy occurs, he shall give bond to the State, with sureties, to the satisfaction of the Governor and ~~council~~ **the State Auditor**, for the faithful discharge of his trust.'

**Sec. 73. R. S., c. 18, § 2, amended.** Section 2 of chapter 18 of the Revised Statutes as amended by section 2 of chapter 481 of the public laws of 1955, is further amended to read as follows:

'**Sec. 2. Bond.** The condition of the ~~Treasurer's~~ **Treasurer of State's** bond shall be for the faithful discharge of all the duties of his office, and that during his continuance in office he will not engage in trade or commerce, or act as broker, agent or factor for any merchant or trader; and that he, or his executors, administrators or sureties, or their executors or administrators, shall render a just and true account of all his agents' and servants' doings and transactions in the office, to the Legislature, or to such committee as it appoints, on the first day of each regular session of the Legislature, previous to the choice of a new treasurer, and at any other time when required by the Legislature or the Governor ~~and council~~; and that he will settle and adjust said account and faithfully deliver to his successor in office or to such person as the Legislature appoints, all moneys, books, property and appurtenances of said office, in his, or any of his agents' possession, and pay over all balances found due on such adjustment. Such bond, when approved as the Constitution prescribes, shall be lodged in the office of the State Auditor.'

**Sec. 74. R. S., c. 18, § 4, amended.** Section 4 of chapter 18 of the Revised Statutes is amended to read as follows:

'**Sec. 4. Governor and State Auditor may require a new bond.** When it appears to the Governor and ~~council~~ **the State Auditor** that the treasurer's bond is not sufficient for the full security of the State, they shall make written demand upon him for a new bond ~~and if~~. If he neglects for 10 days thereafter to file such bond to their satisfaction, they shall remove him and declare the office vacant.'

**Sec. 75. R. S., c. 18, § 7, amended.** Section 7 of chapter 18 of the Revised Statutes is amended to read as follows:

'**Sec. 7. Hearing of complaints against treasurer; removal.** Upon written complaint of any person that the treasurer of State is insane or insolvent, or has absconded or concealed himself to avoid his creditors, or is absent from the State and neglecting his duties to the hazard of the trust reposed in him, or has violated any provision of section 5, or has failed faithfully to perform the duties of his office, the Governor ~~and council~~, **the Secretary of State and the State Auditor** shall forthwith examine into the charges and if any of them is found true, they shall remove him and declare the office vacant.'

**Sec. 76. R. S., c. 18, § 8, amended.** Section 8 of chapter 18 of the Revised Statutes is amended to read as follows:

**'Sec. 8. May appoint a commissioner to fill vacancy.** In case of a vacancy in the office of Treasurer of State, the Governor, with the advice and consent of the ~~council~~ **Secretary of State and the State Auditor**, shall appoint a commissioner to perform the duties of the office during the residue of the term for which he was chosen, unless another is sooner elected by the Legislature; ~~and the~~. The person so appointed shall, before entering on the duties of his office, take and subscribe the oaths, and give bond with the same conditions as are required of the Treasurer of State, to the acceptance of the Governor and ~~council~~ **the State Auditor**.

**Sec. 77. R. S., c. 18, § 15, amended.** The first paragraph of section 15 of chapter 18 of the Revised Statutes, as amended by chapter 214 and by chapter 315 and by section 1 of chapter 419 all of the public laws of 1955 and by chapter 320 of the public laws of 1957, is further amended to read as follows:

'The Treasurer of State may deposit the moneys, including trust funds of the State, in any of the banking institutions or trust companies or mutual savings banks organized under the laws of this State or in any national bank or banks located therein. When there are excess moneys in the State Treasury, belonging to the General Fund, Highway Fund or special revenue funds, which are not needed to meet the obligations due within 90 days, he may, with the concurrence of the State Controller or the Commissioner of Finance and Administration and with the consent of the Governor ~~and council~~, invest such amounts in bonds, notes, certificates of indebtedness or other obligations of the United States of America which mature not more than 24 months from the date of investment. Interest earned on such investments of highway fund moneys shall be credited to the Highway Fund. Interest earned on investments of the other 2 funds shall be credited to the General Fund of the State. The provisions of this section shall not prevent the deposit for safekeeping or custodial care of the securities of the several funds of the State in banks or safe deposit companies in this State or any other state, nor the deposit of such state funds as may be required by the terms of custodial contracts or agreements as may be hereafter negotiated in accordance with the laws of this State. All custodial contracts and agreements shall be subject to the approval of the Governor and the ~~executive council~~ **Attorney General**.'

**Sec. 78. R. S., c. 18, § 17, amended.** Section 17 of chapter 18 of the Revised Statutes is amended to read as follows:

**'Sec. 17. Purchase of unmaturred bonds of State.** Whenever, from time to time, in the judgment of the Treasurer of State it may be done to the financial advantage of the State, he may, with the advice and consent of the Governor ~~and council~~ purchase with any funds in the State Treasury not otherwise appropriated and, when so purchased, may cancel any outstanding, unmaturred bonds of the State.'

**Sec. 79. R. S., c. 18, § 18, amended.** The last paragraph of section 18 of chapter 18 of the Revised Statutes, as enacted by section 2 of chapter 419 of the public laws of 1955, is amended to read as follows:

'All contracts and agreements entered into between the Treasurer of State and the custodian banks and safe deposit companies for the safekeeping or custodial care of the negotiable securities of the permanent trust funds of the State shall have the approval of the Governor and the ~~executive council~~ **Attorney General.**'

**Sec. 80. R. S., c. 18, § 19, amended.** The last paragraph of section 19 of chapter 18 of the Revised Statutes, as enacted by section 3 of chapter 419 of the public laws of 1955, is amended to read as follows:

'All contracts and agreements entered into between the Treasurer of State and custodian banks and safe deposit companies selected for the safekeeping or custodial care of the negotiable securities referred to in this section shall have the approval of the Governor and the ~~executive council~~ **Attorney General.**'

**Sec. 81. R. S., c. 18, § 22, amended.** The last paragraph of section 22 of chapter 18 of the Revised Statutes, as enacted by section 4 of chapter 419 of the public laws of 1955, is amended to read as follows:

'All contracts and agreements entered into between the Treasurer of State and custodian banks and safe deposit companies selected for the safekeeping or custodial care of the negotiable securities referred to in this section shall have the approval of the Governor and the ~~executive council~~ **Attorney General.**'

**Sec. 82. R. S., c. 18, § 23, amended.** Section 23 of chapter 18 of the Revised Statutes is amended to read as follows:

'**Sec. 23. Register of investments and Treasurer of State's report.** The Treasurer of State shall keep a register of all investments made under ~~the provisions of~~ section 22, showing the date, amount and number of each bond, by whom issued and the time when it will mature, and in his annual report to the Governor ~~and council~~, he shall include an exhibit of the condition of said sinking funds.'

**Sec. 83. R. S., c. 18, § 30, amended.** Section 30 of chapter 18 of the Revised Statutes is amended to read as follows:

'**Sec. 30. Temporary loans by State.** The Treasurer of State is authorized, in any year in which he and the Governor ~~and council~~ may deem the same necessary, to negotiate a temporary loan or loans in anticipation of and pending the receipt of taxes levied for such year, and of the proceeds of bonds authorized to be issued, as provided by section 14 of Article IX of the Constitution of Maine. The Treasurer of State and the Governor ~~and council~~ are authorized and directed to pay such loan or loans during such year and, for the purpose of such loan and the payment thereof, there is appropriated, for any year in which the Treasurer of State and the Governor ~~and council~~ may deem it necessary to borrow ~~as aforesaid~~, the sum of \$2,000,000. The Treasurer of State is ~~further~~ authorized, in any fiscal year in which the Governor and ~~council~~ **the Commissioner of Finance and Administration** deem it necessary, to negotiate a temporary loan or loans for the use of the State Highway Commission for highway pur



poses. The said loan or loans shall not exceed  $\frac{1}{3}$  of the highway revenue received during the previous fiscal year and shall be repaid within the same fiscal year out of revenue credited to the General Highway Fund during that fiscal year.'

**Sec. 84. R. S., c. 18, § 31, amended.** The last paragraph of section 31 of chapter 18 of the Revised Statutes is amended to read as follows:

'Whenever there shall accumulate in the State Treasury to the account of any board or commission charged with the duty of issuing licenses for the conduct of any profession, trade or business, sums of money in excess of the amount required properly to cover the expense of performing the duties imposed upon such board or commission in connection with the granting of such licenses and the supervision of persons licensed, said board or commission, with the approval of the Governor ~~and council~~, may suspend the payment or reduce the amount of any license fees fixed by statute for any renewal until in the opinion of such board or commission it shall be necessary to collect the full amount thus established by law.'

**Sec. 85. R. S., c. 20, § 5, amended.** Section 5 of chapter 20 of the Revised Statutes is amended to read as follows:

'**Sec. 5. Opinions on questions of law submitted.** The Attorney General shall give his written opinion upon questions of law submitted to him by the Governor ~~and council~~, Secretary of State, Treasurer of State, Bank Commissioner, Insurance Commissioner, State Auditor or head of any other state department, or any of the state boards or commissions or by either branch of the Legislature.'

**Sec. 86. R. S., c. 20, § 6, amended.** The 4th sentence of section 6 of chapter 20 of the Revised Statutes is amended to read as follows:

'The compensations of the deputy attorney general and such temporary deputy attorneys general and any assistant attorneys general appointed shall be fixed by the Attorney General with the approval of the Governor ~~and council~~, but such compensations shall not in the aggregate exceed the amount appropriated therefor.'

**Sec. 87. R. S., c. 20, § 8, amended.** Section 8 of chapter 20 of the Revised Statutes is amended to read as follows:

'**Sec. 8. Additional assistant attorneys general, clerks or attorneys may be paid from moneys collected by department.** Whenever the Attorney General shall appoint any additional assistant attorneys general as authorized under ~~the provisions of~~ section 6, or shall employ additional clerks as provided by section 7, or shall employ attorneys at law to collect claims due the State, the compensation of such assistants, clerks or attorneys, as approved by the Governor ~~and council~~, may be paid, if the Governor ~~and council so direct so directs~~, from moneys thus collected by the Attorney General's Department.'

**Sec. 88. R. S., c. 20, § 14, amended.** Section 14 of chapter 20 of the Revised Statutes is amended to read as follows:

'**Sec. 14. Biennial report.** The Attorney General shall, biennially, on the first day of December, make a report to the Governor ~~and council~~ of the amount

and kind of official business done by him and by the several county attorneys during the 2 years preceding, stating the number of persons prosecuted, their alleged offenses, the results and the punishments awarded, with any useful suggestions.'

**Sec. 89. R. S., c. 21, § 1, amended.** The 2nd sentence of section 1 of chapter 21 of the Revised Statutes is amended to read as follows:

'When a vacancy happens in the office of Secretary of State during the recess of the Legislature, the Governor, with the advice and consent of the ~~council~~ **President of the Senate**, shall appoint a suitable person to act as Secretary of State until one is elected by the Legislature; ~~and the~~. **The** person thus appointed shall take the oath required of the elected Secretary ~~of State~~, and have the same compensation while he performs the duties of the appointment.'

**Sec. 90. R. S., c. 21, § 4, amended.** The first sentence of section 4 of chapter 21 of the Revised Statutes is amended to read as follows:

'The Secretary of State shall prepare and present to the Governor ~~and council~~ under the seal of the State, in order that the same may receive the signature of the Governor, a commission for every person appointed or a certificate of election to every person elected to any office for which a commission or certificate of election is required; enter in a suitable book the time when and the person by whom any commission or certificate of election is taken from his office, and the time when any certificate of the qualification of any officer is filed therein; ~~provided, however, that when~~. **When** a duty must be paid as a prerequisite of holding the office, the Secretary of State shall notify every person appointed to such office of the fact and on receipt of evidence of its payment shall then, and no sooner, present said commission or certificate to the Governor ~~and council~~.'

**Sec. 91. R. S., c. 22, § 2, amended.** The 2nd sentence of section 2 of chapter 22 of the Revised Statutes is amended to read as follows:

'He shall, from time to time as required by the Governor ~~and council~~, make report of his doings and of the fees received from motor vehicle registrations, licenses issued and from other sources, with such recommendations as he may consider appropriate.'

**Sec. 92. R. S., c. 22, § 8, amended.** The 2nd sentence of section 8 of chapter 22 of the Revised Statutes is amended to read as follows:

'The rules and regulations of the Secretary of State and any changes therein shall take effect when approved by the Governor ~~and council~~ **Attorney General** and published at least once in each daily newspaper in the State.'

**Sec. 93. R. S., c. 22, § 18, amended.** The last paragraph of section 18 of chapter 22 of the Revised Statutes, as amended by chapter 60 of the public laws of 1955 and by chapter 119 of the public laws of 1957, is further amended to read as follows:

'The Secretary of State shall, upon application therefor by Maine members of the United States Senate, Maine members of the United States House of Repr

representatives, ~~members of the executive council~~ members of the Legislature, President of the Senate, Speaker of the House, Secretary of the Senate and the Clerk of the House, issue one pair of specially designed number plates and a certificate of registration for one designated motor vehicle owned or controlled by each of the officials named ~~herein~~. The color, shape, size, lettering and numbering of such special plates shall be determined by the Secretary of State, except that plates issued to members of the Legislature, other than the President of the Senate and Speaker of the House, shall bear the number of the seat assigned to such member. ~~Plates issued to members of the executive council shall bear a numeral designating the councillor district they represent.~~ Such plates shall be issued for and attached to only such motor vehicle as is currently registered in accordance with the provisions of sections 13, 26 or 26-A. Such special plates may be displayed in lieu of the regular number plates issued for such vehicles. A fee of \$2 shall be paid to the Secretary of State upon application. Such special number plates shall be valid only during the term of office for which the registrant is elected. In case the office is for any cause vacated during said term, such special number plates and registration certificate shall be immediately surrendered to the Secretary of State.'

**Sec. 94. R. S., c. 22, § 21, amended.** Section 21 of chapter 22 of the Revised Statutes is amended to read as follows :

**'Sec. 21. Motor Vehicle Dealer Registration Board.** The Maine Motor Vehicle Dealer Registration Board, as heretofore established, shall consist of 5 members, 2 of whom shall be new motor vehicle dealers, 2 of whom shall be used motor vehicle dealers and one of whom shall be a person other than a motor vehicle dealer. The members of the board shall be appointed by the Governor ~~with the advice and consent of the council~~ for terms of 3 years. The members of the board may be removed for cause, by the Governor ~~with the advice and consent of the council~~. Any vacancy shall be filled by appointment for the unexpired term. The members shall serve until their successors are appointed and qualified.'

**Sec. 95. R. S., c. 22, § 22, amended.** The first sentence of section 22 of chapter 22 of the Revised Statutes is amended to read as follows :

'The Governor ~~with the advice and consent of the council~~ shall appoint one of the members to be chairman of the board and the members shall elect one of the board to serve as secretary.

**Sec. 96. R. S., c. 23, § 3, amended.** Section 3 of chapter 23 of the Revised Statutes, as amended by section 7 of chapter 418 of the public laws of 1957, is further amended to read as follows :

**'Sec. 3. Commission; appointment; tenure; choice of chairman; Attorney General attorney for commission; annual reports.** The State Highway Commission, as heretofore established, shall consist of 3 members to be appointed by the Governor with the advice and consent of the ~~council~~ **Senate**. One member shall be a member of the political party which cast the 2nd highest number of votes in the last gubernatorial election. One member shall be appointed by the Governor as chairman who shall devote each full working day to his

duties and whose salary shall be fixed by the Governor ~~and council~~. The term of office of the chairman shall be 7 years, subject only to removal for cause. The other members of the commission shall receive \$4,500 per year and shall be appointed for a term of 3 years and any vacancies shall be filled for the unexpired term. Each member of the commission, except the chairman, shall receive his actual expenses incurred in the performance of his official duties while away from his home. The Attorney General shall be attorney for the commission and shall, without additional compensation, give the commission such advice and service as it may from time to time require. The commission shall be furnished with suitable offices at the seat of government. It shall make an annual report for the fiscal year ending June 30th, to the Governor ~~and council~~, of its doings and the expenditures of its office, with such statement relative to the construction and maintenance of public highways and such recommendations as to the general policy of the State relative thereto as it considers appropriate. The chairman shall be the chief administrative officer, having general charge of the office and records, but all policy decisions of the commission must be by a majority of its total membership.'

**Sec. 97. R. S., c. 23, § 24, amended.** The 2nd sentence of section 24 of chapter 23 of the Revised Statutes is amended to read as follows:

'The Governor ~~and council~~ on recommendation of the commission may sell and convey on behalf of the State the interests of the State in property taken or acquired by purchase under this chapter and deemed no longer necessary for the purposes hereof, and they may lease such interests in such property, pending such sale or the advantageous use of such property for highway purposes.'

**Sec. 98. R. S., c. 23, § 26, amended.** The 2nd sentence of section 26 of chapter 23 of the Revised Statutes is amended to read as follows:

'If the commission neglects to so sign, establish or maintain such detour road the same shall be done by order of the Governor ~~and council~~.'

**Sec. 99. R. S., c. 23, § 40, amended.** The 8th sentence of section 40 of chapter 23 of the Revised Statutes is amended to read as follows:

'The Commission may ~~however~~ construct state highways by day labor without advertising for bids; and may, with the approval of the Governor ~~and council~~, award contracts for state highways without advertising for bids if the same shall be for the best interest of the State.'

**Sec. 100. R. S., c. 23, § 98, amended.** Section 98 of chapter 23 of the Revised Statutes is amended to read as follows:

'**Sec. 98. Construction of parkways and freeways.** The Governor ~~and council~~, with the special authorization of the Legislature, may direct the commission to lay out and construct any state highway as a parkway or a freeway road.'

**Sec. 101. R. S., c. 23, § 110, amended.** The 7th sentence of section 110 of chapter 23 of the Revised Statutes is amended to read as follows:

'The commission may provide for the construction of the bridge on a day labor basis, or with approval of the Governor ~~and council~~, by contract without advertising for bids.'

**Sec. 102. R. S., c. 23, § 127, amended.** The first sentence of section 127 of chapter 23 of the Revised Statutes is amended to read as follows:

'The Treasurer of State by direction of the Governor and ~~council~~ **the Commissioner of Finance and Administration** shall negotiate the sale of all state highway bonds and state highway and bridge bonds; ~~none~~. **None** of such bonds shall be sold for less than par value, nor shall any such bond be loaned, pledged or hypothecated in behalf of the State.'

