

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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ployees affected thereby for the amount of unpaid minimum wages. Upon a judgment being rendered in favor of any employee or employees, in any action brought to recover unpaid wages under sections 132-A to 132-J, such judgment shall include, in addition to the unpaid wages adjudged to be due, an additional amount equal to such wages as liquidated damages, and costs of suit including a reasonable attorney's fee.'

Effective September 12, 1959

Chapter 363

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

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

Sec. 1. R. S., c. 1, §§ 24-B - 24-C, additional. Chapter 1 of the Revised Statutes is amended by adding thereto 2 new sections to be numbered 24-B and 24-C, as follows:

'State Seal, Motto, Flag and Other Emblems.

Sec. 24-B. State seal. The seal of the State shall be a shield, argent, charged with a pine tree (*Americana, quinis ex uno folliculo setis*) with a moose deer (*cervus alces*), at the foot of it, recumbent; supporters: on dexter side, a husbandman, resting on a scythe; on sinister side, a seaman, resting on an anchor.

In the foreground, representing sea and land, and under the shield, shall be the name of the State in large Roman capitals, to wit:

MAINE.

The whole shall be surrounded by a crest, the North Star. The motto, in small Roman capitals, shall be in a label interposed between the shield and crest, viz:—*DIRIGO*. (Resolves, 1820, c. 4.)

Sec. 24-C. State motto. The state motto shall be "Dirigo" (I direct or I guide). (Resolves, 1820, c. 4.)'

Sec. 2. R. S., c. 1, §§ 26-A - 26-D, additional. Chapter 1 of the Revised Statutes is amended by adding thereto 4 new sections, to be numbered 26-A to 26-D, as follows:

'Sec. 26-A. State tree. The official tree of the State shall be the white pine tree. (Resolves, 1945, c. 8.)

Sec. 26-B. State bird. The state bird shall be the chickadee. (Resolves, 1927, c. 111.)

Sec. 26-C. State song. The official song of the State shall be the song entitled "State of Maine Song," words and music by Roger Vinton Snow. (Resolves, 1937, c. 39.)

Sec. 26-D. State flower. The floral emblem for the State, in the national garland of flowers, shall be the pine cone and tassel. (Resolves, 1895, c. 3.)'

Sec. 3. R. S., c. 5, §§ 29-32, repealed. Sections 29 to 32 of chapter 5 of the Revised Statutes are repealed.

Sec. 4. R. S., c. 10, § 22, sub-§§ XXVIII-C - XXVIII-D, additional. Section 22 of chapter 10 of the Revised Statutes, as amended by section 2 of chapter 405 of the public laws of 1955 and by section 4 of chapter 397 of the public laws of 1957, is further amended by adding thereto 2 new subsections to be numbered XXVIII-C and XXVIII-D, as follows:

'XXVIII-C. Wherever in the Revised Statutes or any legislative act a reference is made to several dates and the dates given in the reference are connected by the word "to," the reference includes both the dates which are given and all intervening dates.

XXVIII-D. The provisions of the statutes are severable. The provisions of any session law are severable. If any provision of the statutes or of a session law is invalid, or if the application of either to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.'

Sec. 5. R. S., c. 15, § 1, amended. The 4th sentence of section 1 of chapter 15 of the Revised Statutes is amended to read as follows:

'The chief shall be the executive head of the Department of the State Police, as heretofore established, and shall execute the duties of his office under the direction and subject to the approval of the Governor and Council.'

Sec. 6. R. S., c. 16, § 115, amended. Section 115 of chapter 16 of the Revised Statutes, as amended by section 10 of chapter 397 of the public laws of 1957, is further amended by adding at the end a new sentence, as follows:

'Apportionments of less than \$1 under this section shall accrue to the State, and no payment of less than \$1 shall be made to any city or town.'

Sec. 7. R. S., c. 16, § 127, amended. Section 127 of chapter 16 of the Revised Statutes is amended by adding at the end a new sentence, as follows:

'Apportionments of less than \$1 under this section shall accrue to the State, and no payment of less than \$1 shall be made to any city or town.'

Sec. 8. R. S., c. 21, § 7, amended. Section 7 of chapter 21 of the Revised Statutes is amended to read as follows:

'Sec. 7. Fees payable by public officers. A fee of \$5 shall be paid to the Secretary of State by any person appointed to the office of justice of the peace, trial justice, notary public, ~~inspector of fish~~ commissioner to take depositions and disclosures, disclosure commissioner and commissioner appointed under ~~section 24~~ of chapter 168, section 24, before such person enters upon the discharge of his official duties.'

Sec. 9. R. S., c. 22, § 16, sub-§ I, ¶ D, repealed and replaced. Paragraph D of subsection I of section 16 of chapter 22 of the Revised Statutes, as amended

by section 1 of chapter 200 of the public laws of 1955 and by section 3 of chapter 330 of the public laws of 1957, is repealed and the following enacted in place thereof:

'D. Any person engaged in a business requiring the limited operation of motor vehicles in order to facilitate the movement of such vehicles from a place where they are engaged in the off-the-highway operations to some other place within the State not more than once each year; or the installation of manufactured equipment thereon such as special bodies, tanks, plows, etc., may make application to the Secretary of State upon a blank provided for that purpose for a permit to operate such vehicle without registration. The Secretary of State, if satisfied that such limited operation is authorized by the provisions of this paragraph, may issue a permit for the operation of such vehicle over a specified route or routes and for such length of time as he may deem necessary. A fee of \$3 for each vehicle to be moved shall accompany the application. The Secretary of State may waive the provisions of section 45 with respect to vehicles operated in accordance with this paragraph.'

