

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As passed by the Ninety-ninth Legislature

At The

SPECIAL SESSION, JANUARY 19-29, 1960

Whereas, the following legislation is vitally necessary to control this outbreak so as to save 175,000 acres of Maine forest; 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:

R. S., c. 36, § 96, amended. Section 96 of chapter 36 of the Revised Statutes, as amended, is further amended by adding after the first sentence, a new sentence, to read as follows:

'Such tax shall be increased by $\frac{3}{4}$ mills on the dollar assessed only for the year 1960 upon all the property in the unorganized territory located within the Maine Forestry District, including rights in public reserved lots, to be used by the Forestry Department for spruce budworm control.'

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

Effective January 29, 1960

Chapter 377

AN ACT Relating to Juvenile Offenders in Certain Motor Vehicle Violations.

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

R. S., c. 152-A, § 4, amended. Section 4 of chapter 152-A of the Revised Statutes, as enacted by section 1 of chapter 342 of the public laws of 1959, is amended by adding at the end thereof, a new paragraph, as follows:

'Juvenile courts shall have no jurisdiction over offenses in which any juvenile is charged with the violation of any provision of chapter 22 or over any other traffic law or ordinance, if such offense is a misdemeanor, except that juvenile courts shall have exclusive, original jurisdiction over offenses in which any juvenile is charged with a violation of chapter 22, sections 150 and 151-B.'

Effective April 29, 1960

Chapter 378

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 99th 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. 14, § 2, amended. The last paragraph of section 2 of chapter 14 of the Revised Statutes is amended to read as follows:

'In the event of an emergency so imminent as to require immediate action the senior officer of a command may, upon request in writing of the mayor of a city or the ~~selection~~ selectmen of a town, order out for the defense or protection of the community the forces under his command, or any part thereof, and immediately report his action and the circumstances of the case to the Adjutant General and to his immediate commanding officer.'

Sec. 2. R. S., c. 16, § 144, amended. The last sentence of section 144 of chapter 16 of the Revised Statutes is amended to read as follows:

'Whoever, after such notice, does business ~~in the state~~ for such company or association is liable to the penalty provided in section ~~273~~ of chapter 60 shall be punished by a fine of not more than \$500 or by imprisonment for not more than 90 days, or by both.'

Sec. 3. R. S., c. 16, § 166-A, amended. The last sentence of the first paragraph of section 166-A of chapter 16 of the Revised Statutes, as enacted by section 2 of chapter 329 of the public laws of 1959, is amended to read as follows:

'"Locally encouraged vehicles" means buses upon which no excise tax is collected under chapter ~~22~~, section ~~49~~ 91-A, section 125, subsection XII.'

Sec. 4. R. S., c. 16, § 183-A, amended. The last sentence of the first paragraph of section 183-A of chapter 16 of the Revised Statutes, as enacted by section 3 of chapter 329 of the public laws of 1959, is amended to read as follows:

'"Locally encouraged vehicles" means buses upon which no excise tax is collected under chapter ~~22~~, section ~~49~~ 91-A, section 125, subsection XII.'

Sec. 5. R. S., c. 21, § 6, amended. The 4th paragraph from the end of section 6 of chapter 21 of the Revised Statutes is amended to read as follows:

'For receiving, filing and recording certificate of officers of a proposed fraternal ~~beneficiary association~~ benefit society and issuing certificate of organization, \$5.'

Sec. 6. R. S., c. 22, § 41-A, repealed. Section 41-A of chapter 22 of the Revised Statutes, as enacted by section 3 of chapter 253 of the public laws of 1959, is repealed.

Sec. 7. R. S., c. 22, § 41-B, additional. Chapter 22 of the Revised Statutes is amended by adding a new section 41-B, to read as follows :

'Sec. 41-B. Mufflers; prevention of noise. No person shall operate a motor vehicle on any way unless the same be equipped at all times with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cut-out, by-pass or similar device. No person shall operate a motor vehicle the exhaust system of which has been modified so as to amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all of the requirements of this section.'

Sec. 7-A. Effective date. Section 7 shall become effective April 1, 1960.

Sec. 8. R. S., c. 22, § 51-A, repealed. Section 51-A of chapter 22 of the Revised Statutes, as enacted by section 1 of chapter 191 of the public laws of 1955, is repealed.