**Sec. 103. R. S., c. 23, § 128, amended.** Section 128 of chapter 23 of the Revised Statutes is amended to read as follows:

'**Sec. 128. Appeal to Governor.** If at any time the commission cannot unanimously agree upon the proper exercise of its power to direct the expenditure of all moneys for construction and maintenance of all state and state aid highways as provided in section 27 or upon the proper apportionment of money raised from the sale of state highway and state highway and bridge bonds in accordance with the provisions of section 127, any member of the commission, should he deem the matter of sufficient importance, may appeal to the Governor and ~~council~~ who shall then make the final decision relative to the particular expenditure or apportionment concerning which the commission cannot agree.'

**Sec. 104. R. S., c. 23, § 129, amended.** The 2nd sentence of section 129 of chapter 23 of the Revised Statutes is amended to read as follows:

'The last 4 mentioned members shall be appointed by and serve at the pleasure of the Governor ~~with the advice and consent of the council~~.'

**Sec. 105. R. S., c. 23, § 130, amended.** The first and 2nd sentences of section 130 of chapter 23 of the Revised Statutes are amended to read as follows: 'The State, under proper authorization of the Governor and ~~executive council~~ **the Attorney General**, shall issue all highway and bridge bonds. The Governor and ~~executive council~~ **the Attorney General** shall consult with the said board for its recommendations as to whether conditions are favorable for any such issuance.'

**Sec. 106. R. S., c. 23, § 132, amended.** The 2nd paragraph of section 132 of chapter 23 of the Revised Statutes is amended to read as follows:

'Transfers from one account of the General Highway Fund to another account thereof shall be made only with the approval of the Governor and ~~council~~ **the Commissioner of Finance and Administration**, but in no case shall any permanent transfer be made except for purposes specifically provided for by appropriate legislative acts for the expenditures of the General Highway Fund.'

**Sec. 107. R. S., c. 24, § 4, amended.** The first sentence of section 4 of chapter 24 of the Revised Statutes is amended to read as follows:

'The Aeronautics Commission, as heretofore established, shall consist of 5 persons who shall be residents of the State and who shall be appointed by the Governor ~~with the advice and consent of the council~~.'

**Sec. 108. R. S., c. 24, § 5, amended.** The 2nd paragraph of section 5 of chapter 24 of the Revised Statutes, as amended by chapter 229 of the public laws of 1957, is further amended to read as follows:

'The Commission shall supervise and control all state airports and shall make such rules and regulations concerning the use of the said airports and their facilities as they deem necessary for the efficient management thereof and the development of aviation. The commission, with the consent of the Governor and ~~council~~ **the Attorney General**, may lease facilities at state-owned airports on such terms as they direct.'

**Sec. 109. R. S., c. 24, § 5, amended.** The first sentence of the 3rd paragraph of section 5 of chapter 24 of the Revised Statutes is amended to read as follows:

'The commission shall have the care and supervision of such planes as may be owned by the State for the use of its departments and agencies and shall provide adequate hanger facilities and be responsible for the maintenance, repair, upkeep and operation of such planes, and for that purpose the Governor and ~~council~~ **the Commissioner of Finance and Administration** may authorize the advance of working capital from the Unappropriated Surplus of the General Fund.'

**Sec. 110. R. S., c. 24, § 6, amended.** The last sentence of section 6 of chapter 24 of the Revised Statutes is amended to read as follows:

'The salary of the director shall be fixed by the commission, subject to the approval of the Governor and ~~council~~ **the Commissioner of Finance and Administration**.'

**Sec. 111. R. S., c. 24, § 7, amended.** Section 7 of chapter 24 of the Revised Statutes is amended to read as follows:

'**Sec. 7. Powers and duties of director.** The director shall be the executive officer of the commission and, under the supervision of the commission, shall administer the provisions of this chapter and all the laws of the State relative to aeronautics. The director, with the approval of the commission and within the limits of the appropriation, may hire inspectors and field and office assistants necessary for the proper execution of his duties. The director shall exercise general supervision, control and direction on behalf of the State over all matters pertaining to the location, construction and maintenance of all air navigation facilities now or hereafter built or maintained, either in whole or in part, with money appropriated from the State Treasury. He may recommend to the Governor and ~~council~~ that the State acquire land, easements and rights of way for the establishment of air navigation facilities. Such land, easements and rights of way may be acquired by purchase, grant or condemnation in the manner provided by law which the Governor and ~~council~~ **are** is authorized to acquire real property for public purposes, and property so acquired may be conveyed to a town for use in connection with the establishment of air navigation facilities for such a consideration as the Governor and ~~council~~ **the Commissioner of Finance and Administration** may determine.'

**Sec. 112. R. S., c. 24, § 20, sub-§ I, amended.** The 3rd sentence of subsection I of section 20 of chapter 24 of the Revised Statutes is amended to read as follows:

'All payments made out of said funds shall be made on order of the commission with the approval of the Governor and ~~council~~ **the Attorney General**.'

**Sec. 113. R. S., c. 24, § 20, sub-§ II, amended.** Subsection II of section 20 of chapter 24 of the Revised Statutes, as amended by chapter 372 of the public laws of 1955, is further amended to read as follows:

**‘II. State aid.** The Commission with the consent of the Governor and ~~council~~ **the Attorney General** may, from the amount appropriated to aid in the construction, extension and improvement of state or municipal airports, known as the “Airport Construction Fund,” grant to cities and towns separately and cities and towns jointly with one another or with counties an amount not to exceed 50% of the total cost of the construction, extension or improvement of such airport or airports.’

**Sec. 114. R. S., c. 25, § 1, amended.** The 2nd paragraph of section 1 of chapter 25 of the Revised Statutes is amended to read as follows:

‘The head of the department shall be the Commissioner of Health and Welfare who shall be appointed by the Governor with the advice and consent of the ~~council~~ **Senate** to serve for 3 years ~~or during the pleasure of the said governor and council~~. Any vacancy shall be filled by appointment as above for a like term. He may employ, with the approval of the Governor ~~and council~~, such bureau chiefs as may be necessary to carry out the work of the department; and they shall be under the immediate supervision, direction and control of the commissioner. **The compensation of the commissioner shall be fixed by the Governor.** The compensation of the ~~commissioner and his~~ bureau chiefs shall be ~~fixed by the governor and council~~ **fixed by the commissioner with the approval of the Governor.** The commissioner may also employ such deputies, assistants and employees as may be necessary, subject to the provisions of the Personnel Law.’

**Sec. 115. R. S., c. 25, § 10, amended.** The first sentence of section 10 of chapter 25 of the Revised Statutes is amended to read as follows:

‘The commissioner shall give to the Governor ~~or council~~ or to the Legislature or any committee thereof at any time upon their request information and advice with reference to any charitable or correctional institution about which he has information.’

**Sec. 116. R. S., c. 25, § 11, amended.** Section 11 of chapter 25 of the Revised Statutes is amended to read as follows:

**‘Sec. 11. Cooperate with the United States Department of Agriculture.** The Department may cooperate and participate in the administration of programs of the United States Department of Agriculture or any agency thereof.’

When in his judgment it appears to be for the best interest of the welfare of the people of the State, the commissioner, with the approval of the Governor ~~and council~~, is authorized to enter into and execute, on behalf of the department, all necessary agreements with the United States Department of Agriculture or any agency thereof to carry out the provisions of the stamp plan, so called, or other plans for the distribution of food or surplus commodities for relief purposes. Such agreements may include in their provisions that regulations promulgated by the Secretary of Agriculture governing the administration of programs of the United States Department of Agriculture shall become part of such agreements.

There shall be established in the ~~Department office~~ of the Treasurer of State, by authority of the Governor ~~and council~~, a revolving fund for use in connection with participation in the federal program of the United States Department of Agriculture or any agency thereof.

This revolving fund ~~so established~~ shall not be in excess of \$100,000. This fund must at all times consist of cash on hand, stamps purchased, and not resold, and accounts receivable, against the cities and towns of Maine that have purchased stamps from this fund, the aggregate of which shall equal the total fund established by order of the Governor ~~and council~~, it ~~further~~ being understood that this fund shall be used solely for the purpose of purchasing United States Government food stamps to be resold to the cities and towns of Maine participating in the so-called food stamp plan.

~~The above mentioned~~ This fund shall be established by segregating the fund approved by the Governor ~~and council~~ as above stated from the amounts on deposit to the credit of the General Fund of the State.

This fund shall continue in effect until the Governor ~~and council~~ shall determine that the necessity for said fund no longer exists, when such segregation of funds shall cease.'

**Sec. 117. R. S., c. 25, § 12, amended.** Section 12 of chapter 25 of the Revised Statutes is amended to read as follows:

'**Sec. 12. Commissioner to report.** The commissioner, as soon as practicable after the close of the fiscal year which is indicated by an even number, shall report to the Governor ~~and council~~ the activities of the department during the biennial period just ended with such suggestions as to legislative action as he deems necessary or important.'

**Sec. 118. R. S., c. 25, § 17, amended.** Section 17 of chapter 25 of the Revised Statutes is amended to read as follows:

'**Sec. 17. Appropriated funds transferable.** The appropriations made by the Legislature to any division of the department may be combined or transferred from one division to another thereof by authority of the Governor ~~and council~~ **the Commissioner of Finance and Administration** when such is deemed necessary.'

**Sec. 119. R. S., c. 25, § 30, amended.** The first sentence of section 30 of chapter 25 of the Revised Statutes is amended to read as follows:

'The department, under the direction of the Governor ~~and council~~, may establish, conduct and maintain rehabilitation work as part of its program of aid and assistance.'

**Sec. 120. R. S., c. 25, § 32, amended.** The 3rd sentence of section 32 of chapter 25 of the Revised Statutes is amended to read as follows:

'The services of the laboratory and all investigations ~~therein~~ made shall be free to the people of the State, except that the department, subject to the approval of Governor ~~and council~~, may fix charges when deemed advisable or necessary.'



**Sec. 121. R. S., c. 25, § 35, amended.** The 2rd sentence of section 35 of chapter 25 of the Revised Statutes is amended to read as follows:

'The department, subject to the approval of the Governor and ~~council~~ **the Attorney General**, shall also have authority to accept funds from other sources for the same purposes.'

**Sec. 122. R. S., c. 25, § 36, amended.** The first sentence of section 36 of chapter 25 of the Revised Statutes is amended to read as follows:

'An Advisory Hospital Council, as heretofore established, shall be appointed by the Governor ~~with the advice and consent of the council~~ to advise and consult with the Department of Health and Welfare in carrying out the administration of sections 34 to 36.'

**Sec. 123. R. S., c. 25, § 67, amended.** Section 67 of chapter 25 of the Revised Statutes is amended to read as follows:

'**Sec. 67. Distribution of antitoxins in time of emergency.** The department, with the approval of the Governor and ~~council~~ may, for the purpose of aiding in national defense in case of war or in any state emergency declared by the Governor under the provisions of the Civil Defense Law, procure and distribute within the State, and sell or give away, in its discretion, antitoxins, serums, vaccines, viruses and analogous products applicable to the prevention or cure of disease of man.'

**Sec. 124. R. S., c. 25, § 92, amended.** The first sentence of section 92 of chapter 25 of the Revised Statutes is amended to read as follows:

'An Advisory Committee, as heretofore established, shall be appointed by the Governor ~~with the advice and consent of the council~~ to advise and consult with the Department of Health and Welfare in carrying out the administration of section 91.'

**Sec. 125. R. S., c. 25, § 180, amended.** Section 180 of chapter 25 of the Revised Statutes is amended to read as follows:

'**Sec. 180. Plumbers' Examining Board; vacancies; removal of members; compensation.** A Plumbers' Examining Board, as heretofore established, and hereinafter in sections 180 to 193 called "the board," shall consist of an executive officer who shall be the Director of the Division of Sanitary Engineering of the Bureau of Health and 2 other members, hereinafter called the appointive members, who shall be appointed by the Governor ~~with the advice and consent of the council~~. One of said appointive members shall be a master plumber as defined in section 179, and the other a journeyman plumber as defined in section 179, and who has been engaged in the business of plumbing for at least 2 years. As the terms of said appointive members expire, new appointive members shall be appointed for terms of 2 years. Any vacancy in said board caused by death, resignation or removal of any member shall be filled by the appointment of a person qualified as aforesaid, to hold office during the unexpired term of the member whose place is thus filled. Any member of said board may be removed from office for cause, by the Governor ~~with the advice and consent of the council~~. The members of the board shall each be allowed the sum of \$10 per

day and their necessary traveling expenses for actual attendance upon any examination of candidates for license and for any necessary hearings.'

**Sec. 126. R. S., c. 25, § 196, amended.** The first sentence of section 196 of chapter 25 of the Revised Statutes is amended to read as follows:

'The Board of Examiners of Funeral Directors and Embalmers, as heretofore established and hereinafter in sections 196 to 205 called "the board," shall consist of 5 members, one of whom shall be the Director of Health, who shall be secretary of said board, and the other members shall be licensed funeral directors and embalmers, who shall be appointed by the Governor, ~~with the advice and consent of the council~~ and they shall hold office for the term of 4 years.'

**Sec. 127. R. S., c. 25, § 213, amended.** The first, 2nd and 3rd paragraphs of section 213 of chapter 26 of the Revised Statutes are amended to read as follows:

'The State Board of Barbers and Hairdressers, as heretofore established and hereinafter in sections 213 to 230 designated as the "board" shall consist of 5 members who shall be citizens of this State, 2 of whom shall have been engaged in the practice of barbering for at least 5 years prior to their appointment, and 2 of whom shall have been engaged in the practice of hairdressing and beauty culture in this State for at least 5 years prior to their appointment. The 5th member of the board shall be the Director of Health who shall be the executive secretary of the board. Each of the appointive members of the board shall be appointed by the Governor ~~with the advice and consent of the council~~ for a term of 2 years and until his successor is appointed and qualified.

The chief clerk of the board shall be paid a salary not in excess of \$500 per year, subject to the approval of the Governor ~~and council~~, to be paid from funds received under ~~the provisions of~~ sections 213 to 230.

No person operating or employed by a school of barbering or of hairdressing and beauty culture shall be appointed as a member of the board, and if any member of the board, after appointment, shall affiliate himself in any way with any such school either of barbering or of hairdressing and beauty culture, his membership on the board shall immediately terminate and the vacancy shall be filled by the Governor ~~and council~~ in the manner provided for the appointment of new members.'

**Sec. 128. R. S., c. 25, § 279, amended.** Section 279 of chapter 25 of the Revised Statutes is amended to read as follows:

'**Sec. 279. Acceptance of provisions of federal law.** The department is authorized subject to the approval of the Governor ~~and council~~ to:

**I.** Apply for federal assistance under ~~the provisions of~~ Title I of the Federal Social Security Act (Public No. 271, 74th Congress) and acts additional thereto or amendatory thereof; and to comply with such conditions, not inconsistent with the provisions of sections 276 to 297, as may be required for such assistance.

**II.** Make such reports in such form and containing such information as the Federal Government may from time to time require, and comply with such provisions as the Federal Government may from time to time find necessary to assure the correctness and verification of such reports.'

**Sec. 129. R. S., c. 25, § 281, amended.** The 4th sentence of section 281 of chapter 25 of the Revised Statutes is amended to read as follows:

'Whenever the federal matching maximum is changed, the department may change the maximum grant with the approval of the Governor and ~~council~~ **the Attorney General.**'

**Sec. 130. R. S., c. 25, § 302, amended.** The last sentence in section 302 of chapter 25 of the Revised Statutes is amended to read as follows:

'Whenever the federal matching maximum is changed, the department may change the maximum grant with the approval of the Governor ~~and council~~ **the Attorney General.**'

**Sec. 131. R. S., c. 25, § 319-B, amended.** The last sentence of section 319-B of chapter 25 of the Revised Statutes, as enacted by section 30 of chapter 405 of the public laws of 1955, is amended to read as follows:

'Whenever the federal matching maximum is changed, the department may change the maximum grant with the approval of the Governor ~~and council~~ **the Attorney General.**'

**Sec. 132. R. S., c. 25, § 330, amended.** Section 330 of chapter 25 of the Revised Statutes is amended to read as follows:

'**Sec. 330. Warrants.** The Governor ~~and council~~ may draw warrants on the **Treasurer of State** for such sums as are payable to the Indians for the bounties on agricultural products ~~as hereinafter provided.~~'

**Sec. 133. R. S., c. 25, § 368, amended.** Section 368 of chapter 25 of the Revised Statutes is amended to read as follows:

'**Sec. 368. Warrants for interest on 4 townships purchased; rents.** The Governor ~~and council~~ may draw warrants on the treasury for any sum not exceeding the interest on the price of the 4 townships purchased by the State of the Penobscot tribe in June, 1833, and of any other money paid into the treasury; and for the full amount of rents paid in as aforesaid; and when the whole amount of such sums, in the opinion of the department, is more than is necessary for said tribe, the excess may be invested for their benefit.'

**Sec. 134. R. S., c. 26, § 1, amended.** The 3rd paragraph of section 1 of chapter 26 of the Revised Statutes is amended to read as follows:

'The director (of Veterans Affairs) shall be appointed by the Governor, ~~with the advice and consent of the council~~ to serve for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled by appointment for a like term. The director shall receive such salary as shall be fixed by the Governor and ~~council~~ **the Commissioner of Finance and Administration.**'

**Sec. 135. R. S., c. 27, § 1, amended.** The 2nd paragraph of section 1 of chapter 27 of the Revised Statutes, as amended by section 2 of chapter 21 of the public laws of 1957 and by chapter 313 of the public laws of 1957, is further amended to read as follows:

'The insane hospitals, Pineland Hospital and Training Center, the State Prison, the Reformatories for Men and Women, the juvenile institutions, the

Governor Baxter State School for the Deaf, the Military and Naval Children's Home and such other charitable and correctional state institutions as may be created from time to time. The department shall be under the control and supervision of a Commissioner of Institutional Service, hereinafter in this chapter called the "commissioner," who shall be appointed by the Governor with the advice and consent of the ~~council~~ **Senate**; and said appointment shall be for 3 years and until his successor is appointed and qualified, ~~or during the pleasure of the governor and council~~. Any vacancy shall be filled by appointment for a like term. He shall receive such salary as shall be fixed by the Governor ~~and council~~. The Commissioner of Institutional Service shall be a person experienced in institutional administration, either as a superintendent, chief medical officer or business manager, or who has had other satisfactory experience in the direction of work of a comparable nature. Said commissioner shall have the power to appoint institutional heads as shall be necessary for the proper performance of the duties of said department, subject to the ~~provisions of the~~ Personnel Law. He may appoint such other employees as may be necessary, subject to ~~the provisions of~~ the Personnel Law. The heads or superintendents of the several said institutions under the department shall report directly to the said commissioner. Each institutional head shall be experienced in the management of the particular type of institution to which he or she is assigned.'