Sec. 10. R. S., c. 22, § 19, amended. The first paragraph of section 19 of chapter 22 of the Revised Statutes, as amended by section 4 of chapter 330 of the public laws of 1957 and by section 1 of chapter 363 of the public laws of 1957, is repealed and the following enacted in place thereof:

'With each application for registration of a motor truck shall be paid an annual registration fee graduated as follows when equipped with pneumatic tires:

From 0 pounds gross weight to 6,000 pounds gross weight	\$ 15
From 6,001 pounds gross weight to 9,000 pounds gross weight	\$ 20
From 9,001 pounds gross weight to 11,000 pounds gross weight	\$ 35
From 11,001 pounds gross weight to 14,000 pounds gross weight	\$ 60
From 14,001 pounds gross weight to 16,000 pounds gross weight	\$ 80
From 16,001 pounds gross weight to 18,000 pounds gross weight	\$100
From 18,001 pounds gross weight to 20,000 pounds gross weight	\$125
From 20,001 pounds gross weight to 23,000 pounds gross weight	\$150
From 23,001 pounds gross weight to 26,000 pounds gross weight	\$175
From 26,001 pounds gross weight to 29,000 pounds gross weight	\$214
From 29,001 pounds gross weight to 32,000 pounds gross weight	\$241
From 32,001 pounds gross weight to 35,000 pounds gross weight	\$268
From 35,001 pounds gross weight to 38,000 pounds gross weight	\$294
From 38,001 pounds gross weight to 42,000 pounds gross weight	\$321
From 42,001 pounds gross weight to 46,000 pounds gross weight	\$348
From 46,001 pounds gross weight to 50,000 pounds gross weight	\$375
From 50,001 pounds gross weight to 55,000 pounds gross weight	\$415
From 55,001 pounds gross weight to 60,000 pounds gross weight	\$455.'

Sec. 11. R. S., c. 22, § 60, amended. The 2nd and 3rd sentences of section 60 of chapter 22 of the Revised Statutes, as amended by section 6 of chapter 330 of the public laws of 1957, are repealed and the following sentences enacted in place thereof:

'Applications to operate motor vehicles shall be presented by mail or otherwise to the Secretary of State upon blanks prepared under his authority, and which shall call for specific answers to questions of a character designed to show the experience and competency of the applicant to operate a motor vehicle. A fee of \$2 shall accompany the application.'

Sec. 12. R. S., c. 22, § 75, sub-§ I, ¶ A, repealed. Paragraph A of subsection I of section 75 of chapter 22 of the Revised Statutes is repealed, as follows:

'A. "Secretary" shall mean the Secretary of State or any of his deputies.'

Sec. 13. R. S., c. 22, § 88, amended. Section 88 of chapter 22 of the Revised Statutes is amended by inserting after the 2nd paragraph, a new paragraph, as follows:

'Any person who operates a vehicle past a "yield right of way" sign, and collides with a vehicle or pedestrian proceeding on the intersecting street shall upon conviction be guilty of a misdemeanor.'

Sec. 14. R. S., c. 22, § 89, amended. The last paragraph of section 89 of chapter 22 of the Revised Statutes, as repealed and replaced by section 5 of chapter 308 of the public laws of 1957, is repealed, as follows:

~~'Any person who operates a vehicle past a "yield right of way" sign, and collides with a vehicle or pedestrian proceeding on the intersecting street shall upon conviction be guilty of a misdemeanor.'~~

Sec. 15. R. S., c. 25, § 326, amended. Section 326 of chapter 25 of the Revised Statutes is amended to read as follows:

'Sec. 326. Clerks of Indian tribes. A clerk of the reservation of each Indian tribe shall be appointed by the tribal governor subject to the approval of the tribal council, if any. The clerks shall keep a record of the births and deaths of persons living on such reservation and perform all other duties with respect to the same as are required of the clerks of towns under the provisions of sections 394 and 396 section 378-A. He shall receive a fee of 25c for each certificate returned to the Bureau of Vital Statistics.'

Sec. 16. R. S., c. 25, § 380, amended. The first sentence of section 380 of chapter 25 of the Revised Statutes is amended to read as follows:

'Every person authorized to unite persons in marriage shall make and keep a record of every marriage solemnized by him in conformity with the requisitions prescribed for blank records of marriages in section 378 forms and instructions prescribed by the State Registrar of Vital Statistics.'

Sec. 17. R. S., c. 27, § 1, amended. The first sentence of section 1 of chapter 27 of the Revised Statutes, as amended by section 2 of chapter 21 of the public laws of 1957, is further amended to read as follows:

'The Department of Institutional Service, as heretofore established, hereinafter in this chapter called the "department," shall have general supervision, management and control of the grounds, buildings and property, officers and employees, and patients and inmates of all of the following state institutions: The insane hospitals, Pineland Hospital and Training Center, the State Prison, the Reformatories for Men and Women, the juvenile institutions, ~~the state sanatoriums~~ the Governor Baxter State School for the Deaf, the Military and Naval Children's Home and such other charitable and correctional state institutions as may be created from time to time.'