Sec. 9. R. S., c. 22, § 52-A, repealed. Section 52-A of chapter 22 of the Revised Statutes, as enacted by section 4 of chapter 99 of the public laws of 1959, is repealed.

Sec. 10. R. S., c. 22, § 56, repealed. Section 56 of chapter 22 of the Revised Statutes, as amended by section 5 of chapter 99 of the public laws of 1959 and as repealed by section 6 of chapter 308 of the public laws of 1959, is repealed.

Sec. 11. R. S., c. 22, § 75, sub-§ I, ¶ A, re-enacted. Paragraph A of sub-section I of section 75 of chapter 22 of the Revised Statutes, as repealed by section 12 of chapter 363 of the public laws of 1959, is re-enacted as follows :

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

Sec. 12. R. S., c. 22, § 113-B, amended. The first paragraph of section 113-B of chapter 22 of the Revised Statutes, as enacted by section 5 of chapter 317 of the public laws of 1957 and as last amended by chapter 71 and by section 1 of chapter 72, both of the public laws of 1959, is repealed and the following enacted in place thereof :

'Except as provided in section 113-D and notwithstanding section 113, sub-section II, the State Highway Commission, the Secretary of State and the Chief of the State Police, acting jointly, shall have authority to restrict the speed of all motor vehicles at any and all points on the highway where in the opinion of the commission, the Secretary of State and the Chief of the State Police, acting jointly, a rate of speed less than that now authorized by law will minimize the danger of accident and in each such place shall fix the rate of speed in accordance with their own judgment. The State Highway Commission, the Secretary of State and the Chief of the State Police, acting jointly, shall have authority to increase the speeds of all motor vehicles at any and all points on

the highway where, in their opinion, higher speeds are warranted to promote the normal and reasonable movement of traffic, provided that such increased speed shall not exceed 60 miles per hour for pleasure vehicles, except on the interstate system such increased speed shall not exceed 70 miles per hour for pleasure vehicles, and 50 miles per hour for commercial vehicles registered for over 6,000 pounds or school buses, conveying children to and from school or a school event. This section shall not apply to that portion of the interstate system which is part of the Maine Turnpike.'

Sec. 13. R. S., c. 25, § 30, amended. Section 30 of chapter 25 of the Revised Statutes is amended to read as follows:

'Sec. 30. Rehabilitation work. The department, under the direction of the Governor and Council, may establish, conduct and maintain rehabilitation work as part of its program of aid and assistance. Such rehabilitation work shall be in cooperation with vocational education, as provided by ~~sections 196 to 207, inclusive, of chapter 41, sections 195-A to 195-Q, 196, 197, 198 and 203 to 207,~~ in the Department of Education.

Funds provided for aid and assistance carried on by the department may be used in providing such vocational rehabilitation.'

Sec. 14. R. S., c. 25, § 265, amended. Section 265 of chapter 25 of the Revised Statutes is amended to read as follows:

'Sec. 265. Hospitals licensed; definitions. No person, partnership, association or corporation, nor any county or local governmental units, shall establish, conduct or maintain in the State any hospital, including any maternity home or hospital, sanatorium, convalescent home, rest home, nursing home or other institution for the hospitalization or nursing care of human beings without first obtaining a license therefor ~~in the manner hereinafter provided.~~ Hospital, sanatorium, convalescent home, rest home, nursing home and other related institution, within the meaning of sections 265 to ~~274, inclusive~~ 273-A shall mean any institution, place, building or agency in which any accommodation is maintained, furnished or offered for the hospitalization of the sick or injured or care of any aged or infirm persons requiring or receiving chronic or convalescent care. ~~Provided, however, that nothing~~ Nothing in sections 265 to ~~274, inclusive~~ 273-A shall apply to hotels or other similar places that furnish only board and room, or either, to their guests or to such homes for the aged or blind as may be subject to licensing under any other ~~provision of~~ law.'

Sec. 15. R. S., c. 25, § 268, amended. The last sentence of section 268 of chapter 25 of the Revised Statutes is amended to read as follows:

'All applicants shall submit satisfactory evidence of their ability to comply with the minimum standards of sections 265 to ~~274, inclusive~~ 273-A, and all regulations adopted thereunder.'