**Sec. 136. R. S., c. 27, § 17, amended.** The 3rd sentence of section 17 of chapter 27 of the Revised Statutes is amended to read as follows:

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

**Sec. 137. R. S., c. 27, § 35, amended.** Section 35 of chapter 27 of the Revised Statutes is amended to read as follows:

**'Sec. 35. Warden exempt from arrest; procedure of creditor with an execution.** The Warden shall not be arrested on any civil process or execution while in office; but execution upon any judgment against him personally, and not in his official capacity, may be issued against his goods and estate only; ~~and if~~. If it is returned unsatisfied, the creditor may file with the Governor ~~and council~~ a copy of such execution and return, and serve on the Warden a copy of such copy attested by the Secretary of State, with a notice under his hand of the day on which such copy was filed; ~~and if~~. If the Warden does not, within 40 days after such service, pay the creditor his full debt, with reasonable costs for copies and service thereof, he shall be removed; ~~and when~~. **When** he ceases to be Warden, alias executions may be issued against his body and property as in other cases.'

**Sec. 138. R. S., c. 27, § 50, amended.** Section 50 of chapter 27 of the Revised Statutes is amended to read as follows:

**'Sec. 50. Alterations by warden.** The Warden, on the approval of the department and with the consent of the Governor ~~and council~~, may erect such additional buildings or make such alterations within the prison or its precincts as he deems necessary and proper.'

**Sec. 139. R. S., c. 27, § 96, amended.** The 2nd paragraph of section 96 of chapter 27 of the Revised Statutes is amended to read as follows:

'The superintendent of a state institution within the jurisdiction of the department may be removed by the commissioner, with the approval of the Governor ~~and council~~, for inefficiency, failure to perform duties properly or other good cause. The superintendent shall be notified of the proposed action, shall be furnished with a copy of the reasons therefor and shall be given a hearing before the commissioner and the Governor ~~and council~~, and be allowed to answer the charges preferred against him, either personally or by counsel. Within 20 days after such hearing the superintendent may bring a petition in the Superior Court within and for the county where the institution is located, praying that the action of the commissioner and the Governor ~~and council~~ may be reviewed by the court, and, after such notice to the commissioner and the Governor ~~and council~~ as the court deems necessary, it shall review such action, hear the witnesses and shall affirm the decision of the commissioner and the Governor ~~and council~~ unless it shall appear that such decision was made without proper cause or in bad faith, in which case such decision shall be reversed and the petitioner be reinstated in his office without loss of compensation.'

**Sec. 140. R. S., c. 27-A, § 2, amended.** Section 2 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is amended to read as follows:

**'Sec. 2. State Probation and Parole Board.** There is created within the Department of Institutional Service a State Probation and Parole Board consisting of 3 members who are citizens and residents of the State. Two of the members shall be appointed by the Governor, ~~with the advice and consent of the council~~ from persons with special training or experience in law, sociology, psychology or related branches of social science. The Commissioner of Institutional Service shall be ex officio the 3rd member of the board, except that he may appoint any suitable person from his department to serve during his pleasure as the 3rd member of the board, but in no case longer than his term of office as commissioner. The term of the regularly appointed members of the board shall be 4 years and until their successors have been appointed and qualified, or during the pleasure of the Governor ~~and council~~. A vacancy shall be filled for the unexpired term in the same manner in which a regular appointment is made. The regularly appointed members of the board shall be paid \$25 per day and necessary expenses for each day actually spent in the work of the board. The members of the board shall elect a chairman who shall preside at all meetings of the board when present. The board shall meet at least once each month and in addition may meet as often as necessary, at such times and places as the chairman may designate. Any 2 members constitute a quorum for the exercise of all powers of the board. The Department of Health and Welfare, Department of Institutional Service, officers and staffs of the penal and correctional institutions, and law enforcement agencies in the State shall cooperate with the board in exercising its administration.'

**Sec. 141. R. S., c. 27-A, § 3, sub-§ VI, amended.** Subsection VI of section 3 of chapter 27-A, as enacted by section 1 of chapter 387 of the public laws of 1957, is amended to read as follows:

‘VI. To investigate, conduct public hearings and make recommendations to the Governor ~~and council~~ in reference to the granting of ~~reprieves~~ commutations and pardons when requested.’

**Sec. 142. R. S., c. 27-A, § 19, amended.** Section 19 of chapter 27-A, as enacted by section 1 of chapter 387 of the public laws of 1957, is amended to read as follows:

‘Sec. 19. Pardons granted by Governor. This chapter does not deprive the Governor ~~with the advice and consent of the council~~ of the power to grant a pardon or commutation to any person sentenced to a state penal or correctional institution.’

**Sec. 143. R. S., c. 28, § 2, amended.** The 2nd sentence of section 2 of chapter 28 of the Revised Statutes is amended to read as follows:

‘Each (member of the Tri-State Authority) shall be appointed by the Governor ~~and council~~ for a term of 3 years, shall be qualified by experience in private or public business administration and shall be a citizen of this State.’

**Sec. 144. R. S., c. 28, § 3, amended.** The first sentence of section 3 of chapter 28 of the Revised Statutes is amended to read as follows:

‘A Commission on Defective Delinquents, as heretofore established, shall consist of the head of the state hospital, ex officio, a person admitted to practice law in the State of Maine, and a qualified psychiatrist; the attorney and psychiatrist members to be appointed by the Governor ~~and council~~ for a term of 2 years.’

**Sec. 145. R. S., c. 29, § 4, sub-§ I, amended.** The 2nd sentence of subsection I of section 4 of chapter 29 of the Revised Statutes is amended to read as follows:

‘Upon the expiration of the term of office of any member (Maine Employment Security Commission), his successor shall be appointed by the Governor, with the advice and consent of the ~~council~~ Senate, to hold office for a term of 6 years or until his successor has been duly appointed and qualified, ~~or during the pleasure of the governor and council~~ except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.’

**Sec. 146. R. S., c. 29, § 5, sub-§ IV, amended.** The 3rd sentence of subsection IV of section 5 of chapter 29 of the Revised Statutes is amended to read as follows:

‘On request of the commission, the Attorney General shall represent the commission and the State in any court action relating to this chapter or to its administration and enforcement; ~~provided, however, that special~~ Special counsel may be designated by the Attorney General at the request of the commis-

sion whose services and expenses subject to approval by the Governor ~~and council~~ shall be paid from the funds provided for the administration of this chapter.'

**Sec. 147. R. S., c. 30, § 1, amended.** The 2nd sentence of section 1 of chapter 30 of the Revised Statutes is amended to read as follows:

'He (Commissioner of Labor and Industry) shall be appointed by the Governor, with the advice and consent of the ~~council~~ **Senate**, for a term of 3 years, and shall hold office until his successor is appointed and qualified.'

**Sec. 148. R. S., c. 30, § 11, amended.** The first and 2nd sentences of section 11 of chapter 30 of the Revised Statutes are amended to read as follows:

'A panel of mediators, as heretofore established, shall consist of 5 impartial members appointed by the Governor ~~with the advice and consent of the council~~ from time to time upon the expiration of the terms of the several members for terms of 3 years. One member of the panel shall be appointed chairman thereof by the Governor ~~with the advice and consent of the council~~.'

**Sec. 149. R. S., c. 30, § 15, amended.** The first sentence of section 15 of chapter 30 of the Revised Statutes, as repealed and replaced by section 1 of chapter 462 of the public laws of 1955, is amended to read as follows:

'The State Board of Arbitration and Conciliation, as heretofore established, shall consist of 3 members appointed by the Governor, with the advice and consent of the ~~council~~ **Senate**, from time to time upon the expiration of the terms of the several members, for terms of 3 years.'

**Sec. 150. R. S., c. 30, § 15, amended.** The last sentence of the first paragraph of section 15 of chapter 30 of the Revised Statutes, as repealed and replaced by section 1 of chapter 462 of the public laws of 1955, is amended to read as follows:

'The board shall from time to time make such rules of procedure as it deems necessary, and shall annually, on or before the first day of July, make a report to the Governor ~~and council~~ which shall be incorporated in and printed with the biennial report of the Department of Labor and Industry.'

**Sec. 151. R. S., c. 30, § 64, amended.** The first sentence of section 64 of chapter 30 of the Revised Statutes is amended to read as follows:

'The Board of Appeals, as heretofore established, shall be known as the "Board of Boiler Rules," and shall consist of 5 members, 4 of whom shall be appointed by the commissioner, with the approval of the Governor ~~and council~~.'

**Sec. 152. R. S., c. 30, § 68, amended.** The first sentence of section 68 of chapter 30 of the Revised Statutes, as amended by section 1 of chapter 272 of the public laws of 1957, is further amended to read as follows:

'The commissioner shall appoint, with the approval of the Governor ~~and council~~, and may remove for cause when so appointed, a citizen of this State, who shall have had, at the time of such appointment, not less than 5 years' practical experience with steam boilers as a steam engineer, mechanical engineer, boiler

maker or boiler inspector, and who has passed the same kind of an examination as that prescribed for deputy and special inspectors in section 71 to be Chief Inspector of Boilers at any time the office may become vacant.'

**Sec. 153. R. S., c. 30, § 88-A, amended.** The first paragraph of section 88-A of chapter 30 of the Revised Statutes, as enacted by section 5 of chapter 466 of the public laws of 1955, is amended to read as follows:

'There is hereby created and established the Board of Construction Safety Rules and Regulations for the purpose of formulating and adopting reasonable safety regulations and codes in order to provide for personal, material and public safety in connection with construction, and such other activities usually associated with the construction industry. The said board shall consist of 8 members of which 6 shall be appointed to membership by the Commissioner of Labor and Industry, subject to the approval of the Governor ~~and council~~. Of the 6 appointed members of the board, 2 shall represent the construction contractors within the State; 2 shall represent the construction workers within the State; and one shall represent the insurance companies licensed to insure workmen's compensation within the State; one shall represent the public. The 7th member of the board shall be the Commissioner of Labor and Industry and the 8th member shall be the Insurance Commissioner. The chairman shall be elected annually by the members of the board. The board shall meet at least twice yearly at the State Capitol, or at any other place designated by the chairman. Of the 6 appointed members, 2 shall be appointed for a term of 2 years; 2 shall be appointed for a term of 3 years; and 2 shall be appointed for a term of 4 years. Each member shall hold office until his successor is duly appointed and qualified. At the expiration of each member's term his successor shall be appointed by the Commissioner of Labor and Industry, subject to the approval of the Governor ~~and council~~, from the same classification in accordance with ~~the provisions of~~ this section for a term of 4 years. In case of a vacancy in board membership, the Commissioner of Labor and Industry, with the approval of the Governor ~~and council~~, shall appoint a member of the proper classification to serve the unexpired term of the absent member.'

**Sec. 154. R. S., c. 30, § 115, amended.** The first paragraph of section 115 of chapter 30 of the Revised Statutes is amended to read as follows:

'The purpose of the Board of Elevator Rules and Regulations, as heretofore established, is to govern and control the construction, installation, alteration, repair, use, operation and inspection of elevators, in order to provide for reasonable personal, material and public safety in connection with the use of such elevators. The said board shall consist of 5 members, of whom 3 shall be appointed to membership by the commissioner, subject to the approval of the Governor ~~and council~~. Each member shall hold office until his successor is duly appointed. At the expiration of each member's term, his successor shall be appointed by the commissioner, subject to the approval of the Governor ~~and council~~, from the same classification in accordance with ~~the provisions of~~ this section for a term of 4 years. In case of a vacancy in board membership, the commissioner, with the approval of the Governor ~~and council~~, shall appoint a member of the proper classification to serve the term of the absent member.'



Of the 3 appointed members of the board, one shall be a representative of owners or lessees of elevators within the State; one shall be a representative of manufacturers of elevators; one shall be a representative of insurance companies licensed to insure elevators in the State. The 4th member of the board shall be the Insurance Commissioner and the 5th member of the board shall be the Commissioner of Labor and Industry, who shall also be the chairman of the board.'

**Sec. 155. R. S., c. 30, § 118, amended.** The first sentence of section 118 of chapter 30 of the Revised Statutes is amended to read as follows:

'The commissioner shall appoint, with the approval of the Governor ~~and council~~, and may remove for cause when so appointed, a citizen of the State qualified to fulfill the functions of the office to serve as supervising inspector, after he shall have successfully passed an examination prescribed by the board.'

**Sec. 156. R. S., c. 31, § 29, amended.** The first and 2nd paragraphs of section 29 of chapter 31 of the Revised Statutes are amended to read as follows:

'The Industrial Accident Commission, as heretofore established, shall consist of 5 members, 3 of whom shall be men learned in the law and members in good standing of the bar of this State. They shall be appointed by the Governor, with the advice and consent of the ~~council~~ **Senate**. One of the commissioners, to be designated as chairman, shall be appointed for the term of 5 years, and the other commissioners for the term of 4 years each ~~to the~~. The title of the members which was heretofore "associate legal member" shall be "commissioner." The Commissioner of Labor and Industry and the Commissioner of Insurance shall be members ex officio.

The commissioners so appointed shall hold office for the terms aforesaid, unless removed ~~as herein provided~~, and until their successors are appointed and qualified. They shall all have the same authority and powers, but their respective duties shall be determined by the chairman. They shall be sworn, and for inefficiency, willful neglect of duty or for malfeasance in office may, after notice and hearing, be removed by the Governor ~~and council~~. In case of a vacancy occurring through death, resignation or removal, the Governor, **with the advice and consent of the Senate**, shall appoint a successor for the whole term of the member whose place he takes, subject to removal ~~as aforesaid~~. In case the office of chairman becomes vacant, the senior commissioner shall act as chairman until the Governor makes an appointment to fill such vacancy.'

**Sec. 157. R. S., c. 31, § 46, amended.** Section 46 of chapter 31 of the Revised Statutes is amended to read as follows:

'**Sec. 46. Biennial report of commission.** The commission shall make a report to the Governor ~~and council~~ for the biennial period ending December 31st of each even year, giving such statistical information as may be contained in its department in relation to the administration of this act, particularly with reference to the number of employees under the act, the number injured, the amount of compensation and other benefits paid and the cost of the same to the employers.'

**Sec. 158. R. S., c. 32, § 1, amended.** The 6th sentence of section 1 of chapter 32 of the Revised Statutes is amended to read as follows:

'The commissioner may, with the approval of the Governor ~~and council~~, appoint a Deputy Commissioner of Agriculture, who shall be the chief of one of the Department Bureaus in the Department of Agriculture, and shall perform the duties of the commissioner during his absence, in addition to his duties as Chief of a Department Bureau.'

**Sec. 159. R. S., c. 32, § 7, amended.** The first sentence of section 7 of chapter 32 of the Revised Statutes is amended to read as follows:

'The commissioner may, with the approval of the Governor ~~and council~~, appoint and fix the compensation of a chief deputy and such other deputies as in his judgment are required to assist him, and to enable him to carry out ~~the provisions~~ of all laws, the execution of which is entrusted to him.'

**Sec. 160. R. S., c. 32, § 14, amended.** The first sentence of section 14 of chapter 32 of the Revised Statutes is amended to read as follows:

'The commissioner shall biennially make a report to the Governor ~~and council~~, on or before the first day of July of each even-numbered year, of the work of the department in detail, combining in the same a report of the Maine State Pomological Society and Maine Dairymen's Association, and all other matters relating to the promotion of agriculture; ~~and for~~. For the purpose of said report, said society and association shall furnish said commissioner with all necessary data therefor on or before the first day of June of each year.'

**Sec. 161. R. S., c. 32, § 17, amended.** The 3rd sentence of the 10th paragraph of section 17 of chapter 32 of the Revised Statutes is amended to read as follows:

'He shall issue blanks to the proper officers of said societies for such returns as may be deemed necessary for a full and complete knowledge of the work of said societies for each year, and shall certify to the Governor ~~and council~~ the amount of stipend due such society, and shall designate to the Treasurer of State to whom such moneys shall be paid, but said societies shall not be entitled to such stipend unless they shall make such returns.'

**Sec. 162. R. S., c. 32, § 86, amended.** The 2nd sentence of section 86 of chapter 32 of the Revised Statutes is amended to read as follows:

'Such rules and regulations shall become effective when approved in writing by the Governor ~~and council~~.'

**Sec. 163. R. S., c. 32, § 146, amended.** The 3rd sentence of section 146 of chapter 32 of the Revised Statutes is amended to read as follows:

'The remaining 6 members (Seed Potato Board) shall be appointed by the Governor ~~with the advice and consent of the council~~.'

**Sec. 164. R. S., c. 33, § 2, amended.** Section 2 of chapter 33 of the Revised Statutes, as amended by section 7 of chapter 384 of the public laws of 1957, is further amended to read as follows:

'**Sec. 2. Maine Milk Commission.** The Maine Milk Commission, as heretofore established, shall consist of 2 producers, a dealer, a producer-dealer and 2

consumers, all of whom shall be residents of the State. They shall be appointed by the Governor ~~with the advice and consent of the council~~ and shall serve for a term of 4 years and until their successors have been duly appointed and qualified. The Commissioner of Agriculture shall be ex officio a member of said commission. The members of said commission shall elect a chairman and may employ a secretary and such clerks and assistants as may be deemed necessary and may prescribe their duties and fix their compensation, subject to ~~the provisions of~~ the Personnel Law. Legal services and the services of experts in other lines shall be performed as far as possible by the existing state departments, including the Department of Agriculture, the Department of Health and Welfare and the Attorney General's Department. Any vacancy in the membership of said commission shall be filled by appointment by the Governor ~~with the advice and consent of the council~~. Members of the commission 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 ~~council~~ **the Commissioner of Finance and Administration**; ~~provided that the~~. The cost of administration of said commission, including expenses and compensation of members, shall not exceed the amount of fees collected under ~~the provisions of~~ this chapter. The commission shall be furnished a suitable office in the State Capitol together with all necessary equipment and supplies therefor.'

**Sec. 165. R. S., c. 34, § 3, sub-§ I, amended.** The 2nd sentence of subsection I of section 3 of chapter 34 of the Revised Statutes, as amended by chapter 325 of the public laws of 1955, is further amended to read as follows:

'It shall consist of the following 5 members: the Dean of the College of Agriculture and the State Commissioner of Agriculture, who shall serve ex officii; and 3 farmers who shall be appointed by the Governor ~~with the advice and consent of the council~~ in the following manner: one from a list of 3 names submitted by the executive committee of the State Grange, one from a list of 3 names submitted by the executive committee of the Maine Farm Bureau Association and one from a list of 3 names submitted by the Maine State Association of Soil Conservation District Supervisors.'

**Sec. 166. R. S., c. 34, § 3, sub-§ III, amended.** The 4th sentence of subsection III of section 3 of chapter 34 of the Revised Statutes is amended to read as follows:

'Upon the expiration of the term of office of, or in case of vacancy in, the office of an appointed member, his successor shall be appointed by the Governor ~~with the advice and consent of the council~~ in the same manner as the retiring member was appointed.'