Sec. 18. R. S., c. 32, § 3, amended. The first sentence of section 3 of chapter 32 of the Revised Statutes is amended to read as follows:

'The commissioner shall make uniform rules and regulations for carrying out the provisions of sections 3 to 9, 32 to 38, 142 to 145, 180 to 215, ~~256~~ section 228-A, sections 258 to 272 and 274 to 285.'

Sec. 19. R. S., c. 32, § 4, amended. Section 4 of chapter 32 of the Revised Statutes, as amended by section 2 of chapter 331 of the public laws of 1957, is further amended to read as follows:

'Sec. 4. Hearing in case of violation. When the commissioner becomes cognizant of the violation of any provision of sections 3 to 9, 32 to 38, 142 to 145, 180 to 236, 236-A to 236-K, 237 to 247, ~~256~~ section 228-A, sections 258 to 272 and 274 to 285, he shall cause notice of such fact, stating the date, hour and place of hearing, with a copy of the findings or, in case of a packer of food, a copy of the charge to be preferred, to be given to the person concerned and the person from whom the sample was obtained, and the person whose name appears upon the label, if a resident of the State, who shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the said commissioner. When the hearing relates to the packing of apples, it shall be held in the county where the inspection was made.'

Sec. 20. R. S., c. 32, § 162, amended. The last sentence of section 162 of chapter 32 of the Revised Statutes is amended to read as follows:

'He may alter the boundary lines of such district or establish new districts as conditions may require and he shall give notice of such establishment by publication in some newspaper published in such district, if any, otherwise in ~~some~~ the state paper published in Augusta.'

Sec. 21. R. S., c. 36, § 100, amended. The 3rd sentence from the end of section 100 of chapter 36 of the Revised Statutes is amended to read as follows:

'Except as ~~above~~ provided, the expenditures of forestry district funds shall be in accordance with the provisions of chapters ~~16~~ 15-A, 18 and 19.'

Sec. 22. R. S., c. 37-B, additional. The Revised Statutes are amended by adding thereto a new chapter to be numbered 37-B, as follows:

'Chapter 37-B.

Atlantic States Marine Fisheries Compact.

Sec. 1. Governor to execute compact with other states. The Governor of this State is authorized and directed to execute a compact on behalf of the State of Maine with any one or more of the states of New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida and with such other states as may enter into the compact, legally joining therein in the form substantially as follows:

Atlantic States Marine Fisheries Compact

The contracting states solemnly agree:

Article I.

The purpose of this compact is to promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a

joint program for the promotion and protection of such fisheries, and by the prevention of the physical waste of the fisheries from any cause. It is not the purpose of this compact to authorize the states joining herein to limit the production of fish or fish products for the purpose of establishing or fixing the price thereof, or creating and perpetuating monopoly.

Article II.

This agreement shall become operative immediately as to those states executing it whenever any 2 or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent. Any state contiguous with any of the aforementioned states and riparian upon waters frequented by anadromous fish, flowing into waters under the jurisdiction of any of the aforementioned states, may become a party hereto as hereinafter provided.

Article III.

Each state joining herein shall appoint 3 representatives to a commission constituted and designated as the Atlantic States Marine Fisheries Commission. One shall be the executive officer of the administrative agency of such state charged with the conservation of the fisheries resources to which this compact pertains or, if there be more than one officer or agency, the official of that state named by the governor thereof. The second shall be a member of the legislature of such state designated by the commission or Committee on Interstate Cooperation of such state, or if there be none, or if said Commission on Interstate Cooperation cannot constitutionally designate the said member, such legislator shall be designated by the Governor thereof; provided, that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed by the Governor of said state in his discretion. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries problem to be appointed by the Governor. This commission shall be a body corporate with the powers and duties set forth herein.

Article IV.

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, of the Atlantic seaboard. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the aforementioned states.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislatures of the various signatory states legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Atlantic seaboard. The commission shall, more than one month prior to any regular meeting of the Legislature in any signatory state, present to the Governor of the state its recom-

mendations relating to enactments to be made by the Legislature of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the states party hereto with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable.

The commission shall have power to recommend to the states party hereto the stocking of the waters of such states with fish and fish eggs or joint stocking by some or all of the states party hereto and when 2 or more of the states shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

Article V.

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

Article VI.

No action shall be taken by the commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting states present at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the affirmative vote of a majority of the compacting states which have an interest in such species. The commission shall define what shall be an interest.

Article VII.

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Atlantic States Marine Fisheries Commission cooperating with the research agencies in each state for that purpose. Representatives of the said Fish and Wildlife Service shall attend the meetings of the commission.

An advisory committee to be representative of the commercial fishermen and the salt water anglers and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

Article VIII.

When any state other than those named specifically in article II of this compact shall become a party thereto for the purpose of conserving its anadromous fish in accordance with the provisions of article II the participation of such state in the action of the commission shall be limited to such species of anadromous fish.

Article IX.

Nothing in this compact shall be construed to limit the powers of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing additional conditions and restrictions to conserve its fisheries.

Article X.

Continued absence of representation or of any representative on the commission from any state party hereto shall be brought to the attention of the Governor thereof.

Article XI.

