

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-ninth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 27 of chapter 10 of the Revised Statutes of 1954.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1959

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-eighth Legislature

At The

SPECIAL SESSIONS, OCTOBER 28-31, 1957,

JANUARY 13-16, 1958,

MAY 6-8, 1958

as enacted by section 1 of chapter 387 of the public laws of 1957, is hereby amended to read as follows:

'When he is brought before the Court, it may accept a similar recognizance for his subsequent production, or may order him committed to the custody and control of ~~a Probation Parole Officer~~ the State Probation and Parole Board to be kept and produced before the Court at the time appointed.'

Sec. 7. R. S., c. 27-A, § 10, sub-§ III, amended. Subsection III of section 10 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is hereby amended to read as follows:

'III. When he has been arrested for any offense and confined in a jail or police station, the proper Court, on application of ~~the~~ a Probation-Parole Officer, may issue a written order that he be placed forthwith in the custody of the ~~Probation Parole Officer~~ State Probation and Parole Board pending trial.'

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

Effective October 31, 1957

Chapter 429

AN ACT to Correct Errors and Inconsistencies in the Public Laws.

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

Whereas, many acts enacted by the 98th Legislature in regular session have created inconsistencies and technical errors; and

Whereas, such inconsistencies and errors have created uncertainties and confusions in interpreting legislative intent; and

Whereas, it is vitally necessary that such uncertainties be resolved so that injustices to the people of Maine may be avoided; and

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

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

Sec. 1. R. S., c. 3, § 13, amended. The last paragraph of section 13 of chapter 3 of the Revised Statutes, as enacted by section 2 of chapter 396 of the public laws of 1955, is hereby repealed, as follows:

'In cities of 50,000 inhabitants or more, the chairman of the board shall receive \$3,150 per year and the other 2 members of the board shall receive

\$2,800 per year and such additional amounts as may be authorized by the municipal officers.'

Sec. 2. R. S., c. 5, § 65-A, amended. The 3rd and 4th paragraphs of section 65-A of chapter 5 of the Revised Statutes, as repealed and replaced by section 1 of chapter 157 of the public laws of 1957, are hereby amended to read as follows:

'The Registration Commissioner shall be in session at the voting place or in some other convenient location on Indian Island on the ~~Monday~~ Tuesday preceding each election from 2 o'clock to 5 o'clock and from 7 o'clock to 9 o'clock in the afternoon for the purpose of registering and enrolling Indian voters. Such registration and enrollment may also take place on the day of election.

The Registration Commissioner shall act as warden and ward clerk and shall have the powers of a moderator in the conduct of the election. Two election clerks who, if available and qualified, shall be Indian residents of Indian Island representing the 2 political parties polling the highest and next highest vote for Governor at the preceding gubernatorial election and shall be ~~selected~~ appointed by the Registration Commissioner from candidates nominated by the chairman of the respective Penobscot county political committees. The compensation of the election clerks shall be \$10 per diem.'

Sec. 3. R. S., c. 5, § 65-B, amended. The 3rd and 4th paragraphs 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, are hereby amended to read as follows:

'The Registration Commissioner shall be in session at the voting place or in some other convenient location on Peter Dana Point on the ~~Monday~~ Tuesday preceding each election from 2 o'clock to 5 o'clock and from 7 o'clock to 9 o'clock in the afternoon for the purpose of registering and enrolling Indian voters. Such registration and enrollment may also take place on the day of election.

The Registration Commissioner shall act as warden and ward clerk and shall have the powers of a moderator in the conduct of the election. Two election clerks who, if available and qualified, shall be Indian residents of Peter Dana Point representing the 2 political parties polling the highest and next highest vote for Governor at the preceding gubernatorial election and shall be ~~selected~~ appointed by the Registration Commissioner from candidates nominated by the chairman of the respective Washington county political committees. The compensation of the election clerks shall be \$10 per diem.'

Sec. 4. R. S., c. 5, § 65-C, amended. The 3rd and 4th paragraphs 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, are hereby amended to read as follows:

'The Registration Commissioner shall be in session at the voting place or in some other convenient location on Pleasant Point on the ~~Monday~~ Tuesday preceding each election from 2 o'clock to 5 o'clock and from 7 o'clock to 9 o'clock in the afternoon for the purpose of registering and enrolling Indian voters. Such registration and enrollment may also take place on the day of election.

The Registration Commissioner shall act as warden and ward clerk and shall have the powers of a moderator in the conduct of the election. Two election clerks who, if available and qualified, shall be Indian residents of Pleasant Point

representing the 2 political parties polling the highest and next highest vote for Governor at the preceding gubernatorial election and shall be ~~selected~~ appointed by the Registration Commissioner from candidates nominated by the chairman of the respective Washington county political committees. The compensation of the election clerks shall be \$10 per diem.'

Sec. 5. R. S., c. 11, § 12-A, repealed. Section 12-A of chapter 11 of the Revised Statutes, as enacted by chapter 66 of the public laws of 1957, is hereby repealed.

Sec. 6. R. S., c. 11, § 12-B, additional. Chapter 11 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 12-B, to read as follows:

'Poetry Day.

Sec. 12-B. Poetry Day. The State of Maine designates October 15th as Poetry Day, recommending that in the week following schools, churches, libraries, clubs and organizations, the newspapers, radio and television give recognition to the poets who have helped or are helping to make Maine famous in the field of poetry throughout the world.'

Sec. 7. R. S., c. 15, § 22-A, repealed. Section 22-A of chapter 15 of the Revised Statutes, as enacted by chapter 270 of the public laws of 1957, is hereby repealed.

Sec. 8. R. S., c. 15, § 23-A, additional. Chapter 15 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 23-A, to read as follows:

'Sec. 23-A. Occupational disability. Upon the filing with the Chief of the State Police of an application by a member of the State Police in service and upon the determination by the Chief that he has incurred permanent disability as a result of injuries received in the line of duty, such member may be retired on a disability retirement allowance equal to $\frac{1}{2}$ of the pay per year that is paid to a member of his grade at the time of his disability. A medical board of 3 physicians, designated by the Chief of the State Police, after a medical examination of such member of the State Police, shall first certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that he should be retired.

The provisions of this section shall apply only to persons who were members of the State Police on July 9, 1943.'

Sec. 9. R. S., c. 15-A, § 19, amended. The last paragraph of section 19 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is hereby amended to read as follows:

'Notwithstanding the provisions of the foregoing paragraph, the Chairman of the Maine Employment Security Commission is hereby authorized to prepare and sign warrants for the payment of benefits to eligible unemployed persons, which warrants shall, upon being countersigned by ~~one other designated member~~ the remaining 2 members of the Commission and delivered to the payee, become a check against a designated bank or trust company acting as a depository of the State Government. The authority of the Chairman to prepare and sign

such warrants is hereby limited solely to the payment of benefits to eligible unemployed persons. The facsimile signatures of the Chairman of the Commission and the ~~designated member~~ remaining 2 members of the Commission who are leaving office shall be valid until new signature plates for the signatures herein authorized have been obtained for their successors.'

Sec. 10. 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, is hereby amended by adding at the end thereof a new paragraph, to read as follows:

'The Governor and Council 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.'

Sec. 11. R. S., c. 15-A, § 23, amended. 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 hereby amended by adding at the end thereof a new sentence, as follows:

'Such condensed summary may be published in the English language in a foreign language newspaper.'

Sec. 12. R. S., c. 15-A, § 43, amended. The 1st paragraph of section 43 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is hereby amended to read as follows:

'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 Shore Fisheries, supervising state fire inspectors, ~~inspectors in the Motor Vehicle Division of the Secretary~~ the Department of State, supervisors in the Maine Forestry District, the State Highway Commission nor to such other agencies, boards, commissions and departments of the State Government as the Governor and Council may from time to time designate.'