**Sec. 167. R. S., c. 36, § 1, amended.** The first sentence of section 1 of chapter 36 of the Revised Statutes is amended to read as follows:

'A Forest Commissioner, as heretofore appointed by the Governor with the advice and consent of the ~~council~~ **Senate**, hereinafter in this chapter called the "commissioner," shall be a trained forester or a person of skill and experience in the care and preservation of forest lands and shall hold his office for a term of 4 years.'

**Sec. 168. R. S., c. 36, § 3, amended.** The 4th paragraph of section 3 of chapter 36 of the Revised Statutes is amended to read as follows:

‘The commissioner is authorized, with the approval of the Governor and ~~council~~ **the Attorney General**, to grant leases and rights to cut timber and grass on such lands, on such terms as they may approve.’

**Sec. 169. R. S., c. 36, § 4, amended.** The 2nd paragraph of section 4 of chapter 36 of the Revised Statutes is amended to read as follows:

‘The commissioner may, with the advice **and consent** of the Governor and ~~council~~ **the Attorney General**, sell and convey all such lands acquired by virtue of the foreclosure of mortgages under ~~the provisions of the 2nd paragraph of section 25 of chapter 177, section 25, 2nd paragraph.~~’

**Sec. 170. R. S., c. 36, § 11, amended.** Section 11 of chapter 36 of the Revised Statutes is amended to read as follows:

‘**Sec. 11. Acceptance of gifts to State of land for park and forest purposes.** The commissioner may, with the advice and consent of the Governor and ~~council~~ **the Senate**, accept on the part of the state gifts of land for forest and park purposes. The title to lands acquired under ~~the provisions of~~ this section shall be investigated and approved by the Attorney General.

The purpose of acquisition of land is declared to be the preservation of scenic beauty, facility for recreation as nearly unrestricted and general as is practicable by the people of this State and those whom they admit to the privilege, and the production of timber for watershed protection and as a crop. The lands acquired within the limits described in this section shall never be sold. They shall be protected from fire and damage from other sources in an efficient and economical way. They may be improved by roads and trails and also reforested under direction of the commissioner according to his best knowledge and judgment when funds are available for that purpose. Timber may be sold and camp sites leased by the commissioner with the approval of the Governor and ~~council~~ **the Attorney General** when in accordance with the purposes of this section as previously stated; ~~no~~. **No** contract of either character ~~to~~ shall be for a term of more than 5 years. Revenues derived from these uses shall be paid to the Treasurer of State by the said commissioner and constitute a fund to be applied to the care and improvement of these lands or to the acquisition of other lands for similar purposes.’

**Sec. 171. R. S., c. 36, § 12, amended.** Section 12 of chapter 36 of the Revised Statutes, as amended by chapter 185 of the public laws of 1957, is further amended to read as follows:

‘**Sec. 12. Granting rights to cut timber; grant mining rights; leasing camp sites and mill privileges; preference to Maine people.** The commissioner, under the direction of the Governor and ~~council~~ **the Attorney General**, shall sell at public or private sale and grant rights to cut timber and grass belonging to the State, and may lease camp sites, mill privileges, dam sites, flowage rights, the right to set poles and maintain utility service lines and the right to construct and maintain roads, and grant mining rights, after the approval of the Mining Bureau, on lands belonging to the State, on such terms as they direct; also the

right to cut timber and grass and lease camp sites, mill privileges, dam sites, flowage rights, the right to set poles and maintain utility service lines and the right to construct and maintain roads, and grant mining rights, after the approval of the Mining Bureau, on public reserved lots in any township or tract of land until the same is incorporated, on such terms as they direct. Preference in such sales or leases shall be given to persons, firms or corporations of this State.'

**Sec. 172. R. S., c. 36, § 34, amended.** The first paragraph of section 34 of chapter 36 of the Revised Statutes is amended to read as follows:

'The Maine State Park Commission, as heretofore established, shall consist of 5 members, namely, the Commissioner of Inland Fisheries and Game and the Forest Commissioner, ex officio, and 3 citizen members. Not more than 2 of the citizen members shall be of the same political party. They shall be appointed by the Governor ~~and approved by the council~~ for terms of 3 years. Vacancies or removals shall be filled ~~as above provided~~ for the unexpired term of the retiring member. For cause the Governor ~~and council~~ may, upon notice and hearing, remove any member of the ~~board~~ **commission** for misconduct, incompetency, neglect of duty or for any other sufficient cause. The headquarters of the commission shall be at Augusta, but the commission may meet and transact its business at any other place within the State. Each member shall be paid the sum of \$10 per diem for the time actually spent by each in transacting official business of the commission, payment to be made as ~~hereinafter~~ provided for.'

**Sec. 173. R. S., c. 36, § 34, sub-§ I, amended.** Subsection I of section 34 of chapter 36 of the Revised Statutes, as amended by chapter 37 of the public laws of 1955, is further amended to read as follows:

'I. With the consent of the Governor and ~~council~~ **the Attorney General**, to acquire in behalf of the State, land or any interests therein within this State, with or without improvements, by purchase or gift, and by eminent domain subject to proviso ~~hereinafter~~ set forth and with like consent to sell and convey such lands or interests therein, or lease the same, or by revocable license or agreement, or grant to any person, firm or corporation exclusive rights and privileges to the use and enjoyment of portions of such lands; ~~provided, however, that no. No lease hereunder~~ shall be for a term longer than 5 years, and any such license, lease or agreement granted or entered into ~~hereunder~~ shall be cancelled or revoked after due notice of intention to cancel or revoke the same by action of the commission, when the use for which said license was given shall have been abandoned, materially modified, or whenever the conditions imposed in any license, lease or agreement shall have been broken; ~~provided, however, that the.~~ **The** right of eminent domain shall not be exercised to take any area or areas in any one park which singly or collectively exceed 200 acres, nor shall it be exercised to take any developed or undeveloped mill site or water power privilege in whole or in part or any land used or useful in connection therewith, or any land being utilized for any industrial enterprise.'

**Sec. 174. R. S., c. 36, § 34, sub-§ II, amended.** Subsection II of section 34 of chapter 36 of the Revised Statutes is amended to read as follows:

'II. To study and ascertain as nearly as possible and report to the Governor ~~and council~~ from time to time:

- A. The state's actual and potential outdoor recreational park resources and facilities,
- B. The needs of the people of this State and out-of-state visitors for such park resources and facilities,
- C. The kinds of resources and facilities best suited to and required for such park needs,
- D. The extent to which such park needs are being currently met whether by publicly owned or privately owned facilities,
- E. The location and probable cost of acquisition, development and operation of parks, which if acquired, developed and operated under ~~the provisions of~~ sections 33 to 39 could satisfy such needs, and
- F. The several public purposes to which such parks or portions thereof might be put.

Such studies and reports shall be accompanied by other information, statistics and charts as will adequately inform the Governor ~~and council~~ of the character, condition and needs of this State of park recreational resources and facilities, and may be accompanied by specific recommendations for new legislation or other action to be taken with respect to the same.'

**Sec. 175. R. S., c. 36, § 34, sub-§ III, amended.** The first sentence of subsection III of section 34 of chapter 36 of the Revised Statutes is amended to read as follows:

'With the consent of the Governor ~~and council~~, to set apart and publicly proclaim areas of land in this State including improvements, or other structures thereon, title to which has been acquired under ~~the provisions of~~ sections 33 to 39 as parks or memorials within the meaning of said sections, and the commission may from time to time establish such rules and regulations as it deems necessary:

- A. For the protection and preservation of state parks and parks under state control,
- B. For the protection and safety of the public, and
- C. For observances of the conditions and restrictions expressed in deeds of trust, or otherwise, of the parks of the State and of monuments thereon.'

**Sec. 176. R. S., c. 36, § 34, sub-§ V, amended.** Subsection V of section 34 of chapter 36 of the Revised Statutes is amended to read as follows:

'V. With approval of the Governor ~~and council~~, to establish and maintain adequate provisions for the prevention, suppression and control of fires within said park areas.'

**Sec. 177. R. S., c. 36, § 34, sub-§ VI, amended.** The first sentence of subsection VI of section 34 of chapter 36 of the Revised Statutes is amended to read as follows:

'With the consent of the Governor and ~~council~~ **the Attorney General**, to negotiate and execute any lease or other agreement for the administration,

maintenance, supervision, use and development of state parks, within the meaning of sections 33 to 39 acquired and owned by the Government of the United States, upon such terms and conditions as may be deemed advantageous to the people of this State and consistent with ~~the provisions of~~ said sections; and with like consent, to accept on behalf of the State, deeds of gift or other conveyances to lands or interests therein suitable for administration, maintenance, supervision, use and development as state parks or memorials under ~~the provisions of~~ sections 33 to 39 ~~inclusive.~~'

**Sec. 178. R. S., c. 36, § 90, amended.** The first sentence of the 2nd paragraph of section 90 of chapter 36 of the Revised Statutes, as enacted by chapter 137 of the public laws of 1955, is amended to read as follows:

'The Forest Commissioner, with the approval of the Governor ~~and council~~, may sell to the highest bidder after advertising, any warden headquarters site not being use or deemed no longer necessary for such purposes.'

**Sec. 179. R. S., c. 36, § 104, amended.** The 4th sentence of section 104 of chapter 36 of the Revised Statutes is amended to read as follows:

'For the purpose of controlling and extinguishing fires, chief forest fire wardens and deputy forest fire wardens, when in charge of the control and extinguishment of forest fires or when so directed by the chief warden, may summon to their assistance any person found within the State and each person so summoned and assisting shall be paid at a rate set by the commissioner with the approval of the Governor ~~and council~~ and be provided with subsistence during such service.'

**Sec. 180. R. S., c. 36, § 110, amended.** The first sentence of section 110 of chapter 36 of the Revised Statutes is amended to read as follows:

'So much of the funds raised by the tax imposed and paid into the treasury, as may be necessary to pay the claims, accounts and demands arising under ~~the provisions of~~ sections 95 to 104 and sections 109 to 111, is appropriated to pay the same, and the Governor ~~and council~~ may authorize the State Controller to draw his warrant therefor at any time.'

**Sec. 181. R. S., c. 37, § 1, amended.** The first sentence of section 1 of chapter 37 of the Revised Statutes, as revised is amended to read as follows:

'A Commissioner of Inland Fisheries and Game, as heretofore appointed by the Governor with the advice and consent of the ~~council~~ **Senate** and hereinafter in this chapter called the "commissioner," shall hold office for 3 years and shall serve until his successor is appointed and qualified.'

**Sec. 182. R. S., c. 37, § 2, amended.** The last paragraph of section 2 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

'Whenever the entire State is closed to hunting by proclamation of the Governor during the open season on deer, the commissioner with the consent of the Governor ~~and council~~ is authorized to extend the open season for deer hunting for a period not to exceed the number of days lost.'

**Sec. 183. R. S., c. 37, § 4, amended.** The first, 2nd and 3rd sentences of section 4 of chapter 37 of the Revised Statutes, as revised, are amended to read as follows:

'An advisory council, as heretofore appointed by the Governor ~~with the advice and consent of the council~~ shall consist of 7 members ~~chosen one from each of the councilor districts~~. Appointment shall be for the terms of 6 years and until successors are appointed and qualified. Upon death, resignation or removal from office of any person so appointed, the Governor ~~with the advice and consent of the council~~ shall appoint a member to serve for the unexpired term.'

**Sec. 184. R. S., c. 37, § 8, amended.** Section 8 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

'**Sec. 8. Governor and Attorney General to sell property no longer needed.** The Governor and ~~council~~ **the Attorney General** on recommendation of the commissioner may sell and convey on behalf of the State the interests of the State in property taken or acquired by purchase under this chapter and deemed no longer necessary for the purposes hereof.'

**Sec. 185. R. S., c. 37, § 26, amended.** The first sentence of the 2nd paragraph of section 26 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

'Whenever it shall come to the attention of the commissioner or his deputy commissioner, that any person or persons known to have gone upon a hunting or fishing trip, or a trip for any other purpose, in the woodlands of the State and have not returned within a reasonable time after his or their departure, the commissioner is authorized to summon any person found within the State to assist in finding the lost person or persons, and each person so summoned shall be paid at a rate set by the said commissioner, with the approval of the Governor ~~and council~~, and be provided with subsistence during such service.'

**Sec. 186. R. S., c. 38, § 1, amended.** Section 1 of chapter 38 of the Revised Statutes, as revised, is amended to read as follows:

'**Sec. 1. Commissioner of Sea and Shore Fisheries; appointment; term; salary; reports.** A Commissioner of Sea and Shore Fisheries, as heretofore appointed and hereinafter in this chapter called the "commissioner," shall be appointed by the Governor, with the advice and consent of the ~~council~~ **Senate**, to serve for 4 years ~~or during the pleasure of the governor and council~~. He shall serve until his successor is appointed and qualified. Any vacancy in the office shall be filled by an appointment for a like term.

The commissioner shall receive such compensation as shall be fixed by the Governor ~~and council~~.

The commissioner shall make a report to the Governor ~~and council~~ on or before the first day of January for the biennium ending June 30th prior thereto.'



**Sec. 187. R. S., c. 38, § 4, amended.** The first, 2nd and 3rd sentences of section 4 of chapter 38 of the Revised Statutes, as revised, are amended to read as follows:

'An advisory council, as heretofore appointed by the Governor ~~with the advice and consent of the council~~, shall consist of 5 members. Appointment shall be for the term of 3 years and until successors are appointed and qualified, provided that the initial appointment of 3 such members shall be for a term of 2 years instead of 3 years. Upon the death, resignation or removal from office of any person so appointed, the Governor ~~with the advice and consent of his council~~ shall appoint a member to serve for the unexpired term.'

**Sec. 188. R. S., c. 38, § 38, amended.** The first paragraph of section 38 of chapter 38 of the Revised Statutes, as revised, is amended to read as follows:

'The Atlantic Sea Run Salmon Commission, as heretofore established, shall consist of 3 persons as follows: the Commissioner of Inland Fisheries and Game and the Commissioner of Sea and Shore Fisheries as ex officio members, and a 3rd member who shall be a citizen of Maine and who shall be appointed by the Governor ~~and council~~ for a term of 4 years. The member appointed by the Governor ~~and council~~ shall receive \$10 per day and expenses as compensation when engaged in the discharge of his official duties.'

**Sec. 189. R. S., c. 38-A, § 1, amended.** The first, 2nd and 3rd paragraphs of section 1 of chapter 38-A of the Revised Statutes, as enacted by section 1 of chapter 471 of the public laws of 1955, and as amended by section 1 of chapter 123 of the public laws of 1957, are further amended to read as follows:

'The Department of Economic Development, as heretofore established and hereinafter in this chapter called the "department" shall be under the supervision and control of a Commissioner ~~of Department~~ of Economic Development, hereinafter in this chapter called the "commissioner." He shall be appointed by the Governor with the advice and consent of the ~~council~~ Senate for a term of 4 years and shall hold office until his successor is appointed and qualified.

~~The commissioner may be removed by the governor and council for cause.~~ Any vacancy in said office shall be filled by appointment for a like term in the same manner as hereinbefore provided.

He shall receive such salary as the Governor ~~and council~~ may determine.'

**Sec. 190. R. S., c. 38-A, § 2, amended.** Section 2 of chapter 38-A of the Revised Statutes, as enacted by section 1 of chapter 471 of the public laws of 1955, and as amended by sections 2, 2-A and 3 of chapter 123 of the public laws of 1957, is further amended to read as follows:

'**Sec. 2. Powers and duties of commissioner.** The commissioner may employ such division chiefs, deputies, assistants and employees as may be necessary, subject to ~~the provisions of~~ the Personnel Law; employ or engage with the approval of the Governor ~~and council~~ such outside technical or professional consultants as may be necessary or appropriate to assist the department in carrying out its functions; and may enter into contracts with other boards, commissions, depart-

ments and divisions of the State or with the University of Maine to assist him or any division of the department in carrying out ~~the provisions of~~ this chapter.

The commissioner may employ, without the consent of the Governor ~~and council~~, such consultants as may be necessary to carry out the purposes of this chapter.

The commissioner shall organize a Division of Research and Planning, a Division of Industrial Development, a Division of Recreational Promotion, a Division of Publicity and Public Relations and a Division of Geological Survey and such other divisions as the commissioner may recommend and as may be approved by the Governor ~~and council~~. The commissioner and the Commissioner of Labor and Industry shall from time to time confer on matters affecting the economic and social welfare of the State, including hours of labor, wages, industrial safety and regulatory decisions and orders.

The commissioner is authorized and empowered to accept for the State any federal funds apportioned under ~~the provisions of~~ federal law relating to urban planning and planned public works and to do such acts as are necessary for the purpose of carrying out ~~the provisions of~~ such federal law; and to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out the provisions contained herein.'

**Sec. 191. R. S., c. 38-A, § 7, amended.** The first sentence of section 7 of chapter 38-A of the Revised Statutes, as enacted by section 1 of chapter 471 of the public laws of 1955, is amended to read as follows:

'There shall be established an advisory board, which shall consist of the Governor, the Commissioner of Agriculture, the Commissioner of Inland Fisheries and Game, the ~~Forestry~~ **Forest** Commissioner, the Commissioner of Sea and Shore Fisheries and 23 public members to be appointed by the Governor with the advice and consent of the ~~council~~ **4 commissioners hereinbefore mentioned.**'

**Sec. 192. R. S., c. 38-A, § 7, amended.** The last paragraph of section 7 of chapter 38-A of the Revised Statutes, as enacted by section 1 of chapter 471 of the public laws of 1955, is amended to read as follows:

'~~The governor, with the advice and consent of the council, shall fill any vacancy for the unexpired term.~~ Vacancies shall be filled by appointment for the unexpired term.'

**Sec. 193. R. S., c. 38-B, § 4, amended.** The first paragraph of section 4 of chapter 38-B of the Revised Statutes, as enacted by section 1 of chapter 421 of the public laws of 1957, is amended to read as follows:

'The Maine Industrial Building Authority hereinafter in this chapter called the authority, hereby created and established a body corporate and politic, is constituted a public instrumentality of the State, and the exercise by the authority of the powers conferred by ~~the provisions of~~ this chapter shall be deemed and held to be the performance of essential governmental functions. The authority shall consist of 9 members, including the Commissioner of Economic Development, and 8 members at large appointed by the Governor ~~with the advice and consent of the Council~~ for a period of 4 years, provided that, of the members first appointed, 2 shall be appointed for a term of one year, 2 for a term of 2 years,

2 for a term of 3 years and 2 for a term of 4 years. A vacancy in the office of an appointive member, other than by expiration, shall be filled in like manner as an original appointment, but only for the remainder of the term of the retiring member. Appointive members may be removed by the Governor ~~with the advice and consent of the Council~~ for cause. The authority shall elect one of its members as chairman, one as vice-chairman, one as treasurer, and shall employ a manager, who shall be secretary. The secretary and treasurer shall be bonded as the authority shall direct. Five members of the authority shall constitute a quorum and the affirmative vote of all the members of the quorum, present and voting, shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of the quorum to exercise all rights and perform all the duties of the authority.'