The states party hereto agree to make annual appropriations to the support of the commission in proportion to the primary market value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of the Fish and Wildlife Service of the United States Department of the Interior, provided no state shall contribute less than \$200 per year and the annual contribution of each state above the minimum shall be figured to the nearest \$100.

Budgets shall be recommended by a majority of the commission and the cost thereof allocated equitably among the states in accordance with their respective interests and submitted to the compacting states.

Article XII.

This compact shall continue in force and remain binding upon each compacting state until renounced by it. Renunciation of this compact must be preceded by sending 6 months' notice in writing of intention to withdraw from the compact to the other states party hereto.

Article XIII.

The State of Maine enters into an amendment of the Atlantic States Marine Fisheries Compact with any one or more of the states of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia and Florida and such other states as may become party to that compact for the purpose of permitting the states that ratify this amendment to establish joint regulations of specific fisheries common to those states through the Atlantic States Marine Fisheries Commission and their representatives on that body. Notice of intention to withdraw from this amendment shall be executed and transmitted by the Governor and shall be in accordance with article XII, which shall be effective as to this State with those states which similarly ratify this amendment. The states consenting to this amendment agree that any 2 or more of them may designate the Atlantic States Marine Fisheries Commission as a joint regulatory agency with such powers as they may jointly confer from time to time for the regulation of the fishing operations of the citizens and vessels of such designating state with respect to specific fisheries in which such states have a common interest. The representatives of such states on the Atlantic States Marine Fisheries Commission shall constitute a separate section of such commission for the

exercise of the additional powers so granted provided that the states so acting shall appropriate additional funds for this purpose. The creation of such section as a joint regulatory agency shall not deprive the states participating therein of any of their privileges or powers or responsibilities in the Atlantic States Marine Fisheries Commission under the general compact.

Sec. 2. Commissioners; vacancies; terms of office; removal. In pursuance of article III of said compact there shall be 3 members, hereinafter called commissioners, of the Atlantic States Marine Fisheries Commission, hereinafter called commission, from the State of Maine. The first commissioner from the State of Maine shall be the Commissioner of Sea and Shore Fisheries of the State of Maine ex officio, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said office of Commissioner of Sea and Shore Fisheries and his successor as commissioner shall be his successor as Commissioner of Sea and Shore Fisheries. The second commissioner from the State of Maine shall be a legislator and member of the Maine Commission on Interstate Cooperation ex officio, designated by said Maine Commission on Interstate Cooperation, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said legislative office or said office as commissioner on interstate cooperation, and his successor as commissioner shall be named in like manner. The Governor, by and with the advice and consent of the Council, shall appoint a citizen as a 3rd commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of said commissioner shall be 3 years and he shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor, by and with the advice and consent of the Council, for the unexpired term. The Commissioner of Sea and Shore Fisheries as ex officio commissioner may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial 3 members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with article II of the compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said article II.

Any commissioner may be removed from office by the Governor upon charges and after a hearing.

Sec. 3. Powers. There is granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the State of Maine are authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being declared to be the policy of the State of Maine to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the State Government or administration of the State of Maine are authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by loan of personnel or other means lying within their legal rights respectively.

Sec. 4. Powers supplemental to other powers. Any powers herein granted to the commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by other laws

of the State of Maine or by the laws of the states of New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida or by the Congress or the terms of said compact.

Sec. 5. Accounts. The commission shall keep accurate accounts of all receipts and disbursements and shall report to the Governor and the Legislature of the State of Maine on or before the 10th day of December in each year, setting forth in detail the transactions conducted by it during the 12 months preceding December 1st of that year and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the State of Maine which may be necessary to carry out the intent and purposes of the compact between the signatory states.

The State Auditor of the State of Maine is authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements and such other items referring to its financial standing as such auditor may deem proper and to report the results of such examination to the Governor.

Sec. 6. Appropriation. Any moneys appropriated by the Legislature for the expenses of the commission shall be paid out of the State Treasury on the audit and warrant of the State Controller, upon vouchers certified by the chairman of the commission in the manner prescribed by law.'

Sec. 23. R. S., c. 38-B, § 6, sub-§ V-A, additional. Section 6 of chapter 38-B of the Revised Statutes, as enacted by section 1 of chapter 421 of the public laws of 1957, is amended by adding a new subsection V-A, as follows:

'V-A. To enter into agreements with prospective mortgagees and mortgagors, for the purpose of planning, designing, constructing, acquiring, altering and financing industrial projects; (1957, c. 430, § 1)'

Sec. 24. R. S., c. 38-B, § 6, sub-§ V-B, additional. Section 6 of chapter 38-B of the Revised Statutes, as enacted by section 1 of chapter 421 of the public laws of 1957, is amended by adding a new subsection V-B, as follows:

'V-B. 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 this chapter; (1957, c. 430, § 2)'

Sec. 25. R. S., c. 38-B, § 10-A, additional. Chapter 38-B of the Revised Statutes, as enacted by section 1 of chapter 421 of the public laws of 1957, is amended by adding thereto a new section to be numbered 10-A, as follows:

'Sec. 10-A. Acquisition and disposal of property. The authority may take assignments of insured mortgages and other forms of security and 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 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 section 5, subsection III. (1957, c. 430, § 3)'

Sec. 26. R. S., c. 38-B, § 11, amended. Section 11 of chapter 38-B of the Revised Statutes, as enacted by section 1 of chapter 421 of the public laws of 1957, is amended by adding at the end a new sentence, as follows:

'All proceeds received by the authority from the disposal by sale or in some other manner of property it may have acquired in accordance with section 10-A shall be credited to the fund. (1957, c. 430, § 4)'

Sec. 27. R. S., c. 41, § 64, amended. The first sentence of section 64 of chapter 41 of the Revised Statutes is amended to read as follows:

'Expenses which a city or town may incur by virtue of the authority herein vested in the superintending school committee shall not exceed the amount appropriated for that purpose in cities by the city government and in towns by a town meeting under the provisions of section ~~240~~ 237-C, sub-§ II.'