Sec. 16. R. S., c. 25, § 269, amended. Section 269 of chapter 25 of the Revised Statutes is amended to read as follows:

'Sec. 269. Fees. Each application for a license to operate a hospital, maternity home or hospital, sanatorium, convalescent home, rest home, nursing home or related institution, within the meaning of sections 265 to ~~274, inclu~~

~~five~~ 273-A shall be accompanied by a fee of \$15. No such fee shall be refunded. All licenses issued ~~hereunder~~ shall be renewed annually upon payment of a like fee. All fees received by the department under ~~the provisions of~~ sections 265 to ~~274, inclusive~~ 273-A shall be paid into the State Treasury to the credit of the department for the purpose of carrying out ~~the general provisions of~~ sections 265 to ~~274, inclusive~~ 273-A. No license granted ~~hereunder~~ shall be assignable or transferable.'

Sec. 17. R. S., c. 25, § 270, amended. The 2nd sentence of section 270 of chapter 25 of the Revised Statutes is amended to read as follows:

'No institution of any kind licensed pursuant to ~~the provisions of~~ sections 265 to ~~274, inclusive~~ 273-A shall be required to be licensed or inspected under the laws of this State relating to hotels, restaurants, lodging houses, boarding-houses and places of refreshments.'

Sec. 18. R. S., c. 25, § 271, amended. Section 271 of chapter 25 of the Revised Statutes is amended to read as follows:

'Sec. 271. Licenses issued. The department is authorized to issue licenses to operate hospitals, maternity homes or hospitals, sanatoriums, convalescent homes, rest homes, nursing homes or other related institutions ~~as herein defined~~, which, after inspection, are found to comply with ~~the provisions of~~ sections 265 to ~~274, inclusive~~ 273-A and any reasonable regulations adopted by said department. The department is authorized to suspend or revoke a license issued ~~hereunder~~ on any of the following grounds: Violation of any of the provisions of sections 265 to ~~274, inclusive~~ 273-A or the rules or regulations issued pursuant thereto; permitting, aiding or abetting the commission of any illegal act in such institution; conduct of practices detrimental to the welfare of the patient. ~~Provided that before~~ Before any such license ~~hereunder~~ is suspended or revoked, 30 days' written notice shall be given the holder thereof. If a license is revoked ~~as herein provided~~, a new application for license may be considered by the department if, when and after the conditions upon which revocation was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and ~~all provisions of~~ sections 265 to ~~274, inclusive~~ 273-A and rules and regulations thereunder ~~as heretofore or hereinafter provided~~ have been complied with and recommendation has been made therefor by the hospital inspector as an agent of the department.'

Sec. 19. R. S., c. 25, § 272, amended. Section 272 of chapter 25 of the Revised Statutes is amended to read as follows:

'Sec. 272. Appeal. Any person who is aggrieved by the decision of the department under ~~the provisions of~~ sections 265 to ~~274, inclusive~~ 273-A shall have a right of appeal to the commissioner who shall provide the appellant with reasonable notice and opportunity for a fair hearing; or to the Superior Court within and for the county in which such person resides or in which any such hospital, maternity home or hospital, sanatorium, convalescent home, rest home, nursing home or related institution is situated.'

Sec. 20. R. S., c. 25, § 273, amended. Section 273 of chapter 25 of the Revised Statutes is amended to read as follows:

'Sec. 273. Standards. The department shall have the power to establish reasonable standards under ~~the provisions of~~ sections 265 to ~~274, inclusive~~ 273-A, which it finds to be necessary and in the public interest and may rescind

or modify such regulations from time to time as may be in the public interest, in so far as such action is not in conflict with any of the provisions of said sections. ~~Provided, however, that no~~ No standards, rules or regulations of the department pursuant to sections 265 to ~~274, inclusive~~ 273-A shall be adopted or enforced which would have the effect of denying a license to any hospital or other institution required to be licensed ~~hereunder~~, solely by reason of the school or system of practice employed or permitted to be employed by physicians therein; provided such school or system of practice is recognized by the laws of this State.'