**Sec. 194. R. S., c. 38-B, § 4, amended.** The 3rd paragraph of section 4 of chapter 38-B of the Revised Statutes, as enacted by section 1 of chapter 421 of the public laws of 1957, is amended to read as follows:

'The manager shall be appointed by the authority and his tenure of office shall be at the pleasure of the authority. He shall receive such compensation as shall be fixed by the authority with the approval of the Governor ~~and Council~~.'

**Sec. 195. R. S., c. 38-B, § 14, amended.** Section 14 of chapter 38-B of the Revised Statutes, as enacted by section 1 of chapter 421 of the public laws of 1957, is amended to read as follows:

'**Sec. 14. Authority to provide funds.** If from time to time in the opinion of the authority the addition of moneys to the Mortgage Insurance Fund may be required to meet obligations, the authority shall in writing request the Governor ~~and Council~~ **the Attorney General** to provide moneys in such amounts as may be necessary for the purpose. The Governor ~~and Council~~, **the Attorney General and the Commissioner of Finance and Administration** shall transfer to said fund sufficient moneys for said purpose from the State Contingent Account or from the proceeds of bonds to be issued as provided in this section. If bonds are to be issued, the Governor ~~and Council~~, **the Attorney General and the Commissioner of Finance and Administration** shall order the Treasurer of State to issue bonds in the amount requested, but not exceeding in the aggregate \$20,000,000 at any one time outstanding, to mature serially or made to run for such periods as the Governor ~~and Council~~, **the Attorney General and the Commissioner of Finance and Administration** may determine, but none of them shall run for a longer period than 20 years, and at such rates of interest and on such terms and conditions as the Governor ~~and Council~~, **the Attorney General and the Commissioner of Finance and Administration** shall determine. The bonds so issued shall be deemed a pledge of the faith and credit of the State.'

**Sec. 196. R. S., c. 41, § 2, amended.** Section 2 of chapter 41 of the Revised Statutes, as amended by section 1 of chapter 289 of the public laws of 1957, is further amended to read as follows:

'**Sec. 2. State Board of Education; expenses.** The board, as heretofore created, shall consist of 10 members who shall be appointed by the Governor ~~with the advice and consent of the council~~. The members shall serve for a term of 5 years and until their successors shall have been duly appointed and qualified.'

A vacancy shall be filled for the unexpired term in accordance with ~~the provisions of~~ the regular appointment. The members shall take the oath of office prescribed for state officers. Members of the board shall be subject to removal from office by the Governor ~~and council~~ for cause. Members of the board shall serve without pay, other than their actual expenses while carrying out the functions of the board.'

**Sec. 197. R. S., c. 41, § 11, sub-§ IX, amended.** Subsection IX of section 11 of chapter 41 of the Revised Statutes is amended to read as follows:

**'IX.** To assume the control and management of all free public schools established and maintained by gifts or bequests, when said gifts or bequests are conditioned upon said commissioner assuming such control and management; and he shall carry out the provisions upon which such gifts or bequests are conditioned, when said conditions are approved by the Governor and ~~council~~ **the Attorney General;**'

**Sec. 198. R. S., c. 41, § 31, amended.** Section 31 of chapter 41 of the Revised Statutes, as amended by section 12 of chapter 364 of the public laws of 1957 and by section 6 of chapter 443 of the public laws of 1957, is further amended to read as follows:

**'Sec. 31. School funds withheld from delinquent towns or School Administrative Districts.** When the Governor and ~~council~~ **the Attorney General** have reason to believe that a town or district has neglected to raise and expend the school money required by law, or to employ teachers certified as required by law, or to have instruction given in the subjects prescribed by law, or to provide suitable textbooks in the subjects prescribed by law, or faithfully to expend the school money received from the State or in any way to comply with the law prescribing the duties of administrative units in relation to public schools, they shall direct the Treasurer of State to withhold from the apportionment of state school funds made to that administrative unit such amount as they may deem expedient. The amount so withheld shall not be paid until such administrative unit shall satisfy said Governor and ~~council~~ **the Attorney General** that it has expended the full amount of school money as required by law and that it has complied in all ways with the law prescribing the duties of administrative units in relation to public schools. Whenever such administrative unit shall fail, within the year for which the apportionment is made, so to satisfy the Governor and ~~council~~ **the Attorney General**, the said amount withheld shall be forfeited and shall be added to the General Fund of the State.'

**Sec. 199. R. S., c. 41, § 80, amended.** The 6th sentence of section 41 of chapter 80, as amended by section 40 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'When it appears to the commissioner that the efficiency of supervision in any supervisory unit is or may be lessened because of the financial burden to administrative units, expenses for travel and other purposes required to be paid by the superintendent of such supervisory unit because of the number and location of schools, geographical or other conditions, said commissioner, annually in August, shall issue to the Governor ~~and council~~ a recommendation relative thereto and on the approval of said recommendation, the State Controller upon

the approval of the Governor ~~and council~~ may draw a warrant for payment out of the sum appropriated for superintendence in favor of the superintendent or superintendents of schools employed in said supervisory unit within the school year ending June 30th immediately preceding.'

**Sec. 200. R. S., c. 41, § 110, amended.** The last 3 sentences of section 110 of chapter 41 of the Revised Statutes, as amended by section 64 of chapter 364 of the public laws of 1957, are further amended to read as follows:

'If the commissioner is satisfied that ~~the provisions of~~ sections 98 to 105 have been complied with, he shall certify to the Governor ~~and council~~ the sum which each administrative unit is entitled to receive from the State. In case any administrative unit has failed to comply with any of said provisions by reason of circumstances beyond its control, he may after proper investigation certify such part of the high school aid as circumstances may justify. Any administrative unit dissatisfied with his decision may appeal to the Governor ~~and council~~ **the Attorney General**, and the Governor ~~and council~~ **the Attorney General** shall issue a certificate to the treasurer of the administrative unit for such amount as they adjudge such administrative unit entitled to receive from the State Treasury.'

**Sec. 201. R. S., c. 41, § III-B, amended.** Section III-B of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 of the public laws of 1957, and as repealed and replaced by section 2 of chapter 443 of the public laws of 1957, is amended to read as follows:

'**Sec. III-B. School District Commission.** For the purpose of promoting, developing and adjusting a state plan for the creation of efficient School Administrative Districts throughout the State and for the purpose of approving applications for the organization of School Administrative Districts, a School District Commission, as heretofore established, shall consist of 5 members, one of whom shall be the Commissioner of Education who shall serve as secretary to the commission, the remaining 4 members to be appointed by the Governor ~~with the advice and consent of the Council~~ to serve for a period of 5 years. At the expiration of their term of office their duties and responsibilities are to be assumed by the State Board of Education. Vacancies in the membership of this commission shall be filled by the Governor ~~with the advice and consent of the Council~~. Members of the commission shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties and, with the exception of the Commissioner of Education, shall receive \$10 per day for services actually rendered.'

**Sec. 202. R. S., c. 41, § 134, amended.** The 2nd sentence of section 134 of chapter 41 of the Revised Statutes is amended to read as follows:

'The treasurer shall have no authority to contract debts and obligations, excepting loans in anticipation of assured revenues when approved by vote of the trustees, and other loans when directed by vote of the trustees and duly and properly authorized by the Governor ~~and council~~.'

**Sec. 203. R. S., c. 41, § 135, amended.** Section 135 of chapter 41 of the Revised Statutes is amended to read as follows:

**'Sec. 135. Treasurer's report.** The treasurer shall prepare a complete report for the periods ending on June 30th and December 31st of each year and forward a copy of said semiannual report of the colleges to the Governor and ~~council and also~~ the board of trustees.'

**Sec. 204. R. S., c. 41, § 154, amended.** The first sentence of section 154 of chapter 41 of the Revised Statutes, as amended by section 32 of chapter 405 of the public laws of 1955, is further amended to read as follows:

'The following days shall be observed as school holidays, namely: Patriot's Day, April 19th; Memorial Day, May 30th; Independence Day July 4th; Labor Day, first Monday in September; Veterans Day, November 11th; Christmas Day, December 25th; Thanksgiving and Arbor Day, as appointed by the Governor ~~and council; provided, however, that~~. Arbor Day shall not be recognized as a school holiday unless observed by teacher and pupils for the purpose for which it is designated by the Governor ~~and council~~; ~~and provided further, that~~ Lincoln Day shall be observed by devoting some part of the day to study of the life and character of Abraham Lincoln.'

**Sec. 205. R. S., c. 41, § 159, amended.** The first sentence of section 159 of chapter 41 of the Revised Statutes is amended to read as follows:

'All children between the ages of 5 and 21 years who reside with a parent or legal guardian in unorganized territory within this State shall be entitled to school privileges, which shall be provided under the direction of the commissioner under such rules and regulations as may be made from time to time by him and approved by the Governor ~~and council~~.'

**Sec. 206. R. S., c. 41, § 163, amended.** Section 163 of chapter 41 of the Revised Statutes is amended to read as follows:

**'Sec. 163. Schooling of children on government reservation.** Special arrangements may be made to provide elementary school privileges in cooperation with the United States Government for a child or children residing with a parent or legal guardian at any light station, fog warning station, lifesaving station or other place within a United States government reservation under such rules and regulations as may be made by the commissioner and approved by the Governor ~~and council~~.'

**Sec. 207. R. S., c. 41, § 194, amended.** The 4th sentence of section 194 of chapter 41 of the Revised Statutes, as amended by section 82 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'Whenever it shall be made to appear to the Governor ~~and council~~ that any administrative unit has provided instruction in the trades and industries in a general industrial school maintained therein for a period of 36 weeks during the school year, and employing at least one teacher whose work is devoted exclusively to such instruction and having an average attendance of at least 20 pupils, the Governor ~~and council~~ shall direct the Treasurer of State to pay

to the treasurer of such administrative unit a sum equal to  $\frac{2}{3}$  the total amount spent for instruction in said school, provided that not more than \$2,000 shall be paid by the State to any one administrative unit in any year.'

**Sec. 208. R. S., c. 41, § 206, amended.** Section 206 of chapter 41 of the Revised Statutes is amended to read as follows:

'**Sec. 206. Reimbursement from state and federal funds.** Whenever the superintendent of schools of any town or city, on or before the first day of July, shall report to the commissioner that part-time or part-time continuation schools and classes have been maintained in accordance with the specified standards, and when such schools and classes shall be approved by the State Board of Education, the commissioner shall recommend to the Governor ~~and council~~ annually in December the payment of reimbursement from federal funds designated for part-time schools and from state funds provided for industrial education to the extent of  $\frac{2}{3}$  the cost of instruction.'

**Sec. 209. R. S., c. 41, § 227, amended.** The 2nd sentence of section 227 of chapter 41 of the Revised Statutes is amended to read as follows:

'Said board shall have charge of the general interests of said schools; shall see that the affairs thereof are conducted as required by law and by such by-laws as the board adopts; employ teachers and lecturers for the same; and shall have authority, by and with the consent of the Governor and ~~council~~ **the Attorney General**, to dispose of and acquire property for the improvement of the plants and grounds; and biennially render to the Governor ~~and council~~ an accurate account of the receipts and expenditures for the biennium preceding, including same as a part of the commissioner's report.'

**Sec. 210. R. S., c. 41, § 246, amended.** The 4th sentence of section 246 of chapter 41 of the Revised Statutes is amended to read as follows:

'Appointive members (Maine School Building Authority) may be removed by the Governor ~~and council~~ for cause.'

**Sec. 211. R. S., c. 41, § 248, sub-§ XIII-A, amended.** The 2nd sentence of subsection XIII-A of section 248 of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 474 of the public laws of 1955, is amended to read as follows:

"Determination as to eligibility shall be under such rules and regulations as the authority shall make and its determination shall be final upon approval of the governor ~~and council~~.'

**Sec. 212. R. S., c. 42, § 1, amended.** The first paragraph of section 1 of chapter 42 of the Revised Statutes is amended to read as follows:

'The Maine State Library shall be under the management and supervision of a State Librarian, as heretofore appointed, who shall make such rules and regulations as are necessary for the proper management of the library and the safety of its contents. The Governor, with the advice and consent of the ~~council~~ **Senate**, shall appoint such librarian who shall serve for a term of 4 years, and until his successor is duly appointed and qualified. The librarian shall receive such salary as shall be set by the Governor and ~~council~~ **the Commissioner of Finance and Administration**.'

**Sec. 213. R. S., c. 42, § 12, amended.** The first sentence of section 12 of chapter 42 of the Revised Statutes is amended to read as follows:

'The State Librarian, with the approval of the Governor ~~and council~~, may also make any regulations necessary to enable the State to comply with ~~the provisions of~~ any law of the United States, heretofore or hereafter enacted, intended to promote public library services.'

**Sec. 214. R. S., c. 42, § 17, amended.** The 3rd sentence of section 17 of chapter 42 of the Revised Statutes is amended to read as follows:

'Such reports may be printed and distributed annually as are deemed advisable by the Governor ~~and council~~, or directed by the Legislature.'

**Sec. 215. R. S., c. 42, § 20, amended.** The first paragraph of section 20 of chapter 42 of the Revised Statutes, as repealed and replaced by section 8 of chapter 185 of the public laws of 1955, is amended to read as follows:

'A copy of the printed decisions of the Supreme Judicial Court, commonly called Maine reports, and of the advance sheets, which are purchased by the State in accordance with ~~the provisions of section 2 of~~ chapter 104, **section 2**, shall be distributed by the State Librarian to the following: each county law library, college library, county attorney, judge of probate, register of probate, clerk of courts, municipal court, trial justice, ~~councilor~~, Senator and Representative from Maine in the Congress of the United States, Justice and ex-justice of the Supreme Judicial Court, Justice and ex-justice of the Superior Court; the Governor, Judge of the United States District Court for Maine, United States District Attorney for Maine, Clerk of the United States District Court for Maine, Judge of the United States Court of Appeals for the first circuit.'

**Sec. 216. R. S., c. 42, § 23, amended.** Section 23 of chapter 42 of the Revised Statutes, as repealed and replaced by section 10 of chapter 185 of the public laws of 1955, is amended to read as follows:

'**Sec. 23. Price.** The State Librarian, subject to the approval of the Governor ~~and council~~, shall fix the price at which the printed volumes of a Revision of the Statutes, and supplements thereto, or those containing the laws passed at a session of the Legislature, may be sold and delivered, and shall thereafter make sales at the price so fixed.'

**Sec. 217. R. S., c. 42, § 25, amended.** The first sentence of section 25 of chapter 42 of the Revised Statutes, as repealed and replaced by section 11 of chapter 185 of the public laws of 1955, is amended to read as follows:

'A copy of all compilations or Revisions of the Statutes, and supplements thereto, and the laws passed by each Legislature shall be sold and delivered at  $\frac{1}{2}$  the established price to the following: each free public library, county law library, college library, municipality, county attorney, clerk of courts, county commissioners' court, sheriff, county treasurer, register of deeds, register of probate, judge of probate, Justice and ex-justice of the Supreme Judicial Court, Justice and ex-justice of the Superior Court, municipal court, trial justice, ~~ex-governor, councilor~~ the Governor, Reporter of Decisions, Judge of the United States District Court for Maine, United States District Attorney for Maine,



Clerk of the United States District Court for Maine, Judge of the United States Court of Appeals for the first circuit, Maine Historical Society.'

**Sec. 218. R. S., c. 43, § 1, amended.** The first sentence of section 1 of chapter 43 of the Revised Statutes is amended to read as follows:

'A State Historian, as heretofore appointed, shall be appointed by the Governor ~~with the advice and consent of the council.~~'

**Sec. 219. R. S., c. 43, § 6, amended.** The first sentence of section 6 of chapter 43 of the Revised Statutes is amended to read as follows:

'The actual cash expenses of the State Historian incurred while in the discharge of his official duties, including any sum necessarily contracted by him for clerical assistance in arranging, classifying, preserving and indexing books, manuscripts, records, documents and papers now or hereafter in the possession of the State, shall be paid from the State Treasury but shall not exceed \$500 a year; ~~any.~~ Any portion of said amount may be expended by the State Historian, under the direction of the Governor ~~and council,~~ in the publication of historical matter and data relating to the history of the State, or in making available by card catalogue, and otherwise, historical materials in the possession of the State.'

**Sec. 220. R. S., c. 44, § 1, amended.** The first sentence of section 1 of chapter 44 of the Revised Statutes is amended to read as follows:

'The Public Utilities Commission, as heretofore established, shall consist of 3 members appointed by the Governor, with the advice and consent of the ~~council~~ **Senate**, from time to time upon the expiration of the terms of the several members, for terms of 7 years.'

**Sec. 221. R. S., c. 44, § 1, amended.** The 2nd sentence of the 2nd paragraph of section 1 of chapter 44 of the Revised Statutes is amended to read as follows:

'The salary of the clerk shall be left to the discretion of the commission, subject to the approval of the Governor ~~and council.~~'

**Sec. 222. R. S., c. 44, § 2, amended.** The last sentence of section 2 of chapter 44 of the Revised Statutes is amended to read as follows:

'Any willful violation of the provisions of this chapter by any commissioner shall constitute sufficient cause for his removal by the Governor ~~with the advice and consent of the council.~~'

**Sec. 223. R. S., c. 44, § 36, amended.** The last sentence of section 36 of chapter 44 of the Revised Statutes is amended to read as follows:

'The commission may, with the consent of the Governor ~~and council,~~ hold joint hearings with the Interstate Commerce Commission with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of the commission and the Interstate Commerce Commission, in accord with the ~~provisions of the~~ act to regulate commerce and applicable amendments.'

**Sec. 224. R. S., c. 52-A, § 5, amended.** The first sentence of section 5 of chapter 52-A of the Revised Statutes, as enacted by section 1 of chapter 105 of

the public laws of 1955, and as amended by section 7 of chapter 210 of the public laws of 1957, is further amended to read as follows:

'The Governor ~~and council~~ shall appoint a citizen of this State to serve as adviser to the Governor with respect to atomic industrial development within the State; as coordinator of the development and regulatory activities of the State relating to the industrial and commercial uses of atomic energy and other forms of radiation; and as deputy of the Governor in matters relating to atomic energy and other forms of radiation, including participation in the activities of any committee formed by the New England states to represent their interest in such matters and also cooperation with other states and with the Government of the United States.'