Sec. 13. R. S., c. 15-A, § 44, amended. 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 hereby amended to read as follows:

'Sec. 44. Payment per mile for use of privately owned automobiles; regulated. The State shall pay for the use of privately owned automobiles for travel by employees of the State in the business of the State not more than 7e 8c per mile for the first 5,000 miles actually travelled by such employees on such business in any one fiscal year, and 6c for each mile exceeding 5,000 miles, except that the State shall pay inspectors of seed potatoes or table stock potatoes 8c for every mile so travelled. 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. 14. R. S., c. 15-A, § 45-A, additional. Chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is hereby amended by adding thereto a new section to be numbered 45-A, to read as follows:

'Construction Reserve Fund.

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, 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 under the provisions of this section shall constitute a continuous carrying account for the purposes designated by the Governor and Council. 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. 15. R. S., c. 16, § 25, repealed. Section 25 of chapter 16 of the Revised Statutes, as amended by section 2 of chapter 329 of the public laws of 1957 and as repealed by section 2 of chapter 340 of the public laws of 1957, is hereby repealed.

Sec. 16. R. S., c. 16, § 30, repealed. Section 30 of chapter 16 of the Revised Statutes, as amended by chapter 371 of the public laws of 1957 and as repealed by section 2 of chapter 340 of the public laws of 1957, is hereby repealed.

Sec. 17. R. S., c. 16, § 31, repealed. Section 31 of chapter 16 of the Revised Statutes, as amended by chapters 375 and 415, both of the public laws of 1957, and as repealed by section 2 of chapter 340 of the public laws of 1957, is hereby repealed.

Sec. 18. R. S., c. 16, § 33, repealed. Section 33 of chapter 16 of the Revised Statutes, as amended by chapter 398 of the public laws of 1955 and by section 3 of chapter 318 of the public laws of 1957, and as repealed by section 2 of chapter 340 of the public laws of 1957, is hereby repealed.

Sec. 19. R. S., c. 16, § 34-A, repealed. Section 34-A of chapter 16 of the Revised Statutes, as enacted by chapter 401 of the public laws of 1957, is hereby repealed.

Sec. 20. R. S., c. 16, § 93, amended. The 1st sentence of section 93 of chapter 16 of the Revised Statutes, as amended by section 8 of chapter 397 of the public laws of 1957, is hereby further amended to read as follows:

'The State Tax Assessor may bring an action of debt in his own name to enforce the lien on real estate created by section ~~4~~ 5 of chapter 91-A, to secure the payment of state, county and forestry district taxes assessed under sections 78 and 81 upon lands not liable to be assessed in any town.'

Sec. 21. R. S., c. 16, §§ 282-289, repealed. Sections 282 to 289 of chapter 16 of the Revised Statutes, as enacted by chapter 355 of the public laws of 1957, are hereby repealed.

Sec. 22. R. S., c. 16, §§ 294-301, additional. Chapter 16 of the Revised Statutes is hereby amended by adding thereto 8 new sections to be numbered 294 to 301, to read as follows:

'Quahog Tax.

Sec. 294. Purpose. The quahogs in Maine constitute a renewable natural resource of great value to the Casco Bay coastal region and the State, and sections 294 to 301 are enacted into law in order that funds may be available to the Research Division of the Sea and Shore Fisheries Department to cooperate with the coastal communities in paying for the purchase, maintenance and operation of boats and equipment to transplant seed quahogs from heavy concentrations to commercially depleted shellfish areas, and carry on other management and scientific work deemed necessary for the financial benefit of the industry.

Sec. 295. Definitions. The terms used in sections 294 to 301 shall be construed as follows:

I. "Quahogs" shall mean a marine mollusk (*Venus mercenaria*) commonly called hard shelled clams.

II. "Primary producer" shall mean any person who digs or takes quahogs from the flats or waters of the coast of Maine for commercial purposes.

III. "Shellfish dealer" shall mean any person, partnership, association, firm, corporation or entity holding a Sea and Shore Fisheries Department wholesale seafood dealer's and processor's license or a resident or nonresident interstate shellfish transportation license engaged in buying quahogs from the primary producers and dealing in quahogs in the wholesale trade.

IV. "Landed value" shall mean the price payable to the primary producer by the shellfish dealer for quahogs dug or taken from the coastal waters.

Sec. 296. Tax on quahogs. There is levied and imposed a tax at the rate of 5% on the landed value of all quahogs purchased from the primary producers by shellfish dealers.

Sec. 297. Report of purchases; when tax due. Every shellfish dealer buying quahogs shall keep as a part of his permanent records a record of all purchases, sales and shipments of quahogs and said records shall be open for inspection at all times as hereinafter provided and every shellfish dealer on or before the 10th of each month shall render a report to the State Tax Assessor stat-

ing the quantity of quahogs bought by him, during the preceding calendar month, on forms to be furnished by the State Tax Assessor, and at the same time shall pay to the State Tax Assessor the tax of 5% of the landed value of all quahogs purchased from primary producers for the preceding calendar month.

Sec. 298. Authority to inspect. The State Tax Assessor or his duly authorized agent shall have authority to enter any place of business of a shellfish dealer, or any car, boat, truck or other conveyance in which quahogs are to be transported, and duly inspect any books or records of any shellfish dealer for the purpose of determining the truth or falsity of any statement or return made by any shellfish dealer, and he shall have authority to delegate such powers to the Commissioner of Sea and Shore Fisheries, his agents or employees.

Sec. 299. Determination of tax by Assessor. If any shellfish dealer shall neglect or refuse to make and file any report as required by section 297, or shall file an incorrect or fraudulent report, the State Tax Assessor shall determine after an investigation the tax liability of such shellfish dealer for any particular month or months, and the State Tax Assessor shall assess the tax due the State, giving notice of such assessment to the shellfish dealer liable therefor, and make demand upon him for payment thereof.

In any action or proceeding for the collection of the quahog tax, the assessment by the State Tax Assessor of the tax due to the State shall constitute prima facie evidence of the claim of the State and the burden of proof shall be upon the shellfish dealer to show the assessment was incorrect.

Sec. 300. False return or violation of provisions. Any shellfish dealer who shall make any false or fraudulent report or return required by sections 296 and 297, or who shall evade or violate any of the provisions of said sections shall be punished by a fine of not more than \$500, and his wholesale seafood dealer's and processor's license and his resident or nonresident interstate shellfish transportation license shall be suspended by the Commissioner of Sea and Shore Fisheries until such fine and all payments due the State on the aforesaid quahog tax are paid in full. Whenever any shellfish dealer shall fail to pay any tax due under the provisions of said sections within the time limited herein, the Attorney General shall enforce payment of such tax by civil action against the shellfish dealer for the amount of such tax in either the Superior Court in Kennebec county or in a municipal court in the county in which such shellfish dealer has his residence or established place of business.

Sec. 301. Appropriation and use of moneys received. Money received under the provisions of sections 294 to 301 by the Treasurer of State shall be appropriated and used for the following purposes:

I. For the collection of the tax provided for by section 296 and for the enforcement of all the provisions of sections 294 to 301.

II. The balance in such amounts as shall from time to time be determined by the Commissioner of Sea and Shore Fisheries:

A. For the purpose of buying, maintaining and operating boats and equipment to transplant seed quahogs to flats and waters of the State.

B. To carry on scientific and management work deemed necessary for the benefit of the quahog industry. Any unexpended balance from the above apportionment shall not lapse, but shall be carried forward to the same fund for the next fiscal year.'

Sec. 23. R. S., c. 18, § 31, amended. The 1st sentence of section 31 of chapter 18 of the Revised Statutes, as repealed and replaced by section 14 of chapter 397 of the public laws of 1957, is hereby amended to read as follows:

'All money received by the Treasurer of State from the Board of Registration in Medicine, the Board of Examiners in Physical Therapy, the Board of Examiners of Psychologists, the Board of Registration of Nurses, the Board of Examiners of Applicants for Admission to the Bar, the Board of Accountancy, the Board of Veterinary Examiners, the Board of Osteopathic Examination and Registration, the Board of Examiners of Funeral Directors and Embalmers, the State Board of Registration and Examination in Optometry, the Board of Dental Examiners, the State Board of Registration for Professional Engineers, the State Board of Architects, the Electricians' Examining Board, the Oil Burner's Licensing Board, the State Board of Barbers and Hairdressers, the Examiners of Podiatrists, the Board of Chiropractic Examination and Registration and the Board of Commissioners of the Profession of Pharmacy shall constitute a fund, which shall be a continuous carrying account for the payment of the compensation and expenses of the members, the expenses of the Board and for executing the provisions of law relating to each board respectively, and so much thereof as may be required is appropriated for said purposes.'