Sec. 21. R. S., c. 25, § 273-A, amended. Section 273-A of chapter 25 of the Revised Statutes, as renumbered by section 1 of chapter 330 of the public laws of 1959, is amended to read as follows:

'Sec. 273-A. Violations; penalties. Any person, partnership, association or corporation, including county or local governmental units, establishing, conducting, managing or operating any hospital, maternity home or hospital, sanatorium, convalescent home, rest home, nursing home or institution within the meaning of sections 265 to ~~274, inclusive~~ 273-A without first obtaining a license therefor ~~as herein provided~~, or who shall violate any of the provisions of said sections or regulations thereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days.'

Sec. 22. R. S., c. 27, § 5, amended. The last paragraph of section 5 of chapter 27 of the Revised Statutes is amended to read as follows:

'It shall ~~also~~ fix rates and collect fees for the support of patients in state hospitals ~~sanatoriums~~ and other state institutions and provide for the training of nurses in state hospitals ~~and sanatoriums~~.'

Sec. 23. R. S., c. 27, § 110, amended. Section 110 of chapter 27 of the Revised Statutes is amended to read as follows:

'Sec. 110. Jurisdiction of judges of probate. The judges of probate in the several counties shall likewise have jurisdiction to examine ~~insane~~ mentally ill persons ~~except in those cases covered by section 103~~, and upon complaint in writing of any blood relative, husband or wife of said alleged ~~insane~~ mentally ill person, or of any justice of the peace, accompanied by the certificate of some reputable physician stating that in his opinion such person is ~~insane~~ mentally ill, may immediately appoint a time and place for hearing, within the town or city in which said person resides or is found; and shall cause to be given in hand to the person so alleged to be ~~insane~~ mentally ill, at least 24 hours prior to the time appointed for said hearing, a copy of said complaint attested by the register of probate of the county in which said hearing is to be held, together with a notice of the time and place of said hearing, and that he has a right and will be given opportunity there and then to be heard in the matter ~~and a~~. A like copy of said complaint and of said notice of hearing shall be served upon the clerk of the town in which said person resides or is found. Nothing herein contained shall require a judge of probate to appoint a hearing for the purpose of this section in any town other than the shire town of the county or the town in which said person resides.'

Sec. 24. R. S., c. 27, § 111, amended. The last sentence of section 111 of chapter 27 of the Revised Statutes is amended to read as follows:

'Excepting ~~sections 103 and~~ section 104, all other sections of this chapter, relating to the commitment, expense of supporting and discharge of the ~~insane~~ mentally ill, shall ~~also~~ apply to commitments under ~~the provisions of~~ this section.'

Sec. 25. Effective date of sections 23 and 24. Sections 23 and 24 shall become effective September 1, 1960.

Sec. 26. R. S., c. 27, § 145, amended. Section 145 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:

'Sec. 145. Judge of probate may commit. Whenever it is made to appear, upon application to the judge of probate for any county and after due notice and hearing, that any person resident in said county, or any inmate of the ~~state school for girls, the state school for boys~~ Stevens Training Center, the Boys Training Center, the Reformatory for Men, the Reformatory for Women, the State Prison, the Military and Naval Children's Home, or any person supported by any town, is a fit subject for the Pineland Hospital and Training Center, such judge may commit such person to said ~~school~~ institution by an order of commitment directed to the department accompanied by a certificate of 2 physicians who are graduates of some legally organized medical college and have practiced 3 years in this State, that such a person is a proper subject for said institution; ~~provided no.~~ No such order of commitment shall issue until an application for admission of such person has first been made to the department which shall be placed on file at the institution and evidence thereof presented to such judge, accompanied by a certificate of the superintendent, stating, in substance, that such person will be received under ~~the provisions of~~ section 147, when properly committed. Whenever, upon such application, there is occasion for the judge of probate to attend a hearing on days other than days fixed as the regular day for holding the probate court, said judge of probate shall be allowed \$5 per day for his services and expenses, which shall be paid by the county treasurer upon the certificate of the county commissioners.'

Sec. 27. R. S., c. 27-A, § 1, sub-§ IV, repealed and replaced. Subsection IV of section 1 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957 and as amended by section 8 of chapter 342 of the public laws of 1959, is repealed and the following enacted in place thereof:

'IV. "Juvenile" means a person under the age of 17 years or a person who is alleged to have committed, while under the age of 17 years, any acts or offenses covered by chapter 152-A regardless of whether, at the time of the proceeding, such person is of the age of 17 years or over.'