**Sec. 225. R. S., c. 54, § 12, amended.** The 3rd sentence of section 12 of chapter 54 of the Revised Statutes is amended to read as follows:

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

**Sec. 226. R. S., c. 59, § 19-G, sub-§ IX, amended.** The last 3 sentences of subsection IX of section 19-G of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 380 of the public laws of 1955, are amended to read as follows:

'After payment into the State Treasury of such deposits, no action at law or in equity shall be maintained in any court in this State by any depositor or his heirs, successors or assigns against any bank making such payments ~~provided, however, that thereafter~~. **Thereafter** any lawful claimants may petition the Governor ~~and council~~ for payment of such moneys to the claimants. In his petition the claimant shall state fully the facts showing the basis of his right, title and interest in such deposit. The Governor and ~~council~~ **the Attorney General**, after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.'

**Sec. 227. R. S., c. 59, § 78, amended.** The first sentence of section 78 of chapter 59 of the Revised Statutes is amended to read as follows:

'The Bank Commissioner shall, annually, make a report to the Governor ~~and council~~ of the general conduct and condition of each of the banks visited by him, making such suggestions as he deems expedient.'

**Sec. 228. R. S., c. 59, § 120, amended.** The last 3 sentences of section 120 of chapter 59 of the Revised Statutes are amended to read as follows:

'After payment into the State Treasury of such deposits, no action at law or in equity shall be maintained in any court in this State by any depositor or his heirs, successors or assigns against any bank making such payments; ~~provided, however, that thereafter~~. **Thereafter** any lawful claimants may petition the Governor ~~and council~~ for payment of such moneys to the claimants. In his petition the claimant shall state fully the facts showing the basis of his right, title and interest in such deposit. The Governor and ~~council~~ **the Attorney General**,

after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.'

**Sec. 229. R. S., c. 59, § 121, amended.** The 2nd sentence of section 121 of chapter 59 of the Revised Statutes is amended to read as follows:

'He (Bank Commissioner) shall, annually, make a report to the Governor ~~and council~~ of the general conduct and condition of each of said companies, making such suggestions as he deems expedient or the public interest requires.'

**Sec. 230. R. S., c. 59, § 155, amended.** Section 155 of chapter 59 of the Revised Statutes, as amended by section 35 of chapter 405 of the public laws of 1955, is further amended to read as follows:

'**Sec. 155. Bank holidays.** Any day of public thanksgiving, appointed by the Governor ~~and council~~ or by the President of the United States, the first day of January, the 22nd day of February, the 19th day of April, the 30th day of May, the 4th day of July, the first Monday of September, Veterans Day, November 11th, and the 25th day of December are declared to be bank holidays. If a bank holiday falls on Sunday, the following Monday shall be deemed a bank holiday for the purposes of this chapter.'

**Sec. 231. R. S., c. 59, § 182, amended.** The first sentence of section 182 of chapter 59 of the Revised Statutes is amended to read as follows:

'The Bank Commissioner shall perform, in reference to all loan and building associations, the same duties and shall have the same powers as are required of him or given to him in reference to savings banks; and shall annually make a report to the Governor ~~and council~~ of the general conduct and condition of each of the associations visited by him, making such suggestions as he deems expedient or the public interest requires.'

**Sec. 232. R. S., c. 60, § 2, amended.** The first sentence of section 2 of chapter 60 of the Revised Statutes is amended to read as follows:

'An Insurance Commissioner, as hereto appointed and hereinafter in this chapter called the "commissioner," shall be appointed by the Governor ~~and council~~, **by and with the consent of the Senate**, and shall hold his office for 4 years and until his successor has been appointed and qualified, but shall not at the same time be Bank Commissioner.'

**Sec. 233. R. S., c. 60, § 20, amended.** The first sentence of section 20 of chapter 60 of the Revised Statutes is amended to read as follows:

'The Treasurer of State shall hold the securities deposited under ~~the provisions of~~ section 18 on deposit in accordance with ~~the provisions of~~ sections 18 and 19, but the company may receive and collect the interest or dividends thereon and withdraw them from time to time, on depositing in their place other securities whose market value shall be equal to the par value of those withdrawn; ~~and the~~. **The** Treasurer of State shall make such exchange, if the Governor and ~~council~~ **the Bank Commissioner**, upon application of the company, shall find and certify to him that the market value of the securities offered is not less than the par value of those proposed to be withdrawn; ~~and thereupon~~. **Thereupon**

the said treasurer shall issue a new certificate as provided in ~~the preceding section 19.~~

**Sec. 234. R. S., c. 60, § 227, amended.** The 2nd sentence of section 227 of chapter 60 of the Revised Statutes is amended to read as follows:

'These amounts may be deposited in such interest-bearing securities as the Governor and ~~council~~ **the Bank Commissioner** may approve or in such securities as any insurance company or savings bank may, from time to time, be authorized to hold for purpose of investment.'

**Sec. 235. R. S., c. 61, § 2, amended.** The 4th paragraph of section 2 of chapter 61 of the Revised Statutes, as repealed and replaced by section 3 of chapter 355 of the public laws of 1955, is amended to read as follows:

'The inhabitants of the several ~~cities, towns and plantations~~ **municipalities** shall vote by ballot on said questions, those in favor voting "Yes" on their ballots and those opposed "No," and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and return made to the office of the Secretary of State in the same manner as votes for Governor and members of the Legislature, and the Governor ~~and council~~ shall canvass the same and the result shall be determined as provided in ~~section 52~~ **of chapter 5, section 52.**'

**Sec. 236. R. S., c. 61, § 3, amended.** The first sentence of section 3 of chapter 61 of the Revised Statutes is amended to read as follows:

'The State Liquor Commission, as heretofore established, shall consist of 3 members to be appointed by the Governor, with the advice and consent of the ~~council~~ **Senate**, to serve for 3 years and may after notice and hearing be removed for cause by the Governor ~~and council.~~

**Sec. 237. R. S., c. 61, § 6, amended.** The 2nd sentence of section 6 of chapter 61 of the Revised Statutes is amended to read as follows:

'The salary of the administrator shall be fixed by the Governor and ~~council~~ **the Commissioner of Finance and Administration.**'

**Sec. 238. R. S., c. 61, § 13, amended.** Section 13 of chapter 61 of the Revised Statutes, as amended by section 3-A of chapter 218 of the public laws of 1957, is further amended to read as follows:

'**Sec. 13. Working capital.** The net profits of the commission shall be general revenue of the State. The commission is authorized to keep and have on hand a stock of wines and spirits for sale, the value of which, computed on less cardload price quotations f. o. b. warehouse filed by liquor and wine vendors, shall not at any time exceed the amount of working capital authorized. The maximum permanent working capital of the ~~Liquor~~ commission is established at \$3,000,000 and permanent advances up to this amount may be authorized by the Governor ~~and council~~ upon recommendation of the commission with the approval of the Commissioner of Finance and Administration. The permanent working capital of the commission may be supplemented by temporary loans from other state funds upon recommendation of the commission and by approval

of the Commissioner of Finance and Administration and the Governor ~~and council.~~'

**Sec. 239. R. S., c. 61, § 56, sub-§ I, amended.** The first sentence of subsection I of section 56 of chapter 61 of the Revised Statutes, as repealed and replaced by section 54 of chapter 429 of the public laws of 1957, is amended to read as follows:

'There is hereby created the Office of Hearing Examiner for the State Liquor Commission, such Hearing Examiner to be appointed by the Governor, by and with the advice ~~of the council and consent of the Senate,~~ for a term of 4 years.'

**Sec. 240. R. S., c. 61, § 56, sub-§ I, amended.** The 4th sentence of subsection I of section 56 of chapter 61 of the Revised Statutes, as repealed and replaced by section 54 of chapter 429 of the public laws of 1957, is amended to read as follows:

'He (Hearing Examiner) shall receive an annual compensation to be set by the Governor ~~and council~~ and shall be entitled to actual and necessary expenses in the performance of his duties.'

**Sec. 241. R. S., c. 63, § 3, amended.** The 2nd sentence of section 3 of chapter 63 of the Revised Statutes is amended to read as follows:

'Three members, not more than 2 of whom shall be of the same political party, shall represent the public, and shall be appointed by the Governor ~~with the advice and consent of the council.~~

**Sec. 242. R. S., c. 63, § 3, amended.** The 5th sentence of section 3 of chapter 63 of the Revised Statutes is amended to read as follows:

'Vacancies in the public membership of the board shall be filled within 60 days after the vacancy occurred by the Governor ~~with the advice and consent of the council~~ for the unexpired portion of the term.'

**Sec. 243. R. S., c. 63, § 4, sub-§ IX, amended.** The first sentence of subsection IX of section 4 of chapter 63 of the Revised Statutes is amended to read as follows:

'The board shall have authority to select and appoint a State Advisory Council on Personnel, to serve at the pleasure of the board, and consisting of representatives of the following groups: the Governor, ~~the executive council~~ the Senate, the House of Representatives, department heads, the employees' association, the budget and the public.'

**Sec. 244. R. S., c. 63, § 11, sub-§ III, amended.** Subsection III of section 11 of chapter 63 of the Revised Statutes is amended to read as follows:

**III.** Heads of departments and members of boards and commissions required by law to be appointed by the Governor with the advice and consent of the ~~council~~ **Senate**, bureau directors, and the official clerk of the Public Utilities Commission and of the State Liquor Commission.'

**Sec. 245. R. S., c. 63-A, § 6, sub-§ I, ¶ B, amended.** The 2nd and 3rd sentences of paragraph B of subsection I of section 6 of chapter 63-A, as enacted by section 1 of chapter 417 of the public laws of 1955, are amended to read as follows:

‘Notwithstanding the foregoing, on the request of the Governor ~~with the approval of the council~~ the board of trustees may permit the continuation for periods of one year, as the result of each such request, of the service of any member who has attained the age of 70 and who desires to remain in service. Requests for extension of service for employees in participating local districts shall be filed directly with the board of trustees by the proper municipal officers and such requests shall not be referred to the Governor ~~and council~~.

**Sec. 246. R. S., c. 63-A, § 6, sub-§ IV, ¶ B, amended.** Paragraph B of subsection IV of section 6 of chapter 63-A of the Revised Statutes, as enacted by section 1 of chapter 417 of the public laws of 1955, is amended to read as follows:

‘B. The retirement of any member in accordance with paragraph A ~~of this subsection~~ may be requested either by the member or, except in the case of a member of a fire or police department, by the head of his department. Retirement shall be compulsory at the attainment of age 60 except that on the request of the Governor ~~with the approval of the council~~, the board of trustees may permit the continuation for periods of one year, as the result of each such request, of the service of such member.’

**Sec. 247. R. S., c. 63-A, § 13, sub-§ XVI, amended.** The last paragraph of subsection XVI of section 13 of chapter 63-A of the Revised Statutes, as enacted by section 3 of chapter 316 of the public laws of 1957, is amended to read as follows:

‘All contracts or agreements entered into between the said board of trustees and the custodian bank or safe deposit company selected by them shall have the approval of the Governor and ~~executive council~~ **the Attorney General**.’

**Sec. 248. R. S., c. 66, § 1, amended.** The first sentence of section 1 of chapter 66 of the Revised Statutes is amended to read as follows:

‘The Board of Registration in Medicine, as heretofore established and hereinafter in this chapter called the “board,” shall consist of 6 persons appointed by the Governor ~~with the advice and consent of the council~~.’

**Sec. 249. R. S., c. 66, § 1, amended.** The last sentence of the first paragraph of section 1 of chapter 66 of the Revised Statutes is amended to read as follows:

‘Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the council~~.’

**Sec. 250. R. S., c. 67, § 1, amended.** The last sentence of section 1 of chapter 67 of the Revised Statutes is amended to read as follows:

‘Any member of said board may be removed from office, for cause, by the Governor ~~and his executive council~~.’

**Sec. 251. R. S., c. 68, § 1, amended.** The first sentence of section 1 of chapter 68 of the Revised Statutes, as amended by section 1 of chapter 304 of the public laws of 1957, is further amended to read as follows :

‘A Board of Commissioners of the Profession of Pharmacy, as heretofore established and hereinafter in this chapter called the “board,” shall consist of 5 pharmacists all of whom shall be residents of the State and actually engaged in the practice of their profession, who shall be appointed and may be removed for cause by the Governor ~~with the advice and consent of the council.~~’

**Sec. 252. R. S., c. 68, § 3, amended.** The 2nd sentence of section 3 of chapter 68 of the Revised Statutes is amended to read as follows :

‘Said board shall annually in July make to the Governor ~~and council~~ a report stating the condition of pharmacy in the State, with a full and complete record of all its official acts during the year and of the receipts and disbursements of the board to the last day of the preceding month.’

**Sec. 253. R. S., c. 69, § 1, amended.** The 2nd sentence of section 1 of chapter 69 of the Revised Statutes is amended to read as follows :

‘They shall be appointed by the Governor ~~with the advice and consent of the council,~~ shall have been graduated each from a different school of nursing and shall have had after graduation at least 3 years’ experience in nursing and in addition thereto at least 2 years’ experience in teaching nurses, the periods of time not to run concurrently.’

**Sec. 254. R. S., c. 69, § 1, amended.** The 3rd sentence of the 3rd paragraph of section 1 of chapter 69 of the Revised Statutes is amended to read as follows :

‘Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the council.~~’

**Sec. 255. R. S., c. 69, § 2, amended.** The 2nd paragraph of section 2 of chapter 69 of the Revised Statutes is amended to read as follows :

‘The board shall annually make a report to the Governor ~~and council~~ for each fiscal year showing its receipts and disbursements in detail, the names of persons to whom certificates have been issued and the names of persons whose certificates have been revoked with the reason therefor.’

**Sec. 256. R. S., c. 69, § 8, amended.** The 6th sentence of section 8 of chapter 69 of the Revised Statutes is amended to read as follows :

‘Such member shall be appointed by the Governor ~~with the advice and consent of the council~~ to hold office for a term of 3 years and shall be paid the reasonable expenditures incurred in the performance of ~~his~~ duties ~~hereunder.~~’

**Sec. 257. R. S., c. 71, § 1, amended.** The first sentence of section 1 of chapter 71 of the Revised Statutes is amended to read as follows :

'The Board of Osteopathic Examination and Registration, as heretofore established and hereinafter in this chapter called the "board," shall consist of 5 persons appointed by the Governor ~~with the advice and consent of the council.~~'

**Sec. 258. R. S., c. 71, § 1, amended.** The 5th sentence of section 1 of chapter 71 of the Revised Statutes is amended to read as follows:

'Any member of said board may be removed from office, for cause, by the Governor ~~with the advice and consent of the council.~~'

**Sec. 259. R. S., c. 72, § 1, amended.** The first sentence of section 1 of chapter 72 of the Revised Statutes is amended to read as follows:

'The Board of Chiropractic Examination and Registration, as heretofore established and hereinafter in this chapter called the "board," shall consist of 5 persons, who shall be appointed by the Governor ~~with the advice and consent of the council.~~'

**Sec. 260. R. S., c. 72, § 1, amended.** The 5th sentence of section 1 of chapter 72 of the Revised Statutes is amended to read as follows:

'Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the council.~~'

**Sec. 261. R. S., c. 73, § 1, amended.** The first sentence of section 1 of chapter 73 of the Revised Statutes is amended to read as follows:

'The Board of Dental Examiners, as heretofore established and hereinafter in this chapter called the "board," shall consist of 5 members of the dental profession appointed by the Governor ~~with the advice and consent of the council.~~'

**Sec. 262. R. S., c. 73, § 1, amended.** The 8th sentence of section 1 of chapter 73 of the Revised Statutes is amended to read as follows:

'The Governor ~~with the advice and consent of the council~~ may remove any member of said board on proven charges of inefficiency, incompetence, immorality or unprofessional conduct.'

**Sec. 263. R. S., c. 74, § 1, amended.** The first sentence of section 1 of chapter 74 of the Revised Statutes, as repealed and replaced by section 9 of chapter 111 of the public laws of 1957, is amended to read as follows:

'The Examiners of Podiatrists, as heretofore appointed and hereinafter in this chapter called the "examiners," shall be 2 members of the Board of Registration in Medicine together with 2 podiatrists appointed by the Governor ~~with the advice and consent of the Council.~~'

**Sec. 264. R. S., c. 76, § 1, amended.** The first sentence of section 1 of chapter 76 of the Revised Statutes is amended to read as follows:

'The State Board of Registration and Examination in Optometry, as heretofore established and hereinafter in this chapter called the "board," shall consist of 5 persons appointed by the Governor ~~with the advice and consent of the council.~~'



**Sec. 265. R. S., c. 76, § 1, amended.** The 5th sentence of section 1 of chapter 76 of the Revised Statutes is amended to read as follows:

'Any member of said board may be removed from office, for cause, by the Governor ~~with the advice and consent of the council.~~'

**Sec. 266. R. S., c. 77, § 1, amended.** The first sentence of section 1 of chapter 77 of the Revised Statutes is amended to read as follows:

'The Board of Veterinary Examiners, as heretofore established and hereinafter in this chapter called the "board," shall consist of 3 members who shall be veterinary surgeons, appointed by the Governor ~~with the advice and consent of the council.~~'

**Sec. 267. R. S., c. 77, § 1, amended.** The 5th sentence of section 1 of chapter 77 of the Revised Statutes is amended to read as follows:

'Any member of said board may be removed from office for cause, by the Governor ~~with the advice and consent of the council.~~'

**Sec. 268. R. S., c. 77, § 2, amended.** The 4th sentence of section 2 of chapter 77 of the Revised Statutes is amended to read as follows:

'The treasurer shall receive all fees, charges and assessments payable to the board and account for and pay over the same according to law; and shall annually, on the first day of July, make written report to the Governor ~~and council~~ of all receipts and expenditures of said board.'

**Sec. 269. R. S., c. 78, § 2, amended.** The first sentence of section 2 of chapter 78 of the Revised Statutes is amended to read as follows:

'Whenever the Governor and ~~council~~ the State Auditor shall find that the State or any of its departments, divisions or bureaus is incurring expense and using funds of the State in connection with the carrying on of the work of any board or commission which collects fees from the persons so supervised and licensed, including salaries, travel and the expense of office equipment and supplies, they are authorized and empowered to transfer from any funds now or hereafter held by any such board or commission, such sums of money as shall reimburse the State or any department or bureau thereof for such expense so incurred, including a reasonable charge for office space, light and heat.'

**Sec. 270. R. S., c. 79, § 1, amended.** The first sentence of section 1 of chapter 79 of the Revised Statutes, as amended by section 1 of chapter 425 of the public laws of 1955, is further amended to read as follows:

'The Water Improvement Commission, as heretofore established and hereinafter in this chapter called the "commission," shall consist of the Commissioner of Health and Welfare who shall serve during his term of office and 8 members appointed by the Governor ~~with the advice and consent of the council~~, 2 of whom shall represent manufacturing interests of the State, 2 of whom shall be representatives of municipalities, 2 of whom shall represent the public generally and 2 of whom shall represent the conservation interests in the State.'