Sec. 24. R. S., c. 22, § 13, amended. The 5th paragraph from the end of section 13 of chapter 22 of the Revised Statutes, as amended by chapter 2 of the public laws of 1957 and as repealed and replaced by section 15 of chapter 397 of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

'All motor vehicles owned and used by the State, any municipal corporation therein and all motor vehicles loaned by automobile dealers to municipalities for use in driver education in the secondary schools shall be registered, but shall be exempt from the provisions of this chapter as to payment of registration fees except that when such vehicles are leased or rented for commercial purposes they shall be subject to payment of the fees as provided in this chapter. All such vehicles shall display registration plates as required by this chapter or approved by the Secretary of State. All motor vehicles and trailers owned by the State and under the supervision of the State Highway Commission and all vehicles owned by a municipal fire department or an organized volunteer fire department shall be exempt from the provisions of this chapter as to registration and payment of registration fees. Such motor vehicles and trailers shall display a marker or insignia approved by the Secretary of State.'

Sec. 25. R. S., c. 22, § 19, amended. The 2nd paragraph of section 19 of chapter 22 of the Revised Statutes, as enacted by section 1 of chapter 383 of the public laws of 1955, and as amended by chapter 408 and section 4 of chapter 411, both of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

'The annual fee for registration of farm motor trucks, having 2 axles only, when such trucks are used primarily for transportation of agricultural commodities, supplies or equipment to be used in connection with the operation of a farm or farms owned, operated or occupied by the registrant, shall be as follows:

From 9,001 pounds gross weight to 11,000 pounds gross weight	\$21
From 11,001 pounds gross weight to 14,000 pounds gross weight	\$32

From 14,001 pounds gross weight to 16,000 pounds gross weight	\$43
From 16,001 pounds gross weight to 18,000 pounds gross weight	\$64.

The term "agricultural commodities" shall include logs, lumber and pulp wood cut on a farm or farms owned, operated or occupied by the registrant. Farm motor trucks registered under this section may receive a short-term permit in accordance with the provisions of this section by paying a percentage of the difference between the amount paid for farm motor truck registration and the annual fee for the desired tonnage in accordance with the permit table contained in this section. Farm trucks so registered shall be operated on the public highways only within a radius of 65 miles from the main entrance of the farm where such vehicle is customarily kept. The Secretary of State shall issue a registration plate or plates so designed that a farm motor truck registered under this section may be distinguished from commercial vehicles otherwise registered under the provisions of this section. Farm trucks so registered shall have the name of the town in which the excise tax has been paid printed in letters not less than 4 inches in height on the door on the left side of the cab of the truck. Trucks which are used on a substantially daily delivery schedule on established routes are not included as "farm trucks." Any person fraudulently obtaining a farm truck license shall be fined upon conviction \$50. Any person using a truck with a license plate marked for any purposes other than those authorized by this section shall be fined not less than \$100 nor more \$500.'

Sec. 26. R. S., c. 22, § 31-A, amended. Section 31-A of chapter 22 of the Revised Statutes, as enacted by section 8 of chapter 76 of the public laws of 1957, is hereby amended to read as follows:

'Sec. 31-A. Temporary number plates; notification; cost. A manufacturer or dealer or holder of a transit registration certificate or boat trailer registration certificate may, upon the sale or exchange of a motor vehicle or boat trailer, attach to such motor vehicle or boat trailer a temporary registration plate, and the purchaser of such motor vehicle or boat trailer may operate the same for a period not to exceed 10 consecutive days thereafter without payment of a regular fee. A temporary registration plate may not be used on a loaded truck without a written permit from the Secretary of State.

A manufacturer or dealer or holder of a transit registration certificate or boat trailer registration certificate shall, upon attaching a temporary registration plate to a motor vehicle or boat trailer sold or exchanged by him, mark thereon the date when said license expires and immediately notify the Secretary of State of said sale or exchange, giving the name and address of the purchaser, the number of the temporary plate and such further information as the Secretary of State may require. The markings required by this paragraph to be placed on a temporary registration plate shall be made not less than one inch in height, with indelible or waterproof ink.

The Secretary of State may issue temporary registration plates to bona fide dealers or holders of transit registration certificates or boat trailer registration certificates who request them under such rules and regulations as he shall deem necessary, and shall receive for them 50c per plate.'

Sec. 27. R. S., c. 22, § 37, repealed. Section 37 of chapter 22 of the Revised Statutes, as amended by section 10 of chapter 200 of the public laws of 1955 and by section 2 of chapter 337 of the public laws of 1957, and as repealed by section 9 of chapter 76 of the public laws of 1957, is hereby repealed.

Sec. 28. R. S., c. 22, § 45, amended. The 4th paragraph of section 45 of chapter 22 of the Revised Statutes, as amended by section 10 of chapter 76 and by chapter 128, both of the public laws of 1957, is hereby repealed and the following paragraph enacted in place thereof:

'Said inspection shall not apply to motor vehicles owned and registered in another state nor to new or used motor vehicles being driven by a dealer or holder of a transit registration certificate or their authorized representative from the point of distribution to his place of business. Said inspection shall not apply to motorcycles.'

Sec. 29. R. S., c. 22, § 48, amended. The 2nd paragraph of section 48 of chapter 22 of the Revised Statutes, as amended by section 1 of chapter 85 and by chapter 132, both of the public laws of 1955, and as amended by chapter 244 of the public laws of 1957 and as repealed and replaced by section 16 of chapter 397, of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

'All school buses with a carrying capacity of over 20 passengers shall bear upon the front and rear thereof a plainly visible sign "School Bus" in letters not less than 8 inches in height which shall be removed or covered when the vehicle is not in use as a school bus, and all school buses with a carrying capacity of 20 passengers or less shall bear upon the front and rear thereof a plainly visible sign "School Bus" in letters not less than 4 inches in height which shall be removed or covered when the vehicle is not in use as a school bus, but these provisions shall not apply to public buses while transporting school children together with regular passengers. Such standard "descriptive signs" shall be furnished at cost by the Department of Education.'

Sec. 30. R. S., c. 22, § 49, amended. The 1st paragraph of section 49 of chapter 22 of the Revised Statutes, as amended by section 2 of chapter 100 and by section 11 of chapter 200, both of the public laws of 1955, and as amended by chapter 306 of the public laws of 1957, and as repealed and replaced by section 17 of chapter 397 of the public laws of 1957, is hereby repealed and the following paragraph enacted in place thereof:

'An excise shall be levied annually with respect to each calendar year for the privilege of operating upon the public ways, each motor vehicle to be so operated, subject to the provisions of section 56, as follows: a sum equal to 23 mills on each dollar of the maker's list price for the first or current year of model, 16½ mills for the 2nd year, 12½ mills for the 3rd year, 9 mills for the 4th year, 5½ mills for the 5th year and 3 mills for the 6th and succeeding years. Whenever an excise tax has been paid for the previous calendar year on the same motor vehicle, the excise tax for the new calendar year shall be assessed as if the vehicle was in its next year of the model. Persons registering under the provisions of section 67, the state and political subdivisions thereof, municipalities registering motor vehicles for use in driver education in the secondary schools, volunteer fire departments, bona fide dealers or manufacturers of motor vehicles, which motor vehicles are solely for the purpose of demonstration and sale and which constitute stock in trade, holders of transit registration certificates, telephone and telegraph companies subject to the excise tax set forth in sections 125 to 132, inclusive, of chapter 16, express companies subject to the excise tax as set forth in sections 133 to 136, inclusive, of chapter 16, the vehicles of charitable, benevolent, literary and scientific organizations which are used exclusively in carrying on charitable, benevolent, literary or scientific work in this State, railroad companies subject to the excise tax set forth in sections

113 to 124, inclusive, of chapter 16 shall not be subject to the excise tax provided in this section. In all cases where the excise tax amounts to less than \$5, a minimum tax of \$5 shall be levied, except that for a bicycle with motor attached the excise tax shall be \$2.50. In respect to noncommercial vehicles on and after the 7th year of a model, the maximum amount to be levied as an excise tax under the provisions of this section shall be \$10. All buses used for the transportation of passengers for hire in interstate or intrastate commerce, or both, by carriers granted certificates of public convenience and necessity, or permits, by the Maine Public Utilities Commission, may be subject to the excise tax provided in this section at the option of the appropriate municipality.'