Sec. 28. R. S., c. 41, § 115, amended. The last sentence of section 115 of chapter 41 of the Revised Statutes is amended to read as follows:

'Said notes and bonds and said contracts, leases and agreements with the Maine School Building Authority shall be legal obligations of said district, which is declared to be a quasi-municipal corporation within the meaning of ~~section 136 of chapter 53~~ chapter 90-A, section 23, and all the provisions of said section shall be applicable thereto.'

Sec. 29. R. S., c. 41, § 195-D, amended. The last sentence of the first paragraph of section 195-D of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 286 of the public laws of 1959, is amended to read as follows:

'Vocational rehabilitation services enumerated in section 195-B, subsection VI, paragraphs D to L, shall be provided at public cost only to those handicapped individuals who are found by the director to require financial assistance with respect thereto.'

Sec. 30. R. S., c. 41, § 195-L, amended. Section 195-L of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 286 of the public laws of 1959, is amended to read as follows:

'Sec. 195-L. Cost of administration. Any cost of administering ~~sections 195-A to 195-Q~~ section 195-J shall be paid from funds received from federal sources in accordance with the agreement made under section 195-J.'

Sec. 31. R. S., c. 41, § 237-E, amended. The 2nd paragraph of section 237-E of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 of the public laws of 1957 and as repealed and replaced by section 1 of chapter 443 of the public laws of 1957, is amended to read as follows:

'The several administrative units (cities, towns, plantations and School Administrative Districts) shall be divided into 21 classifications according to their valuations per resident school child being educated at public expense. The valuation shall be as determined by the Board of Equalization in the statement filed by it, as provided in chapter 16, section 67, and effective on September 1st, and the number of children shall be the average of the last 2 enrollment reports of resident pupils being educated at public expense on April 1st annually ~~except that for the year 1958 allocations shall be based on the Board of Equalization statement filed on December 1, 1956.~~

Sec. 32. R. S., c. 41, § 237-F, repealed. Section 237-F of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 of the public laws of 1957 and as repealed and replaced by section 1 of chapter 443 of the public laws of 1957, is repealed, as follows:

'Sec. 237-F. Subsidy payments in December, 1958. In those administrative units where state subsidy for 1958 under the general purpose educational aid law would have been greater than the subsidy calculated under the provisions of sections 237-D and 237-E, the following shall apply: For payment in December, 1958 the payment will be the subsidy due under sections 237-D and 237-E plus $\frac{1}{2}$ the difference between this amount and the amount that would have been allowed under the general purpose educational aid law.'

Sec. 33. R. S., c. 42, § 3, repealed and replaced. Section 3 of chapter 42 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 3. Library hours. The librarian shall keep the library open from 9 in the morning until 4 in the afternoon on every day, except Saturdays, Sundays and public holidays. Neither the State Director of Public Improvements nor any of the state employees under his jurisdiction shall admit anyone to the library rooms out of library hours or permit any book to be taken therefrom without the consent of the librarian.'

Sec. 34. R. S., c. 59, § 4, amended. The first sentence of section 4 of chapter 59 of the Revised Statutes is amended to read as follows:

'No person, copartnership, association or corporation shall do a banking business unless duly authorized under the laws of this State or the United States except as provided by section 5.'

Sec. 35. R. S., c. 60, § 198, amended. Section 198 of chapter 60 of the Revised Statutes is amended to read as follows:

'Sec. 198. Foreign fraternal beneficiary associations transacting casualty insurance licensed. Any association organized or incorporated under the laws of another state or country as a fraternal beneficiary association and which does not conduct its business upon the lodge system with a ritualistic form of work and a representative form of government, in accordance with the provisions of section 177 chapter 60-A, sections 1 to 3, and which is not subject to the statutes of this State regulating fraternal beneficiary associations, but which confines its membership to the members of some particular order, class or fraternity and which has the membership and qualifications required in sections 177 to 207, inclusive, other qualifications required by chapter 60-A, may be licensed by the commissioner to transact the business of casualty insurance on the assessment plan and to provide for the payment of death or funeral benefits of not more than \$100 to the beneficiaries of deceased members, subject to and in accordance with the provisions of the 3 following sections 199 to 201.'