**Sec. 271. R. S., c. 79, § 1-A, amended.** The 2nd sentence of section 1-A of chapter 79 of the Revised Statutes, as enacted by section 4 of chapter 425 of the public laws of 1955, is amended to read as follows:

'The (Water Improvement) commission is authorized, subject to the approval of the Governor and ~~council~~ **Attorney General**, to accept federal funds available for water pollution control and water resources and meet such requirements with respect to the administration of such funds, not inconsistent with ~~the provisions of~~ this chapter, as are required as conditions precedent to receiving federal funds.'

**Sec. 272. R. S., c. 79-A, § 5, amended.** The 4th sentence of section 5 of chapter 79-A of the Revised Statutes, as enacted by section 1 of chapter 450 of the public laws of 1955, is amended to read as follows:

'The Governor ~~by and with the advice and consent of the council~~ shall appoint 3 more commissioners who shall be citizens of the State, one to represent municipal interests, one to represent industrial interests and one to represent the public generally.'

**Sec. 273. R. S., c. 80, § 1, amended.** The first sentence of section 1 of chapter 80 of the Revised Statutes is amended to read as follows:

'The Maine Board of Accountancy, as heretofore established and hereinafter in this chapter called the "board," shall consist of 3 members who shall be citizens and residents of the State, appointed annually by the Governor ~~with the advice and consent of the council~~, for terms of 3 years as the terms of the several members expire.'

**Sec. 274. R. S., c. 80, § 10, amended.** Section 10 of chapter 80 of the Revised Statutes is amended to read as follows:

'**Sec. 10. Annual report.** The board shall annually make a report to the Governor ~~and council~~ showing its receipts and disbursements in detail, the names of persons to whom certificates have been issued and the names of persons whose certificates have been revoked, with the reasons therefor, during each fiscal year ending on the 30th day of June.'

**Sec. 275. R. S., c. 81, § 1, amended.** The 2nd sentence of section 1 of chapter 81 of the Revised Statutes, as amended by section 1 of chapter 122 of the public laws of 1955, is further amended to read as follows:

'The board shall be composed of 5 practicing architects, or 4 practicing architects and one professor of architecture, who shall be appointed by the Governor ~~with the advice and consent of the council~~, to serve for 3 years and until their successors are duly appointed and qualified.'

**Sec. 276. R. S., c. 81, § 5, amended.** The first sentence of section 5 of chapter 81 of the Revised Statutes is amended to read as follows:

'The Governor ~~with the advice and consent of the council~~ may by due process of law remove any member of the board for misconduct, incompetency, neglect of duty or for any malfeasance in office.'

**Sec. 277. R. S., c. 82, § 3, amended.** The first sentence of section 3 of chapter 82 of the Revised Statutes, as repealed and replaced by section 2 of chapter 413 of the public laws of 1955, is amended to read as follows:

‘An Electricians Examining Board, hereinafter in sections 3 to 14 called “the board,” is hereby established and shall consist of an executive secretary, who shall be the Insurance Commissioner or a representative from the Insurance Department delegated by the Insurance Commissioner and 6 other members, hereinafter called the appointive members who shall be appointed by the Governor ~~with the advice and consent of the council.~~’

**Sec. 278. R. S., c. 82, § 3, amended.** The 8th sentence of section 3 of chapter 82 of the Revised Statutes, as repealed and replaced by section 2 of chapter 413 of the public laws of 1955, is amended to read as follows:

‘Any member of said board may be removed from office for cause, by the Governor ~~with the advice and consent of the council.~~’

**Sec. 279. R. S., c. 82-A, § 3, amended.** The first sentence of section 3 of chapter 82-A of the Revised Statutes, as enacted by section 1 of chapter 352 of the public laws of 1955, is amended to read as follows:

‘An Oil Burnermen’s Licensing Board, herein called the board, is hereby established and shall consist of a chairman who shall be the Director of State Fire Prevention, ex officio, and 2 other members, hereinafter called the appointive members, who shall be appointed by the Governor ~~with the advice and consent of the council.~~’

**Sec. 280. R. S., c. 82-A, § 3, amended.** The 6th sentence of section 3 of chapter 82-A of the Revised Statutes, as enacted by section 1 of chapter 352 of the public laws of 1955, is amended to read as follows:

‘Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the council.~~’

**Sec. 281. R. S., c. 83, § 3, amended.** The 2nd sentence of section 3 of chapter 83 of the Revised Statutes is amended to read as follows:

‘The board (of Registration for Professional Engineers) shall consist of 5 professional engineers, who shall be appointed by the Governor ~~with the advice and consent of the council,~~ from among nominees recommended by the representative engineering societies in the State and who shall have the qualifications required by section 4.’

**Sec. 282. R. S., c. 83, § 6, amended.** The first sentence of section 6 of chapter 83 of the Revised Statutes is amended to read as follows:

‘The Governor ~~with the advice and consent of the council~~ may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause.’

**Sec. 283. R. S., c. 85, § 1, amended.** The first sentence of section 1 of chapter 85 of the Revised Statutes is amended to read as follows:

'The Art Commission, as heretofore established, shall consist of 3 members who shall be appointed by the Governor ~~with the advice and consent of the council.~~'

**Sec. 284. R. S., c. 86, § 1, amended.** The first sentence of section 1 of chapter 86 of the Revised Statutes is amended to read as follows:

'The State Harness Racing Commission, as heretofore established and hereinafter in this chapter called the "commission," shall consist of 3 members who shall be appointed and may be for cause removed by the Governor ~~with the advice and consent of the council.~~'

**Sec. 285. R. S., c. 86, § 4, amended.** Section 4 of chapter 86 of the Revised Statutes is amended to read as follows:

'**Sec. 4. Assistants.** The commission, with the approval of the Governor ~~and council,~~ is authorized to employ such assistants and employees as it may deem necessary to provide adequate policing and to carry out the purposes of this chapter and fix their compensation on a per diem basis, subject to ~~the provisions of~~ the Personnel Law.'

**Sec. 286. R. S., c. 87, § 1, amended.** The first sentence of section 1 of chapter 87 of the Revised Statutes is amended to read as follows:

'The State Running Horse Racing Commission, as heretofore established and hereinafter in this chapter called the "commission," shall consist of 3 members appointed by the Governor ~~with the advice and consent of the council.~~'

**Sec. 287. R. S., c. 87, § 1, amended.** The 4th sentence of section 1 of chapter 87 of the Revised Statutes is amended to read as follows:

'Any vacancy shall be filled for the unexpired term of the Governor ~~with the advice and consent of the council.~~'

**Sec. 288. R. S., c. 88, § 1, amended.** The first sentence of section 1 of chapter 88 of the Revised Statutes is amended to read as follows:

'The Maine State Boxing Commission, as heretofore established and hereinafter in this chapter called the "commission," shall consist of 3 members who shall be appointed for terms of 3 years and may be for cause removed by the Governor ~~with the advice and consent of the council.~~'

**Sec. 289. R. S., c. 89, § 1, amended.** The first sentence of section 1 of chapter 89 of the Revised Statutes is amended to read as follows:

'There shall be a board of commissioners for each county consisting of a chairman and 2 other citizens, all resident in the county, who shall be elected, or in case of a vacancy, appointed by the Governor ~~with the advice and consent of the council.~~'

**Sec. 290. R. S., c. 89, § 3, amended.** Section 3 of chapter 89 of the Revised Statutes is amended to read as follows:

'**Sec. 3. Vacancies happening otherwise.** When no choice is effected or a vacancy happens in the office of county commissioner by death, resignation or

removal from the county, the Governor ~~with the advice and consent of the council~~ shall appoint a person to fill the vacancy, who shall hold office until the first day of January after another has been chosen to fill the place.'

**Sec. 291. R. S., c. 89, § 4, amended.** The 2nd sentence of section 4 of chapter 89 of the Revised Statutes is amended to read as follows:

'From the time of his induction into such service, he shall be regarded as on leave of absence without pay from his said office, and the Governor ~~with the advice and consent of the council~~ shall appoint a competent citizen, a resident of the county so affected, to fill said office while said county commissioner is in the federal service, but not for a longer period than the remaining portion of the term of said county commissioner.'

**Sec. 292. R. S., c. 89, § 93, amended.** The first sentence of section 93 of chapter 89 of the Revised Statutes is amended to read as follows:

'When the meridian line or standard of length is established, repaired or rebuilt in any county, the Governor ~~with the advice and consent of the council~~ shall appoint a competent commissioner, not necessarily a resident of this State, to inspect and verify the same.'

**Sec. 293. R. S., c. 89, § 93, amended.** The 4th sentence of section 93 of chapter 89 of the Revised Statutes is amended to read as follows:

'Such commissioner shall receive from the State such just compensation as the Governor and ~~council~~ **the Commissioner of Finance and Administration** shall allow.'

**Sec. 294. R. S., c. 89, § 106, amended.** The 6th sentence of section 106 of chapter 89 of the Revised Statutes is amended to read as follows:

'Whenever the office of clerk shall be vacant by reason of death or resignation, the Chief Justice of the Supreme Judicial Court shall appoint a suitable person to act as clerk until an appointment is made by the Governor ~~and council~~.'

**Sec. 295. R. S., c. 89, § 112, amended.** The 3rd sentence of section 112 of chapter 89 of the Revised Statutes is amended to read as follows:

'Whenever the Governor and ~~council~~ **the Attorney General**, upon complaint and due notice and hearing, shall find that a county attorney has violated any statute or is not performing his duties faithfully and efficiently, they may remove him from office and **the Governor shall** appoint another attorney in his place for the remainder of the term for which he was elected.'

**Sec. 296. R. S., c. 89, § 113, amended.** The 2nd sentence of section 113 of chapter 89 of the Revised Statutes is amended to read as follows:

'From the time of his induction into such service he shall be regarded as on leave of absence without pay from his said office, and the Governor, ~~with the advice and consent of the council~~ shall appoint a competent attorney, a resident of the county so affected, to fill said office while said county attorney is in the federal service but not for a longer period than the remaining portion of the term of said county attorney.'

**Sec. 297. R. S., c. 89, § 121, amended.** Section 121 of chapter 89 of the Revised Statutes is amended to read as follows:

**'Sec. 121. Appointment of substitute in case of death or removal.** Whenever the office of county attorney becomes vacant by reason of the death, permanent incapacity or removal from the county of the incumbent of the office, except as provided for in section 113, the Governor ~~with the advice and consent of the council~~ shall appoint a competent attorney, a resident of the county affected, to fill out the term of office of said incumbent.'

**Sec. 298. R. S., c. 89, § 126, amended.** The 2nd paragraph of section 126 of chapter 89 of the Revised Statutes is amended to read as follows:

'If a person so chosen declines to accept or a vacancy occurs, the Governor ~~with the advice and consent of the council~~ may appoint a suitable resident of the county who, having accepted the trust, given bond and been sworn, shall be treasurer until the first day of January following the next biennial election, at which said election a treasurer shall be chosen for the remainder of the term, if any; but in any event he shall hold office until another is chosen and qualified.'

**Sec. 299. R. S., c. 89, § 127, amended.** Section 127 of chapter 89 of the Revised Statutes is amended to read as follows:

**'Sec. 127. Elections; notice to county commissioners.** The meetings for election of treasurers shall be notified, held and all proceedings therein regulated, returns made and proceedings thereon had, as provided in section 213; ~~and the~~. The Governor ~~and council~~ shall forthwith notify the county commissioners of the county where such person resides of his election.'

**Sec. 300. R. S., c. 89, § 146, amended.** Section 146 of chapter 89 of the Revised Statutes is amended to read as follows:

**'Sec. 146. Forfeiture for neglect to give bond.** Any sheriff for each month's neglect to give the security required in sections 142 or 145, which neglect shall be reported by the auditor to the Treasurer of State, forfeits \$150 to the State to be recovered in an action of debt by the Treasurer of State; ~~and the~~. The Attorney General shall prosecute therefor; ~~and the~~. The clerk of courts of his county shall certify such sheriff's name to the Governor ~~and council~~ and the Attorney General; ~~and unless~~. Unless reasonable cause therefor is shown, or within 20 days after the clerk has so certified, he gives or renews his security to the satisfaction of the Governor ~~and council~~, he thereby vacates his office.'

**Sec. 301. R. S., c. 89, § 147, amended.** Section 147 of chapter 89 of the Revised Statutes is amended to read as follows:

**'Sec. 147. Governor may require new bond in certain cases.** When the Treasurer of State certifies to the Governor ~~and council~~ that moneys due to the State on warrants or any other sums or balances are in the hands of a sheriff and furnishes the names of his sureties, and it appears to them that the sureties are insufficient or have removed from the State, ~~they~~ the Governor may require him to give a new bond with sufficient sureties within 60 days after he is notified to be filed as aforesaid, and if he neglects it, his office becomes vacant.'

**Sec. 302. R. S., c. 89, § 169, amended.** The first sentence of section 169 of chapter 89 of the Revised Statutes is amended to read as follows:

'No sheriff shall be arrested upon any writ or execution in a civil action; but when a judgment is rendered against him in his private or official capacity, the execution thereon shall issue against his property but not against his body; ~~yet he.~~ **He** may, after notice that such execution has issued, unless upon a judgment for his own official delinquency, cite the creditor and make disclosure of the actual state of his affairs in the manner provided for poor debtors arrested upon execution; ~~and if.~~ **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; ~~and if.~~ **If** such sheriff does not, within 40 days after such service, pay the creditor his full debt with reasonable costs for copies and service thereof, he thereby vacates his office.'

**Sec. 303. R. S., c. 89, § 175, amended.** Section 175 of chapter 89 of the Revised Statutes is amended to read as follows:

'**Sec. 175. Jailer's duties when office of sheriff vacant.** When a vacancy occurs in the office of sheriff, the jailer lawfully acting continues in office and shall retain charge of the jail and of all prisoners therein or committed thereto, and his official neglects and misdoings are a breach of his principal's official bond until a new sheriff is qualified, or the Governor ~~and council remove~~ **removes** such jailer and ~~appoint~~ **appoints** another, which ~~they he may do; and the.~~ **The** jailer so appointed shall give bond in the manner required of a sheriff for the faithful discharge of his duties.'

**Sec. 304. R. S., c. 89, § 212, amended.** The 2nd sentence of section 212 of chapter 89 of the Revised Statutes is amended to read as follows:

'Vacancies (registers of deeds) shall be filled for the unexpired term by election as provided for in section 213 at the next September election after their occurrence; ~~and in.~~ **In** the meantime, the Governor ~~with the advice and consent of the council~~ may fill vacancies by appointment, and the person so appointed shall hold his office until the first day of January, next after the election last mentioned.'

**Sec. 305. R. S., c. 89, § 213, amended.** The 2nd sentence of section 213 of chapter 89 of the Revised Statutes is amended to read as follows:

'The Governor and ~~council~~ **the Secretary of State** shall, by the first day of December following, open and examine the same and the list of votes of citizens in the military service returned to said office.'

**Sec. 306. R. S., c. 89, § 232, amended.** Section 232 of chapter 89 of the Revised Statutes is amended to read as follows:

'**Sec. 232. Owner of original records reimbursed for expenses.** Whoever, having possession of or owning any such original records, delivers them to the Maine Historical Society as provided in ~~the preceding~~ **section 231**, shall be paid

from the State Treasury the reasonable expenses incurred by him in obtaining possession or becoming the owner thereof, whenever the amount of such expenses shall have been certified to by the Maine Historical Society and approved by the Governor ~~and council; and the~~. The cost of making said copy and of filing it in the registry of deeds shall be paid to said Maine Historical Society by the Treasurer of State whenever said cost shall have been certified to and approved by the Governor ~~and council; provided, however, that the~~. The sums expended in any year under ~~the provisions of~~ this section shall not exceed in the aggregate the sum of \$500.'

**Sec. 307. R. S., c. 89, § 243, amended.** The first sentence of section 243 of chapter 89 of the Revised Statutes is amended to read as follows:

'Medical examiners for each county in the State shall be appointed by the Governor ~~with the advice and consent of the council~~ for a term of 4 years or during the pleasure of the Governor ~~and council~~.'

**Sec. 308. R. S., c. 97, § 43, amended.** The 2nd sentence of section 43 of chapter 97 of the Revised Statutes is amended to read as follows:

'Such rules and regulations (relating to explosives or inflammable liquids) shall become effective when approved in writing by the Governor and ~~council~~ **the Attorney General** and when a certified copy thereof has been filed with the Secretary of State.'

**Sec. 309. R. S., c. 99, § 1, amended.** Section 1 of chapter 99 of the Revised Statutes is amended to read as follows:

'**Sec. 1. Appointment and bond of pilots.** The Governor ~~with the advice and consent of the council~~ may appoint pilots for any port in which a majority of the ship owners and masters apply in writing therefor and recommend suitable persons, and shall give to each of them branches or warrants for the execution of the duties of his office; ~~and such~~. **Such** pilots shall, before entering upon said duties, give bond to the Treasurer of State.'

**Sec. 310. R. S., c. 99, § 3, amended.** Section 3 of chapter 99 of the Revised Statutes is amended to read as follows:

'**Sec. 3. Governor to fix fees, hear complaints, suspend or remove pilots.** The Governor ~~and council~~ may fix the fees of pilotage; specify the same in the branch of each pilot; transmit to each collector of customs in said ports a schedule thereof, to be hung up by him for public inspection; hear and determine all complaints against such pilots for misconduct; and suspend or remove them and appoint others in their places.'

**Sec. 311. R. S., c. 100, § 21, amended.** Section 21 of chapter 100 of the Revised Statutes is amended to read as follows:

'**Sec. 21. Expenditure of surpl's money.** After the end of the fiscal year, any money in excess of receipts received by the State under ~~the provisions of~~ section 12 over the actual expenditures under ~~the provisions of~~ sections 9 to 28 shall, if the Governor and ~~council~~ **State Auditor** deem it expedient, be paid to the



several ~~cities, towns and plantations~~ **municipalities** in proportion to the amount each has paid into the State Treasury under ~~the provisions of~~ sections 9 to 28.'

**Sec. 312. R. S., c. 100, § 60, amended.** The 2nd sentence of section 60 of chapter 100 of the Revised Statutes is amended to read as follows:

'Such rules and regulations (relative to motor vehicle racing structures) shall become effective when approved in writing by the Governor and ~~council~~ **the Attorney General** and when a certified copy thereof has been filed with the Secretary of State.'

**Sec. 313. R. S., c. 101, § 7, amended.** Section 7 of chapter 101 of the Revised Statutes is amended to read as follows:

'**Sec. 7. Plantation officers' names returned to Secretary of State.** Clerks of organized plantations shall make return to the Secretary of State on blanks by him furnished for that purpose on or before the first day of September, annually, of the names of the assessors and clerks of their several plantations, and that the same have been sworn. When such return is not made by any such plantation, the Secretary of State shall not furnish it with blanks for election returns, and no votes purporting to be cast by such plantation shall be counted or allowed by the Governor and ~~council~~. When a plantation is organized after the first day of July, such return is not required to be made by the clerk thereof during that year; but the votes of such plantations shall not be counted or allowed by the Governor and ~~council~~ for any purpose, during the year of its organization, unless it is organized at least 60 days prior to the 2nd Monday in September.'