Sec. 31. R. S., c. 22, § 86, repealed and replaced. Section 86 of chapter 22 of the Revised Statutes, as amended by chapter 153 and by section 1 of chapter 177, both of the public laws of 1957, is hereby repealed and the following enacted in place thereof :

'Sec. 86. Right of way at intersecting ways and at entrances of private roads to public ways. All vehicles shall have the right of way over other vehicles approaching at intersecting public ways, except traffic circles or rotary intersections, from the left and shall give the right of way to those approaching from the right, except that traffic officers stationed at such intersections may otherwise regulate traffic thereat. The driver of a vehicle entering a public way from a private road, alley, driveway or building shall yield the right of way to all vehicles approaching on such public way and shall yield the right of way to any pedestrian approaching on said public way or sidewalk; and before crossing any sidewalk, or before entering such public way where no sidewalk shall exist, shall proceed cautiously across said sidewalk or into said public way. "Private road" as used in this section shall be construed to include a private road, a private way of any description, an alleyway or a driveway.'

Sec. 32. R. S., c. 22, § 117, repealed and replaced. Section 117 of chapter 22 of the Revised Statutes, as amended by chapter 71 and by section 6 of chapter 308, both of the public laws of 1957, is hereby repealed and the following enacted in place thereof :

'Sec. 117. Overtaking vehicle not to pass another under certain conditions. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

No vehicle shall at any time be driven to the left side of the roadway under the following conditions :

I. When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

II. When approaching within 100 feet of or traversing any intersection or railroad grade crossing, except when turning to the left to enter an intersecting way.

III. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

The foregoing limitations shall not apply upon a one-way roadway.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching in either direction within 500 feet.

Sec. 33. R. S., c. 22, § 163, repealed and replaced. Section 163 of chapter 22 of the Revised Statutes, as amended by chapter 221 and by section 3 of chapter 334, both of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

'Sec. 163. Court jurisdiction. Trial justices in their respective counties shall have original and concurrent jurisdiction with municipal courts and the Superior Court over all prosecutions for violation of the provisions of this chapter. All fines and forfeitures collected under the provisions of this chapter shall accrue to the county where the offense is prosecuted, except that all fines and forfeitures collected for overload violations shall accrue to the general highway fund. The county shall retain \$5 of each such overload fine collected through any trial justice or municipal court; except that 13% of all fines collected for overload violations in the Yorkshire municipal court, York county, and in the Lincoln municipal court, Penobscot county, shall accrue to each respective county for the maintenance of said courts.'

Sec. 34. R. S., c. 23, § 37-A, amended. Section 37-A of chapter 23 of the Revised Statutes, as enacted by section 1 of chapter 366 of the public laws of 1957, is hereby amended to read as follows:

'Sec. 37-A. Highway Safety Committee. In recognition of the fact that safety on the public highways is a joint responsibility of public officials and private citizens and in recognition of the necessity for the State of Maine to stimulate active public support for highway safety measures originating at official sources or through citizen interest and concern, a Highway Safety Committee is hereby created.'

Sec. 35. R. S., c. 27, § 8, repealed. Section 8 of chapter 27 of the Revised Statutes, as amended by chapter 19 of the public laws of 1957 and as repealed by section 2 of chapter 387 of the public laws of 1957, is hereby repealed.

Sec. 36. R. S., c. 27, § 8-A, amended. The last sentence of the 1st paragraph of section 8-A of chapter 27 of the Revised Statutes, as enacted by chapter 18 of the public laws of 1957, is hereby amended to read as follows:

'The request of the prisoner shall be accompanied by a certificate of the Warden, Commissioner of Institutional Service or other official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner and any decisions of the State Probation and Parole Board relating to the prisoner.'

Sec. 37. R. S., c. 27-A, reallocated. Chapter 27-A of the Revised Statutes relating to Interstate Compact on Mental Health, as enacted by section 1 of chapter 231 of the public laws of 1957, is hereby reallocated to be Chapter 27-B.

Sec. 38. R. S., c. 27-A, § 20, amended. Section 20 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is hereby amended by inserting before the last paragraph thereof, a new paragraph, as follows:

'The word "state" in this section shall mean any state, territory or possession of the United States and the District of Columbia.'

Sec. 39. R. S., c. 29, § 15, sub-§ V, ¶ C, amended. Paragraph C of subsection V of section 15 of chapter 29 of the Revised Statutes, as repealed and replaced by section 12 of chapter 381 of the public laws of 1957, is hereby amended to read as follows:

'C. Retirement pay or a pension paid, excluding a pension paid under ~~the Federal Insurance Contributions Act~~ Title II of the Federal Social Security Act, as amended, directly by the employer or paid indirectly by the employer through a trust fund, insurance or other media in the manner set forth in paragraph B of subsection XIX of section 3.'

Sec. 40. R. S., c. 30, § 68, amended. The last sentence of the 1st paragraph of section 68 of chapter 30 of the Revised Statutes, as amended by section 1 of chapter 272 of the public laws of 1957 and as repealed by section 25 of chapter 397 of the public laws of 1957, is hereby repealed as follows:

~~'The present incumbent may serve until removed for cause as above provided.'~~

Sec. 41. R. S., c. 36, § 109, amended. The last sentence of section 109 of chapter 36 of the Revised Statutes, as amended by section 13 of chapter 418 of the public laws of 1957 and as repealed by section 27 of chapter 397 of the public laws of 1957, is hereby repealed as follows:

~~'The Commissioner shall also receive from said funds the sum of \$7,500 per year in addition to the salary as now provided by law.'~~

Sec. 42. R. S., c. 37, § 39, sub-§ XII-A, amended. Subsection XII-A of section 39 of chapter 37 of the Revised Statutes, as enacted by chapter 124 of the public laws of 1957, is hereby amended to read as follows:

'XII-A. A license to hunt or fish shall be issued, at the resident license fee, to any civilian employee and immediate family, residing on ~~said bases~~ any military or naval post, station or base within the State. Said civilian employee and immediate family, desiring a hunting or fishing license, must present certification from the commander of said ~~bases~~ military or naval post, station or base or his designated agent, that the person mentioned in the certification is such a civilian employee and immediate family, ~~residing and has resided on~~ said ~~bases~~ military or naval post, station or base for a period of 3 months.

Licenses shall be issued by the clerk of the town in which said ~~Air Force Base~~ military or naval post, station or base is situated.

Holders of such licenses shall be subject to all the laws of the State and the rules and regulations of the Commissioner regulating hunting and fishing; and for violations of said laws or rules and regulations, such license shall be revoked in the same manner as provided in this chapter for the revocation of hunting and fishing licenses.'

Sec. 43. R. S., c. 37, § 39, sub-§ XII-A, repealed. Subsection XII-A of section 39 of chapter 37 of the Revised Statutes, as enacted by chapter 15 of the public laws of 1957, is hereby repealed.

Sec. 44. R. S., c. 37, § 39, sub-§ XII-B, additional. Section 39 of chapter 37 of the Revised Statutes, as revised, is hereby amended by adding thereto a new subsection XII-B, as follows:

'XII-B. The Department of Inland Fisheries and Game shall be permitted to issue complimentary nonresident fishing and hunting licenses, not to exceed 500 in total, under the following provisions:

These licenses are to be issued to newspaper or magazine writers and photographers; radio and television writers and photographers; others who will assist in publicizing the State of Maine; and visiting dignitaries from other states or of national or international importance. The persons qualified to receive these licenses shall be passed upon by a committee composed of the Commissioner of Inland Fisheries and Game and the Commissioner of Economic Development, or a member of his Department whom he shall designate, and a member designated by the Governor.