Sec. 36. R. S., c. 60, § 199, amended. Section 199 of chapter 60 of the Revised Statutes is amended to read as follows:

'Sec. 199. License prerequisites; termination. No such association shall transact any business in this State without a license from the commissioner. Before receiving such license it shall file with the commissioner a duly certified copy of its charter or articles of association; a copy of its constitution and by-laws certified by its secretary; a power of attorney to the commissioner as

provided by ~~section 180~~ chapter 60-A, section 30; a statement under oath of its president and secretary, in the form required by the commissioner, duly verified by an examination of its business for the preceding year, made in accordance with the provisions of ~~section 192~~ chapter 60-A, section 37, which statement and examination must show that the association had at least 5,000 members in good standing at the date of such report and that it had on that date available assets in excess of all known liabilities of not less than \$20,000; a copy of its policy and application, which must show that benefits are provided for by assessments upon or other payments by persons holding similar contracts; and a certificate of deposit from the Treasurer of State ~~as hereinafter provided~~; and it shall furnish the commissioner with such further information as he may deem necessary to a proper exhibit of its business and plan of working. Upon compliance with the foregoing provisions the commissioner may license such association to transact business in this State as ~~herein~~ defined until the first day of the succeeding July, and such license may thereafter be renewed annually, but in all cases to terminate on the first day of the next succeeding July. ~~The provisions of sections 180, 184, 186, 187, 188, 192, 193 and 231 shall apply to such associations. Sections 19, 28 to 30, 35, 37 and 44 of chapter 60-A and section 231 of this chapter apply to these associations.~~

Sec. 37. R. S., c. 61, § 1, amended. The 15th paragraph of section 1 of chapter 61 of the Revised Statutes, which defines "Liquor," is amended to read as follows:

"Liquor" shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption, which contains more than $\frac{1}{2}$ of 1% of alcohol by volume.'

Sec. 38. 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 and as amended by section 63 of chapter 429 of the public laws of 1957, is further amended to read as follows:

'IX. Any amendments to this chapter enacted by the ~~96th and 98th Legislatures~~ 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. 39. R. S., c. 82, § 3, amended. The 6th sentence of section 3 of chapter 82 of the Revised Statutes, as repealed and replaced by section 2 of chapter 413 of the public laws of 1955, is repealed, as follows:

~~'It is the intent of the Legislature that the present members of the Board shall continue in office until the expiration of their terms.'~~

Sec. 40. R. S., c. 84, § 2, sub-§ I, amended. The last paragraph of subsection I of section 2 of chapter 84 of the Revised Statutes, as enacted by chapter 32 of the public laws of 1957, is repealed as follows:

~~'A "real estate broker" shall also include any person, firm, partnership, association or corporation who engages in the business, for a fee, in connection with any contract whereby he undertakes to promote the sale of real estate through the listing of such property in a publication, issued primarily for such purpose or for referral of information concerning properties to licensed real estate brokers, or both.'~~

Sec. 41. R. S., c. 89, § 71-A, repealed and replaced. Section 71-A of chapter 89 of the Revised Statutes, as enacted by section 37 of chapter 405 of the public laws of 1955 and as amended by chapters 173 and 446, both of the public laws of 1957, is repealed and the following enacted in place thereof:

'Sec. 71-A. Assessment for fire protection tax. The county commissioners of Aroostook County are authorized, on behalf of the inhabitants of Connor and Silver Ridge Townships, of Township 17, R. 4 and Township 17, R. 5, and the county commissioners of Piscataquis County are authorized, on behalf of the inhabitants of Medford and Orneville Townships, and the county commissioners of Oxford County are authorized on behalf of the inhabitants of Albany Township, and the county commissioners of Penobscot County are authorized, on behalf of the inhabitants of Argyle and Kingman Townships to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fire protection, for the Townships of Connor, Silver Ridge, Township 17, R. 4, Township 17, R. 5, Medford, Orneville, Albany, Argyle and Kingman. The county commissioners shall annually assess upon the townships an amount sufficient to provide for such protection, and said assessment shall be certified and transmitted by the county treasurers to the State Tax Assessor not later than April 1st of each year, provided said assessment in respect to Township 17, R. 4 and Township 17, R. 5 shall not exceed \$505 each in any one year. The State Tax Assessor shall determine the amount of tax due, in accordance with the provisions of chapter 16, section 79, and shall include such amounts in the statements referred to in chapter 16, section 82. Collection of such fire protection tax shall be enforced in the same manner as provided for the enforcement of collection of county taxes.'

Sec. 42. R. S., c. 89, § 135, amended. That part of section 135 of chapter 89 of the Revised Statutes which relates to Oxford County law library, as amended by chapter 91 of the public laws of 1955, is repealed and the following enacted in place thereof:

'Oxford, \$4,250, of which \$2,000 shall be for the use and benefit of the county law library at South Paris and \$2,250 shall be for the use and benefit of the county law library at Rumford.'

Sec. 43. Effective date. Section 42 shall be retroactive to January 1, 1959.

Sec. 44. R. S., c. 90-A, § 61, sub-§ III, ¶ A, amended. The last paragraph of paragraph A of subsection III of section 61 of chapter 90-A of the Revised Statutes, as enacted by chapter 432 of the public laws of 1957, is amended to read as follows:

'Municipalities of 5,000 or more ~~inhabitants~~ residents may by ordinance provide for a board of appeals consisting of 5 or 7 members and one associate member. The terms of office of members shall not exceed 5 years and initial appointments shall be such that the terms of office of no more than 2 members shall expire in any single year.'

Sec. 45. R. S., c. 100, § 187, amended. Section 187 of chapter 100 of the Revised Statutes is amended to read as follows:

'Sec. 187. Surveyor or culler neglects duties or practices fraud in office. If any person, duly elected a surveyor, measurer, viewer or culler of any of

said articles under ~~the provisions of sections 165~~ 174 to 188 and duly qualified, unnecessarily refuses or neglects to attend to the duties of his office when requested, he forfeits \$30; ~~and if~~. If he connives at or willingly allows any breach of ~~the provisions of sections 165~~ 174 to 188, or practices any other fraud or deceit in his official duties, he forfeits \$30 to the use of the town.'