Sec. 28. R. S., c. 27-A, § 15, repealed and replaced. Section 15 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957 and as repealed and replaced by section 10 of chapter 312 of the public laws of 1959 and as amended by section 12 of chapter 342 of the public laws of 1959, is repealed and the following enacted in place thereof:

'Sec. 15. Person violating parole. When a parolee violates a condition of his parole or violates the law, a member of the board may authorize the director in writing to issue a warrant for his arrest. A probation-parole officer, or any other law enforcement officer within the State authorized to make arrests, may arrest the parolee on the warrant and return him to the institution from

which he was paroled. At its next meeting at that institution, the board shall hold a hearing. The parolee is entitled to appear and be heard. If the board, after hearing, finds that the parolee has violated his parole or the law, it shall revoke his parole, set the length of time he shall serve of the unexpired portion of his sentence before he can again be eligible for hearing by the board, and remand him to the institution from which he was released.

I. Forfeits deductions. Upon revocation of parole by the board the prisoner or inmate forfeits any deductions for good behavior earned while on parole.

II. May earn deductions. While serving the unexpired portion of his sentence after parole has been revoked, the prisoner or inmate may earn deductions for good conduct.'

Sec. 29. R. S., c. 32, § 4, repealed and replaced. Section 4 of chapter 32 of the Revised Statutes, as last amended by section 2 of chapter 241 and by section 19 of chapter 363, both of the public laws of 1959, is repealed and the following enacted in place thereof :

'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 215, 215-A to 215-J, 216 to 228, 228-A, 229 to 236, 236-A to 236-K, 237 to 247, 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 finding 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. 30. R. S., c. 37, § 45, amended. The first 2 paragraphs of section 45 of chapter 37 of the Revised Statutes, as amended by chapter 254 and by section 5-A of chapter 333, both of the public laws of 1959, are repealed and the following paragraphs enacted in place thereof :

'No person shall take, catch, kill or have in possession more than 10 fish of the salmon, trout, togue or black bass species in the Counties of Franklin, Somerset and Piscataquis during any one day of any open season, from any or all of the rivers, streams, brooks, lakes and ponds in said counties except as provided for by rules and regulations of the department under section 9.

No person shall take, catch, kill or have in possession more than 15 fish of the salmon, trout, togue or black bass species in the Counties of Aroostook, Androscoggin, Cumberland, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Sagadahoc, Waldo, Washington and York during any one day of any open season, from any or all of the rivers, streams, brooks, lakes and ponds in said counties, except as provided for by rules and regulations of the department under section 9.'

Sec. 31. R. S., c. 37, § 46, amended. Section 46 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows :

'Sec. 46. Penalty for violation of sections 44 and 45. Whoever violates any provision of ~~the 3 preceding~~ sections 44 and 45 shall pay a fine of not less than

\$10 nor more than \$30, and costs of prosecution, for each offense; and in addition thereto, \$1 for each fish taken, caught, killed or had in possession in violation of any provision of said sections.'

Sec. 32. R. S., c. 37-A, § 73, sub-§ II, ¶ B, amended. Paragraph B of subsection II of section 73 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended to read as follows:

'B. If a person is ~~convicted of juvenile delinquency~~ adjudged to have committed a juvenile offense resulting from a violation of a provision of this section, the commissioner shall suspend his lobster and crab fishing license, and his right to obtain one, as though he had been convicted of a violation of this section instead of ~~juvenile delinquency~~ having committed a juvenile offense.'

Sec. 33. R. S., c. 37-A, § 81, sub-§ IV, amended. Subsection IV of section 81 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended to read as follows:

'IV. Suspension for persons adjudged to have committed a juvenile offense. When a person has been ~~found guilty of juvenile delinquency~~ adjudged to have committed a juvenile offense as a result of a violation of any provision of this chapter, or of any regulation adopted under authority of this chapter, the commissioner may suspend any and all of his licenses and permits, and his right to obtain them, in the same manner as though he were found guilty of the particular violation instead of ~~juvenile delinquency~~ having committed a juvenile offense.'

Sec. 34. R. S., c. 39-B, § 5, amended. The 2nd sentence of section 5 of chapter 39-B of the Revised Statutes, as enacted by section 2 of chapter 293 of the public laws of 1957, is amended to read as follows:

'If said applicant has previously received a ruling from the Mining Bureau under section 4, subsection ~~IX~~ X, that the proposed mining operations will not conflict with any prior or proposed state uses, a license to mine in the area specified shall be granted under such terms and conditions as the bureau may require.'

Sec. 35. R. S., c. 41, § 195-D, repealed and replaced. Section 195-D of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 286 of the public laws of 1959 and as amended by section 29 of chapter 363 of the public laws of 1959, is repealed and the following enacted in place thereof:

'Sec. 195-D. Provision of vocational rehabilitation services. Vocational rehabilitation services shall be provided directly or through public or private instrumentalities to any handicapped individual who is a resident of the State at the time of filing his application therefor, and whose vocational rehabilitation the director determines after full investigation can be satisfactorily achieved, or who is eligible therefor under the terms of an agreement with another state or with the Federal Government. 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.'

In case vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply for such services, the director shall provide regulations, with approval of the state board, for determining the order to be followed in selecting those to whom such services will be provided.'

Sec. 36. R. S., c. 41, § 195-L, repealed and replaced. Section 195-L of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 286 of the public laws of 1959 and as amended by section 30 of chapter 363 of the public laws of 1959, is repealed and the following enacted in place thereof:

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

Sec. 37. R. S., c. 41, § 237-E, amended. The 2nd paragraph of section 237-E of chapter 41 of the Revised Statutes, as last amended by section 17 of chapter 353 and by section 31 of chapter 363, both of the public laws of 1959, is repealed and the following paragraph enacted in place thereof:

'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 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. Such computation shall be subject to correction in accordance with the final statement filed by the Board of Equalization on December 1st.'

Sec. 38. R. S., c. 54, § 1, amended. Section 1 of chapter 54 of the Revised Statutes, as amended by chapter 302 of the public laws of 1955, is further amended to read as follows:

'Sec. 1. Organization. When 7 or more persons desire to be incorporated as proprietors of a social, military, literary, scientific or county law library; as a Masonic lodge or chapter of any order or degree; as a Masonic association consisting of members of different orders or degrees; as a lodge of the Independent Order of Odd Fellows; as a lodge of the Knights of Pythias; as a tribe of the Improved Order of Redmen; as a division of the Sons of Temperance; as a tent of the Rechabites; as a grange of Patrons of Husbandry; as a Council of the Sovereigns of Industry; as a lodge of the Benevolent and Protective Order of Elks; as a Grand Army Post; as an American Legion Post; as a Veterans of Foreign Wars Post; as a Council of the Boy Scouts of America; as a relief or benefit association for mutual assistance; as a cemetery association; as a monument or memorial association; as a society to promote temperance; as a village improvement society; as an association for the promotion of good municipal government; as a chamber of commerce or board of trade; as a chapter of the Disabled American Veterans; as a post of the American Veterans of World War II; as a local citizens' group to foster, encourage and assist the physical location, settlement or resettlement of industry, manufacturing and other business enterprises in any locality within the State; as a yacht club; or for the purpose of preserving and maintaining a family homestead and the rights of descendants and of members of the family therein; or for any literary, scientific, musical, charitable, educational, social, military, agricultural, moral, religious or benevolent purpose; they may apply in writing to any justice of the peace in the county, who may issue his warrant, directed to one of

said applicants, requiring him to call a meeting thereof at such time and place as the justice may appoint.'

Sec. 39. R. S., c. 54, § 5, amended. Section 5 of chapter 54 of the Revised Statutes, as last amended by section 5 of chapter 430 of the public laws of 1957, is further amended by adding at the end a new paragraph, as follows:

'Corporations formed under this chapter for the purposes of fostering, encouraging and assisting the physical location, settlement and resettlement of industrial and manufacturing enterprises within the State shall have the power to use, sell, convey, mortgage, lease or rent real or personal property and to do any and all things necessary to carry out the purposes of such corporation.'