The purpose of this project would be to increase the income of the Department of Inland Fisheries and Game, to increase the income to the vacation travel business, and to honor state and national or international leaders who are likely to mention our State favorably to others.'

Sec. 45. R. S., c. 37, § 91, amended. The 3rd paragraph of section 91 of chapter 37 of the Revised Statutes, as amended by chapter 328 and by section 23 of chapter 392, both of the public laws of 1957, is hereby repealed and the following paragraph enacted in place thereof:

'There shall be a continual closed season on deer on the Island of Mount Desert and in the town of Deer Isle, and in the town of Stonington and all of Swan Island in the town of Swan's Island, which last mentioned towns are in the county of Hancock, and on Cross Island and Scotch Island, which last mentioned places are in Washington county, and in the town of Isle au Haut, and the islands within confines of the town of Isle au Haut, which last mentioned town is in the county of Knox, and in game sanctuaries which have been established by law where the closed season shall be perpetual.'

Sec. 46. R. S., c. 37, § 108, repealed and replaced. Section 108 of chapter 37 of the Revised Statutes, as amended by section 27 of chapter 392 of the public laws of 1957 and as repealed and replaced by section 1 of chapter 394 of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

'Sec. 108. Open season. There shall be an annual open season on deer during the month of October in each calendar year in the counties of Androscoggin, Cumberland, Hancock, Kennebec, Knox, Lincoln, Oxford, Sagadahoc, Waldo, Washington and York for the purpose of hunting deer with bow and arrow only.

There shall be an annual open season on deer in each calendar year beginning the first day of October and ending the 20th day of October, both dates inclusive, in the counties of Aroostook, Franklin, Penobscot, Piscataquis and Somerset, for the purpose of hunting deer with bow and arrow only.'

Sec. 47. R. S., c. 37, § 110, repealed and replaced. Section 110 of chapter 37 of the Revised Statutes, as amended by chapter 228, section 28 of chapter 392 and by section 2 of chapter 394, all of the public laws of 1957, is hereby repealed and the following section enacted in place thereof:

'Sec. 110. Equipment. Deer may be taken under the provisions of sections 108 to 112, inclusive, only by means of hand bow and broad head arrow. The use of crossbow or set bow is prohibited. The strength of a bow shall be determined by flight of an arrow, each bow to shoot an arrow at least 150 yards. The arrow head shall be not less than $\frac{7}{8}$ inch in width. No person shall use arrows with either poisonous or explosive tips. No person shall carry firearms of any kind while hunting with bow and arrow.'

Sec. 48. R. S., c. 38, § 57, amended. The 4th sentence of section 57 of chapter 38 of the Revised Statutes, as enacted by chapter 221 of the public laws of 1955 and as amended by chapter 239 of the public laws of 1957, is hereby further amended to read as follows:

'From October 1, ~~1955~~ 1957 to October 1, 1959, no clams shall be dug or taken from the flats in Batson's River or in any of its branches or tributaries, in said town of Kennebunkport, except that, during said 2-year period, any resident or property owner of said town may dig from said flats not to exceed 2 pecks of clams at one tide.'

Sec. 49. R. S., c. 38, § 91, amended. The 1st paragraph of section 91 of chapter 38 of the Revised Statutes, as revised, is hereby amended to read as follows:

'No person, firm or corporation, as principal or by an agent or servant, shall ship or transport in any manner, beyond the limits of this State, any **soft-shell clams**, quahogs or mussels in the shell, or any soft-shell clams, quahogs or mussels that have been shucked or removed from the shell, without first having procured therefor a shellfish certificate from the Commissioner of Agriculture and a license from the Commissioner of Sea and Shore Fisheries.'

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

'It is further provided that, in the case of any youth qualified for attendance at secondary school in accordance with the provisions of the preceding paragraph, who resides with his parents, legal guardian or person acting in loco parentis, in the unorganized territory, so located that in the judgment of the Commissioner attendance at secondary school necessitates boarding away from

home and the arrangement is approved by him in advance upon a form provided for the purpose, the State shall pay an amount for this purpose toward his board not to exceed ~~\$180~~ \$353 for the school year or a prorated amount for any fraction thereof. Payment for said board shall be made, upon receipt of a satisfactory attendance record, at the end of periods not less than one school month and subject to such rules and regulations as the Commissioner may establish.'

Sec. 50. R. S., c. 48, § 23, sub-§ III, amended. The 1st sentence of subsection III of section 23 of chapter 48 of the Revised Statutes, as amended by section 1 of chapter 53 and by chapter 222, both of the public laws of 1957, is hereby repealed and the following sentence enacted in place thereof:

'No application for a permit shall be granted by the Commission until after a hearing, nor shall any permit be granted if the Commission shall be of the opinion that the proposed operation of any such contract carrier will be contrary to the declaration of policy of sections 19 to 33, or otherwise will not be consistent with the public interest, or will impair the efficient public service of any authorized common carrier or common carriers then adequately serving the same territory by rail or over the same general highway route or routes or that an increase in the number of contract carriers operating in the area to be served by the applicant will interfere with the use of the highways by the public.'

Sec. 51. R. S., c. 59, § 19-G, sub-§ V, ¶ F, repealed and replaced. Paragraph F of subsection V 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 and as amended by section 1 of chapter 39 and by chapter 413, both of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

'F. The provisions of paragraphs B, C, D and E apply only to accounts opened in banks, savings banks or trust companies, or shares in loan and building associations, made payable to persons or to either or the survivor who are husband and wife, parent and child, grandparent and grandchild and brothers and sisters; except that the provisions of paragraphs B, C, D and E, as to brothers and sisters, shall apply only to accounts opened and shares acquired after September 1, 1955 and to accounts opened and shares acquired prior to September 1, 1955 which may be brought within the provisions of these paragraphs by written declaration, in form prescribed by the Bank Commissioner, executed by all such depositors or share owners, and delivered to any such bank, savings bank, trust company or loan and building association, which declaration shall bind each and every signer thereof, his heirs, executors, administrators and assigns; except that the provisions of paragraphs B, C, D and E, as to grandparent and grandchild, shall apply only to accounts opened after September 1, 1957 and to accounts opened prior to September 1, 1957 which may be brought within the provisions of these paragraphs by written declaration, in form prescribed by the Bank Commissioner, executed by all such depositors or share owners, and delivered to any such bank, savings bank, trust company or loan and building association, which declaration shall bind each and every signer thereof, his heirs, executors, administrators and assigns. In case such declaration be signed by one or more, but not all of the depositors named in such account or share owners, such declaration shall be effective as against the person or persons signing the same, his and their heirs, executors, administrators and assigns; but shall not be effective as against those not so signing.'

Sec. 52. R. S., c. 60, § 314, amended. The 1st sentence of section 314 of chapter 60 of the Revised Statutes, as amended by chapter 48 of the public laws of 1957, is hereby further amended to read as follows:

'The Commissioner shall receive:

For each license issued to a foreign insurance company, or foreign surety company, or credit insurance or title insurance company, or to a foreign fraternal ~~beneficiary association~~ benefit society to do business in this State, and for each renewal thereof, a fee of \$50.'

Sec. 53. R. S., c. 61, § 5, repealed and replaced. Section 5 of chapter 61 of the Revised Statutes, as amended by chapter 296 and by section 19 of chapter 418, both of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

'Sec. 5. Salaries and expenses. The salary of the Chairman of the Commission shall be \$7,875 per year and the salary of each of the other members shall be \$5,625 per year, and in addition each member shall be allowed his reasonable expense incurred in the performance of his duties. Such expense shall not include travel between his place of residence and the Commission office, or board and lodging in the city or town where such office is located or in the city of Augusta.'