Sec. 46. R. S., c. 100, § 188, amended. Section 188 of chapter 100 of the Revised Statutes is amended to read as follows:

'Sec. 188. Penalties; jurisdiction. All pecuniary penalties in sections ~~165~~ 174 to 188 may be recovered by action of debt, indictment or complaint, and all other forfeitures by a libel filed by the treasurer or any inhabitant of the town interested. Where the violation of any of the provisions of sections ~~165~~ 174 to 188 is made an offense punishable by a fine, trial justices within their county shall have jurisdiction of such offenses concurrent with municipal courts and the Superior Court.'

Sec. 47. R. S., c. 137, § 20-A, renumbered. Section 20-A of chapter 137 of the Revised Statutes, as enacted by chapter 78 of the public laws of 1959, is renumbered to be 20-B.

Sec. 48. R. S., c. 155, § 7, amended. Section 7 of chapter 155 of the Revised Statutes is amended to read as follows:

'Sec. 7. Value of exempted property. In nonresident estates the value of the property exempt from taxation under ~~the provisions of the foregoing~~ sections 2 to 6-A shall be only such proportion of the whole exempted amount as the estate of the nonresident taxable in this State bears to the total estate wherever situated.'

Sec. 49. P. L., 1941, c. 314, repealed. Chapter 314 of the public laws of 1941, as amended by chapter 303 of the public laws of 1949, is repealed.

Sec. 50. P. L., 1949, c. 303, repealed. Chapter 303 of the public laws of 1949 is repealed.

Sec. 51. P. L., 1957, c. 430, §§ 1-4, repealed. Sections 1 to 4 of chapter 430 of the public laws of 1957 are repealed.

Sec. 52. P. L., 1959, c. 4, repealed; limitation. Chapter 4 of the public laws of 1959, heretofore passed by this Legislature, amending section 135 of chapter 89 of the Revised Statutes, is repealed and shall not be printed as part of the session laws of 1959.

Sec. 53. P. & S. L., 1959, c. 9, repealed; limitation. Chapter 9 of the private and special laws of 1959, heretofore passed by this Legislature, amending chapter 88 of the private and special laws of 1917, is repealed and shall not be printed as part of the session laws of 1959.

Sec. 54. P. & S. L., 1917, c. 88, repealed. Chapter 88 of the private and special laws of 1917, as amended, is repealed.

Sec. 55. P. L., 1959, c. 116, repealed; limitation. Chapter 116 of the public laws of 1959, heretofore passed by this Legislature, amending sections 115 and

127 of chapter 16 of the Revised Statutes, is repealed and shall not be printed as part of the session laws of 1959.

Sec. 56. P. L., 1959, c. 137, repealed; limitation. Chapter 137 of the public laws of 1959, heretofore passed by this Legislature, amending section 1 of chapter 61 of the Revised Statutes, is repealed and shall not be printed as part of the session laws of 1959.

Sec. 57. P. & S. L., 1959, c. 12, § 1, amended. The next to the last sentence of section 1 of chapter 12 of the private and special laws of 1959 is amended to read as follows:

'For the purpose of this act, the word "school" is defined to mean grades 9 to 12, inclusive, and the words "participating town" are defined to mean a town that has voted to accept this act pursuant to section ~~11~~ 13 hereof and a town that has been accepted as a participating town pursuant to section 11 hereof.'

Sec. 58. P. & S. L., 1959, c. 12, § 2, amended. The 2nd and 7th sentences of section 2 of chapter 12 of the private and special laws of 1959 are amended to read as follows:

'Immediately after this act has become effective as provided in section ~~11~~ 13, the municipal officers of each participating town shall appoint 3 persons resident in such town to be the original trustees of the Mount Desert Island Regional School District.'

'The said board shall at its first meeting, and annually in April thereafter, choose by ballot from its membership a chairman and a treasurer ~~both to serve without compensation.~~

Sec. 59. P. & S. L., 1959, c. 12, § 4, amended. The 5th paragraph of section 4 of chapter 12 of the private and special laws of 1959 is amended to read as follows:

'The Regional School Committee shall, at its first meeting, to be held as soon as convenient after the district is adopted by any ~~3~~ 2 or more of the above-named towns, and annually in April thereafter, choose by ballot from its membership a chairman and a secretary.'