**Sec. 314. R. S., c. 103, § 2, amended.** The 4th and 5th sentences of section 2 of chapter 103 of the Revised Statutes are amended to read as follows:

'If said court find that said Justice of the Supreme Judicial or Superior Court is permanently and totally disabled by reason of physical or mental incapacity and because thereof is unable to perform the duties of his office, the Chief Justice shall certify said fact to the Governor and ~~council~~. Upon receipt of such certificate from the court, the Governor and ~~council~~ shall make due inquiry into the matter and, if ~~they confirm~~ **he confirms** the finding of said court, the Governor with the advice and consent of the ~~council~~ **Senate** shall appoint an additional Justice of the Supreme Judicial or Superior Court, as the case may be; **and if the Legislature is not in session, the Governor may make a temporary appointment of such justice subject to the approval of the Senate at the next succeeding session of the Legislature.**

**Sec. 315. R. S., c. 103, § 6, amended.** The 2nd sentence of section 6 of chapter 103 of the Revised Statutes, as amended by section 1 of chapter 392 of the public laws of 1955, is further amended to read as follows:

'The Governor with the advice and consent of the ~~council~~ **Senate** may upon being notified of the retirement of any such justice under ~~the provisions of~~ this section appoint such justice to be an Active Retired Justice of the Supreme Judicial Court for a term of 7 years from such appointment, unless sooner removed, and such justice may be reappointed for a like term, **and if the Legislature is not in session the Governor may make a temporary appointment of such justice sub-**

ject to the approval of the Senate at the next succeeding session of the Legislature; and such justice so appointed and designated shall thereupon constitute a part of the court from which he has retired and shall have the same jurisdiction and be subject to the same restrictions therein as before retirement, except that he shall act only in such cases and matters and hold court only at such terms and times as he may be directed and assigned to by the Chief Justice of the Supreme Judicial Court, and said Chief Justice is empowered and authorized to so assign and designate any such Active Retired Justice of the Supreme Judicial Court as to his services and may direct as to which term of the law court he shall attend, and if the Chief Justice so orders, he may hear all matters and issue all orders, notices, decrees and judgments in vacation that any Justice of the Supreme Judicial Court is authorized to hear or issue, either at law or in equity.'

**Sec. 316. R. S., c. 104, § 1, amended.** The first sentence of section 1 of chapter 104 of the Revised Statutes is amended to read as follows:

'The Governor with the advice and consent of the ~~council~~ **Chief Justice of the Supreme Judicial Court** shall, in case of a vacancy, appoint a person learned in the law to be reporter of the decisions of the law court, who shall hold his office during the pleasure of the ~~executive~~ **Governor.**'

**Sec. 317. R. S., c. 104, § 2, amended.** The 2nd sentence of section 2 of chapter 104 of the Revised Statutes, as amended by section 1 of chapter 175 of the public laws of 1955, is further amended to read as follows:

'He shall publish periodic advance sheets and at least one volume of Maine Reports yearly, provided he has material enough to make a volume of the size required by this section, and furnish current copies to the State and to the public at a price to be fixed by the Governor ~~and council~~.

**Sec. 318. R. S., c. 106, § 4, amended.** The 2nd sentence of section 4 of chapter 106 of the Revised Statutes is amended to read as follows:

'The Governor with the advice and consent of the ~~council~~ **Senate**, may, upon being notified of the retirement of any such justice under ~~the provisions of~~ this section, appoint such justice to be an Active Retired Justice of the Superior Court for a term of 7 years from such appointment, unless sooner removed, ~~and if the Legislature is not in session the Governor may make a temporary appointment of such justice subject to the approval of the Senate at the next succeeding session of the Legislature;~~ and such justice may be reappointed for a like term, and such justice so appointed and designated shall thereupon constitute a part of the court from which he has retired and shall have the same jurisdiction and be subject to the same restrictions therein as before retirement, except that he shall act only in such cases and matters and hold court only at such terms and times as he may be directed and assigned to by the Chief Justice of the Supreme Judicial Court.'

**Sec. 319. R. S., c. 110, § 1, amended.** Section 1 of chapter 110 of the Revised Statutes is amended to read as follows:

'**Sec. 1. Trial justices, appointment, tenure and salary.** Trial justices shall be appointed and commissioned by the Governor, with the advice and consent of

the ~~council~~ **Senate**, to act within the county for which they are appointed, and shall hold their offices for 7 years from the date of their commissions, and shall receive such salary as shall be determined by the county commissioners, which shall be paid from the county treasury in equal monthly installments.'

**Sec. 320. R. S., c. 110, § 22, amended.** Section 22 of chapter 110 of the Revised Statutes is amended to read as follows:

'**Sec. 22. Justices of the peace.** Justices of the peace shall be appointed by the Governor and shall exercise their powers and duties and shall be commissioned to act within and for every county.'

**Sec. 321. R. S., c. 110, § 24, amended.** Section 24 of chapter 110 of the Revised Statutes is amended to read as follows:

'**Sec. 24. Notaries public, appointment of; seal; authority to administer oaths.** Notaries public shall be appointed by the Governor. Every notary public shall constantly keep a seal of office, whereon is engraven his name and the words "Notary Public" and "Maine" or its abbreviation "Me.," with the arms of State or such other device as he chooses. When authorized by the laws of this State or of any other state or country to do any official act, he may administer any oath necessary to the completion or validity thereof.'

**Sec. 322. R. S., c. 113, § 195, amended.** The 2nd sentence of section 195 of chapter 113 of the Revised Statutes is amended to read as follows:

'Said council (Judicial Council) shall be composed of the Attorney General; 2 Justices of the Superior Court; 2 judges of the municipal courts of the State; one judge of a probate court of this State; one clerk of the judicial courts of this State; 2 members of the bar; and 3 laymen, all to be appointed by the Governor ~~with the advice and consent of the executive council.~~

**Sec. 323. R. S., c. 116, § 7, amended.** The first sentence of section 7 of chapter 116 of the Revised Statutes is amended to read as follows:

'The following persons are exempt from serving as jurors and their names shall not be placed on the list: The Governor, ~~councilors~~ judges, clerks and deputy clerks of common-law courts, Secretary and Treasurer of State, all officers of the United States, judges and registers of probate, registers of deeds, settled ministers of the gospel, officers of colleges, school teachers, physicians and surgeons, dentists, nurses, cashiers of incorporated banks, sheriffs and their deputies, counselors and attorneys at law, county commissioners, county treasurers and constables.'

**Sec. 324. R. S., c. 117, § 30, amended.** The first sentence of section 30 of chapter 117 of the Revised Statutes is amended to read as follows:

'The Governor ~~with the advice and consent of the council~~ may, upon the written recommendation of any Justice of the Superior Court, appoint competent stenographers as commissioners to take depositions in all cases and disclosures of trustees, who shall hold office for 4 years.'

**Sec. 325. R. S., c. 126, § 33, amended.** Section 33 of chapter 126 of the Revised Statutes is amended to read as follows:

**Sec. 33. Bail; exceptions.** Nothing in this chapter shall restrain the Supreme Judicial Court or the Superior Court in term time, or any justice thereof in vacation, from bailing a person for any offense when the circumstances of the case require it; except persons committed by the Governor ~~and council~~, Senate or House of Representatives for causes mentioned in the Constitution.'

**Sec. 326. R. S., c. 133, § 10, amended.** The 2nd sentence of section 10 of the Revised Statutes is amended to read as follows:

'These rewards (for conviction of forgers and counterfeiters) shall be paid by the Treasurer of State on warrant of the Governor ~~and council~~, granted on certificate of the judge who tried the case; ~~and where~~. **Where** there are 2 or more informers and prosecutors for the same offense, the reward shall be divided between them equally or in such proportions as said judge determines.'

**Sec. 327. R. S., c. 140, § 23, amended.** The first sentence of section 23 of chapter 140 of the Revised Statutes, as amended by chapter 105 of the public laws of 1957, is further amended to read as follows:

'The Governor ~~and council~~ may license not exceeding 50 persons to be known as and denominated state humane agents to serve for the term of 4 years, unless such license is sooner revoked for cause, such persons to be authorized to investigate, arrest and prosecute any person charged with violating any of sections 2 to 22 the same as any sheriff, deputy sheriff or constable can do, and whose jurisdiction shall extend throughout the State.'

**Sec. 328. R. S., c. 143, § 9, amended.** Section 9 of chapter 143 of the Revised Statutes is hereby amended to read as follows:

**Sec. 9. Books and papers, removal from state offices, secretion, mutilation or refusal to return.** Whoever knowingly and willfully removes from the State House at Augusta, or from the custody of the Secretary of State, or of the Governor ~~and council~~, or other officer or person in whose lawful custody the same are deposited and kept in said State House, any book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other document or instrument, belonging to, or kept in any of the offices in said State House, except the books and documents kept and deposited in the State Library, or knowingly and willfully secretes, alters, mutilates, defaces or destroys any such book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other document or instrument, or knowingly and willfully aids or assists in so doing, or, having any such book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record or other such document or instrument in his possession, or under his control, willfully neglects or refuses to return the same to said State House, or to deliver the same to the person in lawful charge of the office or room in said State House where the same were kept or deposited, shall be punished by a fine of not more than \$5,000, and by imprisonment for not less than one year nor more than 3 years.'

**Sec. 329. R. S., c. 144, § 14, amended.** The first sentence of section 14 of chapter 144 of the Revised Statutes is hereby amended to read as follows:

'The Governor, ~~with the advice of the council~~ may license not exceeding 50 detectives for the detection, prevention and punishment of crime, to serve for the term of 4 years, unless such license is sooner revoked for cause.'

**Sec. 330. R. S., c. 148, § 31, amended.** The 3rd sentence of section 31 of chapter 148 of the Revised Statutes is hereby amended to read as follows:

'A copy of the indictment, plea, evidence and charge of the presiding justice, certified by the Official Court Reporter, shall also be filed in the office of the Secretary of State, so that it may be used in any pardon hearing before the Governor ~~and council~~ or the State Probation and Parole Board, and the expense thereof shall be paid by the State.'

**Sec. 331. R. S., c. 149, § 45, repealed and replaced.** Section 45 of chapter 149 of the Revised Statutes is hereby repealed and the following enacted in place thereof:

'**Sec. 45. Conditions prerequisite to a pardon.** After conviction for a crime punishable by imprisonment in the State Prison, no pardon or commutation shall be granted by the Governor until he shall have referred the matter to the State Probation and Parole Board for investigation and public hearing and obtained its recommendation.'

**Sec. 332. R. S., c. 149, § 45-A, additional.** Chapter 149 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 45-A, to read as follows:

'**Sec. 45-A. Investigation; hearing; notice.** The board shall, under the direction of the Governor, take charge of all correspondence in reference to petitions for pardon or commutation of persons convicted of crimes punishable by imprisonment in the State Prison and carefully investigate and conduct a public hearing on each such petition and file its recommendation with the Governor with its reasons for the same.'

On all petitions for pardon or commutation referred to it by the Governor, the board shall give written notice of hearing thereon to the attorney for the county where the conviction was had at least 3 weeks before the date thereof and shall cause a notice of such hearing to be published in the state paper and in a newspaper of general circulation published in the county where the conviction was had once a week for 2 successive weeks, the last publication to be at least 7 days prior to the date thereof; and the said county attorney shall, upon request of the board, attend said hearing, and the board shall allow him his necessary expenses for such attendance and a reasonable compensation for his services to be paid from the State Treasury out of the appropriation for costs in criminal proceedings.

The board may require the judge and prosecuting officer who tried the case to furnish it a concise statement thereof as proved at the trial and any other facts bearing on the propriety of granting a pardon or commutation.'

**Sec. 333. R. S., c. 149, § 45-B, additional.** Chapter 149 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 45-B, to read as follows:

**'Sec. 45-B. Governor may take testimony; false swearing.** The Governor may take such testimony bearing upon petitions for pardon, reprieve or commutation of sentences as he may deem advisable. Any person who in giving such testimony swears falsely, and any person who shall knowingly and corruptly make any false statement in an affidavit intended to be used in connection with a petition for pardon, reprieve or commutation or for remission of fine or forfeiture, shall be guilty of perjury and be punished accordingly.'

**Sec. 334. R. S., c. 149, § 46, amended.** Section 46 of chapter 149 of the Revised Statutes is amended to read as follows:

**'Sec. 46. When State Prison sentence commuted to imprisonment in jail.** When a person is sentenced to confinement in the State Prison, the Governor ~~with the advice and consent of the council~~ may, if he deems it consistent with the public interest and the welfare of the convict, commute said sentence to imprisonment in any county jail, there to be supported at the charge of the State at an expense not exceeding the price paid for the support of other prisoners in said jail.'

**Sec. 335. R. S., c. 149, § 47, amended.** Section 47 of chapter 149 of the Revised Statutes is amended to read as follows:

**'Sec. 47. Governor may grant conditional pardons.** In any case in which the Governor is authorized by the Constitution to grant a pardon, he may, ~~with the advice and consent of the council and~~ upon petition of the person convicted, grant it upon such conditions and with such restrictions and under such limitations as he deems proper, and he may issue his warrant to all proper officers to carry such pardon into effect; which warrant shall be obeyed and executed instead of the sentence originally awarded.'

**Sec. 336. R. S., c. 149, § 48, amended.** Section 48 of chapter 149 of the Revised Statutes is amended to read as follows:

**'Sec. 48. Conditions under which convict again arrested.** When a convict has been pardoned on conditions to be observed and performed by him, and the Warden of the State Prison or keeper of the jail where the convict was confined has reason to believe that he has violated the same, such officer shall forthwith cause him to be arrested and detained until the case can be examined by the Governor ~~and council~~; and the officer making the arrest shall forthwith give ~~them~~ him notice thereof, in writing.'

**Sec. 337. R. S., c. 149, § 49, amended.** Section 49 of chapter 149 of the Revised Statutes is amended to read as follows:

**'Sec. 49. If Governor finds that conditions violated, convict remanded to prison.** The Governor ~~and council~~ shall, upon receiving the notice provided for in ~~the preceding~~ section 48, examine the case of such convict, and if it appears by his own admission or by evidence that he has violated the conditions of his pardon, the Governor ~~with the advice and consent of the council~~ shall order him to be remanded and confined for the unexpired term of the sentence. In computing the period of his confinement, the time between the pardon and the

subsequent arrest shall not be reckoned as part of the term of his sentence. If it appears to the Governor ~~and council~~ that he has not broken the conditions of his pardon, he shall be discharged.'

**Sec. 338. R. S., c. 149, § 51, amended.** Section 51 of chapter 149 of the Revised Statutes is amended to read as follows:

**'Sec. 51. Reward for arrest and return of escaped prisoners and fugitives from justice.** Whenever a prisoner convicted of or charged with a capital crime or other high offense escapes from prison; or there is reasonable cause to believe that a person who is charged with such offense and has not been apprehended therefor cannot be arrested and secured in the ordinary course of proceedings, the Governor may, upon application in writing of the Attorney General or county attorney for the county in which such offense was committed, and upon such terms and conditions as he deems expedient and proper, offer a suitable reward, not exceeding \$1,000, for the arrest, return and delivery into custody of such escaped prisoner or fugitive from justice; and upon satisfactory proof that the terms and conditions of such offer have been complied with, he may ~~with the advice and consent of the council~~ draw his warrant upon the Treasurer of State for the payment thereof.'

**Sec. 339. R. S., c. 154, § 48, amended.** Section 48 of chapter 154 of the Revised Statutes is amended to read as follows:

**'Sec. 48. Public administrators; duties; bonds. The Governor, with the advice and consent of the council** shall appoint in each county for the term of 4 years, unless sooner removed, a public administrator therein, who shall, upon petition to the probate court and after due notice thereon, take out letters of administration and administer on the estates of persons who die intestate in said county, or elsewhere leaving property in said county, not known to have in the State a widow, widower or any heirs or kindred who can lawfully inherit such estate; and who shall account in like manner and give bond to the judge with like condition as in cases of ordinary administration, subject, however, to ~~the provisions of section 51; and provided also that if.~~ If any widow, widower or next of kin of said deceased shall, prior to the issuing of letters of administration to said public administrator, file a petition in probate court asking that said administration be granted to said widow, widower or next of kin, or to any other person designated by them, the said probate court after due notice shall appoint an administrator as prayed for in said petition.'

**Sec. 340. R. S., c. 154, § 52, amended.** The first sentence of section 52 of chapter 154 of the Revised Statutes is amended to read as follows:

'When there is in the hands of such public administrator an amount of money more than is necessary for the payment of the deceased's debts and for other purposes of administration, if no widow, widower or heirs of said deceased have been discovered, said administrator shall be required by the judge to deposit it with the Treasurer of State, who shall receive it; ~~the.~~ The State shall be responsible for the principal thereof, for the benefit of those who may lawfully claim it; ~~and the.~~ The Governor ~~and council~~, on application and proof, may order the Treasurer of State to pay it over, and such principal is appropriated to pay such lawful claims.'

**Sec. 341. R. S., c. 155, § 1, amended.** The 2nd sentence of section 1 of chapter 155 of the Revised Statutes is amended to read as follows:

'In the absence or disability of the State Tax Assessor, the Governor ~~and council~~ may, if deemed feasible, authorize the Commissioner of Finance and Administration to exercise all the powers of and perform all the duties of the State Tax Assessor with respect to such taxes during such absence or disability.'

**Sec. 342. R. S., c. 173, § 2, amended.** Section 2 of chapter 173 of the Revised Statutes is amended to read as follows:

'**Sec. 2. Attorney General to file information.** When the Legislature or the Governor ~~and council direct~~ directs, the Attorney General shall file an information in the Superior Court in the county where the lands lie stating the grant and conditions, the breaches and the claims of the State.'

**Sec. 343. R. S., c. 180, § 46, amended.** Section 46 of chapter 180 of the Revised Statutes is amended to read as follows:

'**Sec. 46. Inspector of dams and reservoirs; appointment; duties.** The Governor ~~with the advice and consent of the council~~ shall annually appoint a competent and practical engineer, a citizen of the State, who shall hold said office until his successor is appointed and qualified, and who shall, upon petition of 10 resident taxpayers of any town or several towns, the selectmen or assessors of any town or the county commissioners of any county, inspect any dam or reservoir located in such town or county erected for the saving of water for manufacturing or other uses, and after personal examination and hearing the testimony of witnesses summoned for the purpose, shall forthwith report to the Governor his opinion of the safety and sufficiency thereof.'