Sec. 54. R. S., c. 61, § 56, sub-§ I, repealed and replaced. Subsection I of section 56 of chapter 61 of the Revised Statutes, as amended by section 13 of chapter 355 of the public laws of 1955, and as amended by section 12 of chapter 218 of the public laws of 1957 and as repealed and replaced by section 1 of chapter 410 of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

I. 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, for a term of 4 years. The Hearing Examiner shall be an attorney-at-law duly admitted to practice before the courts of Maine. He may be removed from office by the Governor for misfeasance, malfeasance and nonfeasance in office. He 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. The Hearing Examiner shall conduct hearings on all matters concerning violations of licenses of any law relating to alcoholic beverages or infractions of any rule or regulation issued by the State Liquor Commission after notice of such violation or infraction has been reported to him on a signed complaint by a duly designated enforcement officer of said Commission. The Hearing Examiner shall thereupon notify the licensee by serving on him a copy of the complaint and a notice stating the time and place of hearing and that he may appear in person or by counsel at the hearing. Service of such complaint and notice shall be sufficient if sent by registered mail or certified mail to the address given by the licensee at the time of his application for a license, 7 days at least before the date of hearing. The Hearing Examiner shall thereupon conduct a hearing limited to the facts and law, and rules and regulations of the State Liquor Commission, as specified in said complaint.

The Hearing Examiner is authorized to subpoena and examine witnesses and to administer oaths. In the conducting of hearings, no hearsay testimony shall be admissible and the licensees named in the complaint shall have the right to

have all witnesses testify in person at the hearing. The Hearing Examiner shall state in writing his findings and decision in each case, based upon the facts and the law, and the rules and regulations of the State Liquor Commission. Said findings shall specify the facts found and the law, rules or regulations found to be violated.

The Hearing Examiner shall conduct hearings in such designated place or places as may be most convenient and economical for all parties concerned in said hearing.'

Sec. 55. R. S., c. 61, § 56, sub-§ II, ¶ D, repealed and replaced. Paragraph D of subsection II of section 56 of chapter 61 of the Revised Statutes, as amended by section 13 of chapter 218 and by section 2 of chapter 410, both of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

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

Sec. 56. R. S., c. 63-A, § 6, sub-§ V, repealed. Subsection V of section 6 of chapter 63-A of the Revised Statutes, as enacted by section 1 of chapter 292 of the public laws of 1957, is hereby repealed.

Sec. 57. R. S., c. 63-A, § 6, sub-§ VI, additional. 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 hereby amended by adding thereto a new subsection to be numbered VI, to read as follows:

'VI. Notwithstanding any provisions in this chapter to the contrary, there is hereby provided an option in the political subdivisions of this State which are participating members in the Maine State Retirement System to allow its employees to retire at age 60 after 30 years of creditable service at $\frac{1}{2}$ their average final compensation.'

Sec. 58. R. S., c. 63-A, § 6, sub-§ V, repealed. Subsection V of section 6 of chapter 63-A of the Revised Statutes, as enacted by section 1 of chapter 316 of the public laws of 1957, is hereby repealed.

Sec. 59. R. S., c. 63-A, § 6, sub-§ VII, additional. 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 hereby amended by adding thereto a new subsection to be numbered VII, to read as follows:

'VII. If a sheriff or deputy sheriff shall die as a result of injury received in line of duty, except while engaged in the duty of serving civil process, his widow, or, if none, his minor child or children, shall receive a pension equal to $\frac{1}{2}$ of the pay of such sheriff or deputy sheriff at the time of his death, but in no case shall such pension be less than \$1,000. Such pension shall be paid to the widow until she dies or remarries and to a child or children until they die or reach the age of 18 years.'

Sec. 60. R. S., c. 63-A, § 9, sub-§ I, ¶ B, sub-¶ 1, div. (b), amended. Division (b) of subparagraph 1 of paragraph B of subsection I of section 9 of chapter 63-A of the Revised Statutes, as enacted by section 4 of chapter 367 of the public laws of 1957, is hereby amended to read as follows:

'(b) A spouse, alive and not remarried at the time of the death of the member who has the care of unmarried children of the deceased member under 18 years of age, or any other progeny of the deceased who is adjudged mentally incompetent by a probate court in the State, or who is certified by the Medical Board of the Maine State Retirement System to be physically and permanently incapacitated, shall be paid \$75 a month, commencing the first month after ~~each~~ such death occurs and continuing during his lifetime for such time as such children or progeny are in his care and he has not remarried.'

Sec. 61. R. S., c. 63-A, § 15, sub-§ VI, ¶ B, amended. Paragraph B of subsection VI of section 15 of chapter 63-A of the Revised Statutes, as enacted by section 11 of chapter 367 of the public laws of 1957, is hereby amended to read as follows:

'B. Each member shall contribute at the rate of ~~7/4%~~ 1/4 of 1% of his salary to the survivors' benefit fund and such contribution shall be reported and held separately from contributions made to the members' contribution fund. Anything to the contrary notwithstanding, contributions to the survivors' benefit fund shall not be refunded to the member. To facilitate the making of deductions, the board of trustees may adjust the deduction of any member to the next higher nickel.'

Sec. 62. R. S., c. 63-A, § 17, sub-§ I-A, amended. The last paragraph of subsection I-A of section 17 of chapter 63-A of the Revised Statutes, as enacted by section 2 of chapter 292 of the public laws of 1957, is hereby repealed, as follows:

~~'Any amendments to this chapter enacted by the 98th Legislature, the benefits of which could apply to employees of participating local districts, shall be made effective only in the event any such district elects to adopt such benefits and agrees to pay into the system the required costs as developed by the actuary.'~~

Sec. 63. R. S., c. 63-A, § 17, sub-§ IX, amended. Subsection IX of section 17 of chapter 63-A of the Revised Statutes, as enacted by section 1 of chapter 417 of the public laws of 1955, is hereby amended to read as follows:

'IX. Any amendments to this chapter enacted ~~in the years 1953-1954~~ by the 96th Legislature and 98th Legislatures, the benefits of which could apply to employees of participating local districts, shall be made effective only in the event any such district elects to adopt such benefits and agrees to pay into the System the required costs as developed by the actuary.'

Sec. 64. R. S., c. 63-A, § 24, sub-§ I, amended. The first 2 sentences of subsection I of section 24 of chapter 63-A of the Revised Statutes, as enacted by chapter 451 of the public laws of 1955 and as amended by chapter 38 of the public laws of 1957, are hereby repealed and the following sentence enacted in place thereof:

'Except as provided herein, each appointive officer or employee of the State of Maine, or teacher, who is eligible for membership in the Maine State Retirement System, or each member of the State Police who is a member of the State Police Retirement System, including those members of that system who have retired since September 5, 1955 and are living on March 18, 1957, shall at such time and under the conditions of eligibility as the Board of Trustees may

by regulation prescribe, come within the purview of this section. Notwithstanding anything to the contrary the amount of group life insurance for said retired members of the State Police Retirement System shall be as set forth in Table A and shall be based upon the gross salary of each member at date of his retirement and shall reduce at the rate of 15% per year from date of retirement as provided in paragraph A of subsection IX.'

Sec. 65. R. S., c. 65, § 1, repealed and replaced. Section 1 of chapter 65 of the Revised Statutes, as amended by section 1 of chapter 150, and chapters 288 and 338, all of the public laws of 1957, is hereby repealed and the following section enacted in place thereof:

'Sec. 1. Declaration of policy. In order to extend to employees of the political subdivisions of the State of Maine, and to the civilian employees of the Maine National Guard who are employed pursuant to section 90 of the National Defense Act of June 3, 1916 (32 U. S. C., sec. 42), whether members of existing retirement or pension systems or not, the benefits of social security, provided under the Federal Social Security Act enacted by the Congress of the United States, it is declared to be the policy of the Legislature, subject to the limitations of this chapter, that such steps be taken as to provide such protection to such employees on as broad a basis as is permitted under the Social Security Act. The provisions of this chapter shall also apply to employees of Maine Maritime Academy who are members of an existing retirement or pension system. The provisions of this chapter shall not apply to teachers, policemen and firemen who are under a state or local government pension or retirement plan, except teachers at the Maine Maritime Academy.'

Sec. 66. R. S., c. 68, § 33, sub-§ III, repealed. Subsection III of section 33 of chapter 68 of the Revised Statutes is hereby repealed, as follows:

'III. "Board" means Maine Board of Commissioners of Pharmacy.'

Sec. 67. R. S., c. 68, § 33, sub-§ VI, amended. Subsection VI of section 33 of chapter 68 of the Revised Statutes is hereby amended to read as follows:

'VI. "Commission" means Maine Board of Commissioners of the Profession of Pharmacy.'

Sec. 68. R. S., c. 68, § 33, sub-§ XIV, repealed and replaced. Subsection XIV of section 33 of chapter 68 of the Revised Statutes, as amended by section 15 of chapter 304 of the public laws of 1957 and as repealed and replaced by section 2 of chapter 191 of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

'XIV. "Narcotic drugs" means coca leaves, opium, isonipecaine, cannabis and every other substance neither chemically nor physically distinguishable from them and any other drugs to which the federal laws relating to narcotic drugs may now apply; and any drug found by the Director of Health, after reasonable notice and opportunity for hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine from the date of publication of such finding by said Director of Health.'

Sec. 69. R. S., c. 68, § 33, sub-§ XXIV, amended. Subsection XXIV of section 33 of chapter 68 of the Revised Statutes is hereby amended to read as follows:

'XXIV. "Secretary" means the secretary of the Maine Board of Commissioners of the Profession of Pharmacy.'

Sec. 70. R. S., c. 68, § 40, sub-§ I, repealed and replaced. Subsection I of section 40 of chapter 68 of the Revised Statutes, as amended by section 3 of chapter 191 and by section 16 of chapter 304, both of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

I. Prescribing, administering, dispensing or selling at retail of any medicinal preparation that contains in one fluid ounce, or if a solid or semisolid preparation, in one avoirdupois ounce:

- A. Not more than 2 grains of opium,
- B. Not more than $\frac{1}{4}$ of a grain of morphine or of any of its salts,
- C. Not more than one grain of codeine or of any of its salts,
- D. Not more than $\frac{1}{6}$ of a grain of dihydrocodeinone or any of its salts,
- E. Not more than 2 grains of noscopine, formerly narcotine or any of its salts,
- F. Not more than 2 grains of papaverine or any of its salts,
- G. Not more than $\frac{1}{2}$ grain of dihydrocodeine or any of its salts, and
- H. Not more than one of the drugs named above in paragraphs A, B, C, D, E, F and G.'

Sec. 71. R. S., c. 68, § 50, amended. Section 50 of chapter 68 of the Revised Statutes, as amended by section 19 of chapter 304 of the public laws of 1957, is hereby further amended to read as follows:

'Sec. 50. Enforcement and cooperation. The Bureau of Health, the Board of Commissioners of the Profession of Pharmacy, their officers, agents, inspectors and representatives, and all peace officers within the State and all county attorneys shall enforce all provisions of sections 33 to 51, inclusive, except those specifically delegated, and shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this State and of all other states relating to narcotic drugs.'

Sec. 72. R. S., c. 74, § 8, amended. The 1st sentence of section 8 of chapter 74 of the Revised Statutes, as amended by section 3 of chapter 261 of the public laws of 1955, is hereby further amended to read as follows:

'Any license to practice podiatry may be suspended or revoked by the Examiners when the licensee has been convicted of an act involving moral turpitude; and may be suspended or revoked when, after a hearing by the said Examiners, of which the licensee shall have had notice at least 10 days before the date of such hearing, it shall be found by the vote of at least $\frac{2}{3}$ members of said Examiners that the licensee used fraud in procuring his license or has used untruthful or improbable statements to patients or in advertisements; or, by unanimous vote, that the licensee is incompetent to practice podiatry; or that

the licensee is flagrantly advertising himself or his work, whether through newspapers or other periodicals, or by circular, postcard or over the radio, television or otherwise.'

Sec. 73. R. S., c. 74, § 1, amended. Section 1 of chapter 74 of the Revised Statutes, as repealed and replaced by section 9 of chapter III of the public laws of 1957, is hereby amended to read as follows:

'**Sec. 1. Examiners of Podiatrists.** 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. The Chairman of the Board of Registration in Medicine shall act as Chairman of the Examiners and the secretary-treasurer of the Board of Registration in Medicine shall act as secretary-treasurer of the Examiners. The podiatrists appointed by the Governor shall be appointed for a term of 4 years from a list submitted by the Podiatry Association of Maine, ~~except that the first appointment of the new member shall be for a term of 2 years. Appointments shall be spaced so that the term of one of the podiatry members of the Board shall expire every 2 years.~~ The podiatrists selected shall at the time of their appointment have been actively engaged in the practice of podiatry for a period of at least 2 years.'

Sec. 74. R. S., c. 79, § 7-B, repealed. Section 7-B of chapter 79 of the Revised Statutes, as enacted by chapter 388 of the public laws of 1957, is hereby repealed.

Sec. 75. R. S., c. 79, § 7-A, additional. Chapter 79 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 7-A, to read as follows:

'**Sec. 7-A. State contribution to pollution abatement.** The Commission is authorized to pay up to 20% of the total cost, or two-thirds of the total federal contribution under P. L. 660, 84th Congress, whichever is less, to the expense of a municipal or quasi-municipal pollution abatement construction program which has received federal approval and federal funds for construction.'

Sec. 76. R. S., c. 84, § 7, amended. The 8th paragraph of section 7 of chapter 84 of the Revised Statutes is hereby amended to read as follows:

'Notice in writing shall be given to the Commission by each licensee of any change of principal business location, whereupon the Commission shall issue a new license for the unexpired period ~~without charge~~ for a fee of \$2. The change of business location without notification to the Commission shall automatically cancel the license ~~theretofore~~ issued.'

Sec. 77. R. S., c. 89, § 6, amended. That part of section 6 of chapter 89 of the Revised Statutes which relates to Androscoggin county, as amended by section 1 of chapter 416 of the public laws of 1957, is hereby further amended to read as follows:

'Androscoggin, \$1,520, except the chairman of said ~~commission board~~ who, in addition to his regular duties, shall superintend the county buildings, and for all his services his annual salary shall be the sum of \$2,180.'

Sec. 78. R. S., c. 89, § 243, amended. The 3rd sentence of section 243 of chapter 89 of the Revised Statutes, as amended by chapters 283 and 284, both of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

'The number of medical examiners so to be appointed shall be as follows: For the counties of Franklin, Knox, Lincoln, Piscataquis, Sagadahoc, Somerset and Waldo, 2 each; for the counties of Hancock, Oxford and Washington, 3 each; for the counties of Kennebec and York, 4 each; for the counties of Androscoggin and Aroostook, 5 each; for the counties of Cumberland and Penobscot, 7 each; and they shall be appointed with reference to territorial distribution.'

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

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

Sec. 79. R. S., c. 90-A, § 37, sub-§ II, amended. Subsection II of section 37 of chapter 90-A of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1957, is hereby amended to read as follows:

'II. The warrant for a town meeting for the election of officials shall specify the voting place, which shall be in the same building or nearby building where the meeting is to be held. It shall also specify the time of opening and closing the polls, which shall be kept open at least 4 consecutive hours.'

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

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

Sec. 80. R. S., c. 93, § 4, amended. The last sentence of the first paragraph of section 4 of chapter 93 of the Revised Statutes is hereby amended to read as follows:

'The commissioners ~~who are first appointed pursuant to this chapter shall be designated to serve for terms of 1, 2, 3, 4 and 5 years, respectively, from the date of their appointment, and thereafter commissioners shall be appointed as aforesaid~~ for a term of office of 5 years, except that all vacancies shall be filled

for the unexpired term, all such appointments to be made in the same manner as the original appointment.'

Sec. 81. R. S., c. 97, § 29, amended. The 4th sentence of section 29 of chapter 97 of the Revised Statutes, as enacted by chapter 166 of the public laws of 1955, is hereby amended to read as follows:

'~~State supervising~~ **Supervising** state fire inspectors shall have the same powers and duties throughout the several counties of the State as sheriffs have in their respective counties relating to fire prevention, arson and other burnings.'

Sec. 82. R. S., c. 97, § 43-A, repealed. Section 43-A of chapter 97 of the Revised Statutes, as enacted by chapter 107 of the public laws of 1957, is hereby repealed.

Sec. 83. R. S., c. 97, § 45-B, additional. Chapter 97 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. Installation of certain gas burning appliances to conform to standards.** No artificial, liquefied petroleum, manufactured or natural gas burning appliances of whatever type shall hereafter be installed unless such installation complies with regulations issued by the Insurance Commissioner. Such regulations shall be the applicable standards of National Fire Protection Association as amended from time to time and shall be issued in accordance with the procedure set forth in section 43. Such regulations may be amended or rescinded in accordance with said procedure and any person aggrieved thereby shall have all the rights granted to such a person by section 43.

This section shall not apply to those types of heating units such as bunsen burners, torches, flares, urn burners, etc., which are not an integral part of the appliance.

Any violation of the regulations issued by the Insurance Commissioner hereunder shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.'

Sec. 84. R. S., c. 100, § 19, repealed. Section 19 of chapter 100 of the Revised Statutes, as amended by chapter 136 of the public laws of 1955, and as amended by section 51 of chapter 397 of the public laws of 1957 and as repealed by section 2 of chapter 186 of the public laws of 1957, is hereby repealed.

Sec. 85. R. S., c. 101, § 11, amended. Section 11 of chapter 101 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 11. Money for schools, poor, etc.** All plantations may raise and expend money for the support of schools and making and repairing schoolhouses, as provided in ~~sections section 28 157 and 158~~ of chapter 41; for support of the poor, as provided in section 41 of chapter 94; and for sums necessary for legal plantation expenses.'

Sec. 86. R. S., c. 109, § 4, repealed and replaced. Section 4 of chapter 109 of the Revised Statutes, as amended by section 2 of chapter 198 and by section 1 of chapter 281, both of the public laws of 1957, is hereby repealed and the following enacted in place thereof:

'Sec. 4. Fees. Of the amount of the entry fee, the judge shall receive \$1. Of the \$2 remaining a sufficient sum shall be applied directly on the registered or certified postage mentioned in section 6 and the balance shall be retained by the clerk or recorder, or in towns where there is no clerk or recorder, by the judge in addition to the \$1 fee mentioned above.'

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

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

Sec. 87. R. S., c. 149, § 1, amended. The next to the last sentence of section 1 of chapter 149 of the Revised Statutes, as amended by section 14 of chapter 334 of the public laws of 1957 and as repealed by section 19 of chapter 387 of the public laws of 1957, is hereby repealed.

Sec. 88. R. S., c. 149, § 24, repealed. Section 24 of chapter 149 of the Revised Statutes, as amended by section 4 of chapter 464 of the public laws of 1955, and as amended by chapter 265 and section 6 of chapter 416, both of the public laws of 1957, and as repealed by section 22 of chapter 387 of the public laws of 1957, is hereby repealed.

Sec. 89. R. S., c. 155, § 18, amended. The last paragraph of section 18 of chapter 155 of the Revised Statutes, as enacted by chapter 272 of the public laws of 1955, is hereby amended to read as follows:

'The limitations herein established shall apply to liens heretofore as well as hereafter created; provided, however, that no lien heretofore created shall expire prior to 6 months after the effective date of this act.'

Sec. 90. R. S., c. 184, § 2, amended. The last sentence of section 2 of chapter 184 of the Revised Statutes is hereby repealed, as follows:

'In all prosecutions under the provisions of this section, proof of any advertisement, offer to sell or sale of any item of merchandise by any retailer or wholesaler at less than cost to him as herein defined shall be prima facie evidence of intent to injure competitors and destroy competition.'

Sec. 91. R. S., c. 184, § 4, sub-§ III, repealed. Subsection III of section 4 of chapter 184 of the Revised Statutes is hereby repealed, as follows:

'III. In all proceedings under the provisions of this section, proof of any advertisement, offer to sell or sale of any item of merchandise by any retailer or wholesaler at less than cost to him as herein defined shall be prima facie evidence of intent to injure competitors and destroy competition.'

Sec. 92. P. L., 1955, c. 474, § 2, amended. Section 2 of chapter 474 of the public laws of 1955 is hereby amended to read as follows:

'Sec. 2. **Appropriation.** There is hereby appropriated from the unappropriated surplus of the general fund of the State the sum of ~~\$100,000~~ \$50,000 for the fiscal year ending June 30, 1956 for carrying out the purposes of this act. This appropriation shall be a continuing account and any balances remaining at the end of a fiscal year shall be carried forward to the next fiscal year.'

Sec. 93. P. & S. L., 1957, c. 185, repealed. Chapter 185 of the private and special laws of 1957 is hereby repealed.

Sec. 94. P. & S. L., 1957, c. 195, § 1, Title Section A, amended. That part of Title Section A of section 1 of chapter 195 of the private and special laws of 1957 which relates to the University of Maine is hereby amended to read as follows:

UNIVERSITY OF MAINE	1957-58	1958-59
Equipment for Organic Laboratory and Chemical Engineering	75,000	—
*Men's Commons	500,000	—
Physics Building	925,000	—
Animal Pathology Building	600,000	—
Total Section A	<u>\$9,462,083</u>	<u>\$205,452</u>

*The University of Maine is authorized to borrow moneys in an amount not to exceed \$500,000 to provide funds to aid in the construction of a Men's Commons (Dining Hall). Any loans thus made shall not be deemed a pledge of the faith and credit of the State. The authorization to borrow under the provisions of this section shall expire on July 1, 1959. The terms of the loan or any renewal thereof shall provide for yearly principal payments of not less than \$25,000 per year. When prior yearly principal payments have exceeded \$25,000 per year, principal payments may be reduced so long as average yearly payments remain not less than \$25,000 per year.'

Sec. 95. **Registration and operators' license fees.** The registration and operators' license fees for motor vehicles, as provided in chapter 22, section 16, subsection I, paragraphs A and D; chapter 22, section 19, first paragraph; and chapter 22, section 60, all of the Revised Statutes in effect on June 1, 1958, shall be effective for the calendar year 1959 and for the subsequent years until changed by legislative enactment. The provisions of this section shall become effective June 1, 1958.

Sec. 96. P. & S. L., 1955, c. 44, Art. VI, § 1, sub-§ (a), ¶ 8, additional. Subsection (a) of section 1 of article VI of chapter 44 of the private and special laws of 1955 is hereby amended by adding at the end thereof a new paragraph, to be numbered 8, to read as follows:

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

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

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

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

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

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

Effective October 31, 1957

Chapter 430

AN ACT Relating to the Maine Industrial Building Authority.

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

Sec. 1. Powers. The Maine Industrial Building Authority is authorized and empowered to enter into agreements with prospective mortgagees and mortgagors, for the purpose of planning, designing, constructing, acquiring, altering and financing industrial projects.

Sec. 2. Additional power. The Maine Industrial Building Authority is also authorized and empowered to acquire, hold and dispose of real and personal property and make and enter into all contracts, leases, agreements and arrangements necessary or incidental to the performance of its duties and the execution of its powers under the provisions of An Act to Create the Maine Industrial Building Authority, heretofore passed by this Legislature.

Sec. 3. Acquisition and disposal of property. The Maine Industrial Building Authority may take assignments of notes and mortgages securing notes and other forms of security and may attach, seize or may take title by foreclosures or conveyance to any industrial project when an insured mortgage loan thereon is clearly in default and when in the opinion of the Maine Industrial Building Authority such acquisition is necessary to safeguard the mortgage insurance fund, and may sell, or on a temporary basis lease or rent, such industrial project for a use other than that specified in the definition of "industrial project" in An Act to Create the Maine Industrial Building Authority, heretofore passed by this Legislature.