Sec. 60. P. & S. L., 1959, c. 12, § 10, amended. The last 2 paragraphs of section 10 of chapter 12 of the private and special laws of 1959 are amended to read as follows:

'The trustees shall appoint a resident of said district to make and keep a voting list of all residents in the district eligible to vote. This person shall be known as the registration clerk. The registration clerk shall compile his voting list from the voting lists of all the participating towns. At least 14 days before any meeting, the registration clerk shall bring his voting list up to date by comparing his list with the official voting lists in the participating towns and by making such additions and deletions as he finds necessary. No additions or deletions shall be made in the 14-day period prior to said meeting. A quorum at any district meeting shall consist of not less than 10 voters of the district, **provided at least one voter is present from each of the participating towns.**

If for any reason a legally sufficient annual meeting is not held on the date provided above, a meeting in lieu thereof may be called in like manner to be

held within one month from said date. Every person resident in said district and qualified to vote for Governor in the town in which he resides shall be entitled to vote in any meeting of the district ~~provided at least one voter is present from each of the participating towns.~~

Sec. 61. P. & S. L., 1959, c. 12, § 10-A, amended. The 3rd paragraph of section 10-A of chapter 12 of the private and special laws of 1959 is amended to read as follows:

'No appropriation shall be made for operating expense at any special meeting for any purpose not approved by the Regional ~~District~~ School Committee or in excess of the amount approved by said committee. In cases arising during the fiscal year following the adoption of an operating budget where changes occur which make it unnecessary to use the amount appropriated for a specific purpose, an unexpended balance may be transferred by the Regional ~~District~~ School Committee from one appropriation to another, provided the total amount expended for all purposes does not exceed the total amount appropriated in the operating budget for all purposes.'

Sec. 62. P. & S. L., 1959, c. 12, referendum, amended. The 3rd paragraph of the referendum of chapter 12 of the private and special laws of 1959 is amended to read as follows:

'Notwithstanding the foregoing provisions of ~~this section~~ ~~11~~ 13, this act shall become effective for all purposes after its acceptance by a majority of the legal voters at town meetings held not earlier than 91 days after approval of this act by the Governor in any 2 or more of the 4 of the above-named towns voting on the question which question shall be as set forth above except that the question shall include only the names of the towns in which the act is then being submitted for acceptance and which would originally comprise the district if the act is accepted in each such town.'

Sec. 63. Allocation for Highway Safety Committee. There is allocated from the General Highway Fund for personal services of the executive secretary of the Highway Safety Committee the sum of \$5,000 for the fiscal year ending June 30, 1960 and \$5,000 for the fiscal year ending June 30, 1961.

Sec. 64. P. & S. L., 1925, c. 95, § 2, amended. Section 2 of chapter 95 of the private and special laws of 1925 is amended to read as follows:

'Sec. 2. Source of supply. The said district for effecting and carrying out the purposes of its incorporation, is hereby authorized to take, hold, divert, use and distribute water from the Penobscot River or from any well or wells, natural or artificial, or by purchase from any town, city, corporation or district.'

Sec. 65. P. & S. L., 1925, c. 95, § 3, amended. Section 3 of chapter 95 of the private and special laws of 1925 is amended to read as follows:

'Sec. 3. Right of eminent domain conferred. The said district, for the purposes of its incorporation, is hereby authorized to take and hold, as for public uses, by purchase or otherwise, any land or interest therein or water rights necessary for erecting and maintaining dams, for flowage, for power for pumping its water supply through its mains, for reservoirs, for wells, for preserving the purity of the water and water shed, for laying and maintaining aqueducts and other structures for taking, distributing and disposing of water and for

rights of way or roadways, to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and lands.'

Sec. 66. P. & S. L., 1959, c. 155, § 56-A, additional. Chapter 155 of the private and special laws of 1959 is amended by adding a new section 56-A, to read as follows:

'Sec. 56-A. Use of draggers in part of Penobscot Bay. It shall be unlawful, from the first day of October to the first day of the following February, to use a dragger or any other dragging apparatus, except standard scallop drags, for the taking of fish or lobsters on the ocean bottom in that part of Penobscot Bay inside a line drawn from Southern Island to south end of Clark Island, to White Head Island, to Two Bush Island, to Metinic Island Ledge Buoy, to Duck Rock Buoy west of Monhegan Island, to Old Man Ledge Buoy, to Burnt Island, to West side of Mosquito Island, thence back to point of beginning.' (P. L., 1959, c. 345)

Sec. 67. P. & S. L., 1959, c. 155, § 73-A, additional. Chapter 155 of the private and special laws of 1959 is amended by adding a new section 73-A, to read as follows:

'Sec. 73-A. Use of draggers in parts of Sheepscot Bay. It shall be unlawful, between the first day of November and the first day of the following March, to use a dragger or any other dragging apparatus, except standard scallop drags, for the taking of fish or lobsters on the ocean bottom of those parts of Sheepscot Bay, Sagadahoc and Lincoln Counties, inshore from a line drawn from the southern end of Cape Small Point to the southern end of Seguin Island; thence to southern end of Pumpkin Island; thence to Ocean Point.' (P. L., 1959, c. 344)

Sec. 68. P. L., 1959, c. 344, repealed; limitation. Chapter 344 of the public laws of 1959, heretofore passed by this Legislature, adding a new section 27-C to chapter 38 of the Revised Statutes, is hereby repealed and shall not be printed as part of the session laws of 1959.

Sec. 69. P. L., 1959, c. 345, repealed; limitation. Chapter 345 of the public laws of 1959, heretofore passed by this Legislature, adding a new section 27-B to chapter 38 of the Revised Statutes, is hereby repealed and shall not be printed as part of the session laws of 1959.

Effective September 12, 1959

Chapter 364

AN ACT Relating to Clerical Assistance for Justices of the Superior Court.

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

R. S., c. 106, § 2, amended. Section 2 of chapter 106 of the Revised Statutes, as amended by section 2 of chapter 472 of the public laws of 1955 and by section 2 of chapter 417 of the public laws of 1957, is further amended to read as follows: