

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-ninth Legislature

OF THE

STATE OF MAINE

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other kind or kinds of insurance which the society might write, on the persons of more than 25 individuals and who has received or will receive a commission or other compensation therefor, shall be presumed to be devoting ~~or intending to devote, 50%~~ 25% of his time to the solicitation or procurement of insurance contracts for such society.'

Sec. 6. R. S., c. 60-A, § 29, sub-§ IV, ¶ E, amended. Paragraph E of subsection IV of section 29 of chapter 60-A of the Revised Statutes, as enacted by section 1 of chapter 217 of the public laws of 1957, is amended to read as follows:

'E. Every license issued pursuant to this section, and every renewal thereof, shall expire on ~~December 31st of the even numbered calendar year following the calendar year in which such license or renewal license was issued~~ July 1st, annually.'

Sec. 7. R. S., c. 60-A, § 37, amended. The last sentence of section 37 of chapter 60-A of the Revised Statutes, as enacted by section 1 of chapter 217 of the public laws of 1957, is repealed, as follows:

~~'The compensation and actual expenses of the examiners making any examination or general or special valuation shall be paid by the society examined or by the society whose certificate obligations have been valued, upon statements furnished by the Insurance Commissioner.'~~

Sec. 8. R. S., c. 60-A, § 39, amended. The last paragraph of section 39 of chapter 60-A of the Revised Statutes, as enacted by section 1 of chapter 217 of the public laws of 1957, is amended to read as follows:

'Any person who violates any provision of this section or knowingly receives any compensation or commission by or in consequence of such violation, shall upon conviction be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment in the county jail not less than 30 days nor more than ~~one year~~ 11 months, or by both, and shall in addition, be liable for a civil penalty in the amount of 3 times the sum received by such violator as compensation or commission, which penalty may be sued for and recovered by any person or society aggrieved for his or its own use and benefit in accordance with the provisions of civil practice.'

Effective September 12, 1959

Chapter 189

AN ACT Relating to the Pineland Hospital and Training Center and the Commitment of the Insane.

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

Sec. 1. R. S., c. 27, § 102-A, repealed. Section 102-A of chapter 27 of the Revised Statutes, as enacted by chapter 207 of the public laws of 1957, is repealed.

Sec. 2. R. S., c. 27, § 103, repealed. Section 103 of chapter 27 of the Revised Statutes is repealed.

Sec. 3. R. S., c. 27, § 104, amended. The first sentence of section 104 of chapter 27 of the Revised Statutes is repealed and the following sentence enacted in place thereof:

'Insane persons, over 16 years of age, may be admitted to state institutions for the insane but shall be subject to examination.'

Sec. 4. R. S., c. 27, § 143, repealed and replaced. Section 143 of chapter 27 of the Revised Statutes, as amended by section 1 of chapter 21 of the public laws of 1957, is repealed and the following enacted in place thereof:

'Sec. 143. Management; ages of inmates. The Pineland Hospital and Training Center, heretofore established at New Gloucester in the County of Cumberland, shall be maintained for the care and education of persons of both sexes between the ages of 5 years and 55 years who are mentally retarded.'

Sec. 5. R. S., c. 27, §§ 143-A - 143-C, additional. Chapter 27 of the Revised Statutes is amended by adding 3 new sections to be numbered 143-A to 143-C, to read as follows:

'Sec. 143-A. Further purposes of Pineland Hospital and Training Center. Said hospital and training center shall further be maintained for the care and education of such children between the ages of 6 years and 16 years as are deemed by the Superintendent of said Pineland Hospital and Training Center to be suffering from psychoses, neuroses, psychoneuroses, behavior disorders or other mental disabilities.

Sec. 143-B. Admittance of children between the ages of 6 years and 16 years with mental disabilities. Any child falling within the description mentioned in section 143-A may be admitted to the Pineland Hospital and Training Center upon written application made therefor by the parent, guardian, natural guardian, or person or institution having custody of such child. Such application shall be sworn to by the applicant before any person qualified to take oaths in the State of Maine and shall be accompanied by the certificate of a reputable physician licensed to practice in the State of Maine by the Board of Registration in Medicine or the Board of Osteopathic Examination and Registration that such child is suffering from mental disability and, in the opinion of the physician, is a fit subject for said hospital and training center, which said certificate shall be sworn to by such physician in the manner provided in the case of such application. The physician who makes such certificate shall have examined such child within 5 days of signing and making oath to such certificate, and admission to said hospital and training center shall be completed within 15 days thereafter or said application and certificate shall be invalidated.

Sec. 143-C. Discharge of patients. If any child is received for care under section 143-B and is deemed by the Superintendent of the Pineland Hospital and Training Center not to be a proper person for further care in said institution, he shall be discharged forthwith and the person or institution executing the original application in such case shall immediately remove such child from such institution and, if not so removed, such person or institution shall be liable to the State of Maine for all reasonable expenses incurred on account of such child thereafter and until such discharge is effected.

No child received under section 143-B shall be detained more than 10 days after the parent, guardian or natural guardian of such child, or the persons or institution having the right to custody of such child, has filed with the said

superintendent written notice of his or its intention or desire to have such child released from said institution. No child received under section 143-B shall be detained beyond his 18th birthday unless the condition of such patient at that time is deemed by the superintendent of said institution to be such that further hospital care is necessary because such child is mentally ill and could not be discharged with safety to himself and others; in which event said superintendent shall forthwith cause application to be made for the commitment of such child as mentally ill under sections 104, 105, 106 and 110 and during the pendency of such application, said superintendent may detain him at said institution but in no event for a period longer than 60 days.'

Sec. 6. Effective date. This act shall take effect on September 1, 1960.

Effective September 1, 1960

Chapter 190

AN ACT Relating to Warrants on Sales and Use Tax Assessments.

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

Sec. 1. R. S., c. 17, §§ 33-A - 33-E, additional. Chapter 17 of the Revised Statutes is amended by adding 5 new sections, to be numbered 33-A to 33-E, to read as follows:

'Sec. 33-A. Request for warrant. If any amount required to be paid to the State under this chapter is not paid when due, and has become final as to law and fact under section 32 or 33, the assessor may, within 3 years after the amount has become final, notify the person who according to the records of the assessor is liable, specifying the amount required to be paid, interest and penalty due, and demanding payment within 12 days after the sending of such notice. Such notice shall be given as required by section 28 and shall warn the person that if he does not make the payment as demanded the assessor will certify the amount due to the Attorney General for collection by warrant as provided.

If the person does not make the payment as demanded within said 12-day period, or such extension thereof as the assessor may allow, the assessor shall certify the amount required to be paid, interest and penalty, to the Attorney General for collection. The Attorney General may, in term time or vacation, file in the office of the clerk of the Superior Court of Kennebec County, or any county, a certificate addressed to the clerk specifying the amount required to be paid, interest and penalty due, the name and address of the person liable as it appears on the records of the assessor, the facts whereby said amount has become final as to law and fact, the notice given, and requesting that a warrant be issued against the person in the amount required to be paid, together with interest and penalty as set forth in the certificate, and with costs.

If the assessor thinks there are just grounds to fear that such person may abscond within the 12-day period, he shall not be required to give notice to the person and may, without further notice, certify the amount due to the Attorney General for collection.