Sec. 40. R. S., c. 60, § 2, amended. The first sentence of section 2 of chapter 60 of the Revised Statutes is repealed and the following enacted in place thereof:

'The Insurance Department, as heretofore established, includes the Division of State Fire Prevention.

The head of the department is the Insurance Commissioner.

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

Sec. 41. R. S., c. 60, § 54, repealed and replaced. Section 54 of chapter 60 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 54. License revoked for violation. The commissioner may revoke a license of any foreign insurance company authorized to do business in this State which neglects or refuses to comply with its laws, or which violates section 49.'

Sec. 42. R. S., c. 60, § 149, sub-§ IX, repealed and replaced. Subsection IX of section 149 of chapter 60 of the Revised Statutes is repealed and the following enacted in place thereof:

IX. Any violation of sections 160, 273-R, 273-S and 298.'

Sec. 43. R. S., c. 60, § 198, amended. Section 198 of chapter 60 of the Revised Statutes, as amended by section 35 of chapter 363 of the public laws of 1959, is further amended to read as follows:

'Sec. 198. Foreign fraternal benefit societies transacting casualty insurance licensed. Any association organized or incorporated under the laws of another state or country as a fraternal ~~beneficiary association~~ benefit society 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 chapter 60-A, sections 1 to 3, and which is not subject to the statutes of this State regulating fraternal ~~beneficiary associations~~ benefit societies, but which confines its membership to the members of some particular order, class or fraternity and which has the 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~~ sections 199 to 201.'

Sec. 44. R. S., c. 60, § 223, amended. Section 223 of chapter 60 of the Revised Statutes is amended to read as follows:

'Sec. 223. Contract defined; business carried on only by duly organized corporation. Every contract whereby a benefit is to accrue to the party or parties named therein upon the accidental death only, or the physical disability from accident or sickness of a person, which benefit is in any degree or manner conditioned upon the collection of an assessment upon persons holding similar contracts, shall be deemed a contract of casualty insurance on the assessment plan, and the business involving the issuance of such contracts shall be carried on in this State only by duly organized corporations which shall be subject to the provisions and requirements of this section and ~~the following sections;~~ ~~but nothing~~ 224 to 235. Nothing herein contained shall be construed as applicable to fraternal beneficiary associations benefit societies conducting their business in accordance with the laws of this State.'

Sec. 45. R. S., c. 60, § 229, amended. The 2nd sentence of section 229 of chapter 60 of the Revised Statutes is amended to read as follows:

'Every such corporation and agent of such corporation shall ~~also~~ comply with ~~the provisions of~~ sections 57 ~~273 and 274 and~~ 273-B.'

Sec. 46. R. S., c. 60, § 236, amended. The first sentence of section 236 of chapter 60 of the Revised Statutes is amended to read as follows:

'The making of contracts between individuals, firms or corporations, providing indemnity among themselves from casualty or other contingencies or from loss or damage to their own property, shall constitute the business of insurance; ~~provided, however, that the provisions of subsection III of section 49, subsection III, requiring companies to do insurance business in this State by constituted agents resident herein subject to its laws, and the provisions of sections 273 to 297 273-B, 273-D and 273-R, relating to insurance agents and brokers, shall not apply to the attorney in fact of a reciprocal or interinsurance exchange nor to the traveling salaried home office representatives of such exchanges operating on a salary basis and receiving no commissions, but any reciprocal or interinsurance exchange that operates under the agency system in this State and appoints agents on a commission basis shall be subject to and conform to the provisions of the sections hereinabove mentioned.'~~

Sec. 47. R. S., c. 60, § 273-D, sub-§ X, repealed and replaced. Subsection X of section 273-D of chapter 60 of the Revised Statutes, as enacted by section 13 of chapter 346 of the public laws of 1959, is repealed and the following subsections enacted in place thereof:

'X. Nonresident agent's license restricted. A nonresident agent may not be licensed in this State unless the laws of his state of residence permit a resident of Maine to be similarly licensed.

XI. Special requirements for surplus line brokers. An applicant for a surplus line broker's license must also comply with special requirements:

A. He must be licensed as a resident agent of an authorized fire or casualty insurance company and must maintain that license while his surplus line broker's license is in effect.

B. He must file with the Treasurer of State a bond in the penal sum of \$1,000 issued by a surety company approved by the commissioner containing the condition that the holder of the license will comply with the requirements of this chapter which pertain to him.'

Sec. 48. R. S., c. 60, § 273-L, sub-§ II, repealed. Subsection II of section 273-L of chapter 60 of the Revised Statutes, as enacted by section 13 of chapter 346 of the public laws of 1959, is repealed, as follows:

~~'II. Issuance of license restricted. A nonresident agent may not be licensed in this State unless the laws of his state of residence permit a resident of Maine to be similarly licensed.'~~

Sec. 49. R. S., c. 60, § 273-S, amended. The first sentence of section 273-S of chapter 60 of the Revised Statutes, as enacted by section 13 of chapter 346 of the public laws of 1959, is amended to read as follows:

'The following provisions apply to the suspension or revocation of, or the refusal to renew, a license issued by the commissioner.'

Sec. 50. R. S., c. 60, § 314, sub-§ III, amended. Subsection III of section 314 of chapter 60 of the Revised Statutes, as repealed and replaced by section 18 of chapter 346 of the public laws of 1959, is amended to read as follows:

III. Nonprofit hospital and medical service organization and agent's licenses. The fee for issuing or renewing a license to a nonprofit hospital or medical service organization under section 247-A is \$20. The fee for issuing or renewing a license to an agent under section 255 is \$2.'

Sec. 51. R. S., c. 60-A, § 1, amended. Section 1 of chapter 60-A of the Revised Statutes, as enacted by section 1 of chapter 217 of the public laws of 1957, is amended by adding at the end, a new paragraph, as follows:

'When used in this chapter the word "commissioner" shall mean the Insurance Commissioner.'

Sec. 52. R. S., c. 61, § 2, amended. The last 9 paragraphs of section 2 of chapter 61 of the Revised Statutes, as repealed and replaced by section 3 of chapter 355 of the public laws of 1955, and as amended by sections 1 and 2 of chapter 139, sections 1 and 2 of chapter 140 and by sections 1 and 2 of chapter 327, all of the public laws of 1959, are repealed and the following enacted in place thereof:

'If a majority of the votes cast in any municipality in answer to questions VI, VII, VIII or IX is in the affirmative, the ballots for that municipality at the next biennial general election shall carry such question or questions without petition.'

If a majority of the votes cast in any municipality in answer to questions VI, VII, VIII or IX is in the negative, the ballots for that municipality at the next biennial general election shall carry such question or questions only after the petition required by this section.

If a majority of the votes cast in any municipality in answer to any local option question is in the negative, no licenses for sale of the type denied by such negative vote shall be issued in such municipality for the 2 calendar years next following.

In case of a tie vote on any of the preceding questions, the law shall remain as it was before the voting.

Upon this ballot no other referendum question shall be printed.'

Sec. 53. R. S., c. 61, § 18, amended. The next to the last paragraph of section 18 of chapter 61 of the Revised Statutes is amended to read as follows:

'The certificate of approval shall be subject to the rules and regulations which the commission has or may make. Any violation of such rules and regulations shall be grounds for suspension or revocation of such certificate at the discretion of the ~~commission~~ Hearing Examiner.'

Sec. 54. R. S., c. 61, § 39, sub-§ II, amended. The 3rd sentence of subsection II of section 39 of chapter 61 of the Revised Statutes, as repealed and replaced by section 10 of chapter 218 of the public laws of 1957, is amended to read as follows:

'No personal representative, receiver, trustee or manager appointed by them, shall be eligible to operate under license unless and until approved by the commission, and in event of suspension or revocation of the license by the ~~commission~~ Hearing Examiner for any violation, such suspension or revocation shall apply against both the manager and the personal representative, receiver or trustee.'

Sec. 55. R. S., c. 61, § 42, amended. The first sentence of section 42 of chapter 61 of the Revised Statutes is amended to read as follows:

'Licenses for the sale of spirituous and vinous liquor to be consumed on the premises where sold may be issued to clubs and to bona fide hotels, restaurants, steamboats and railroad dining cars on payment of the fees ~~herein~~ provided; subject ~~however~~ to the condition that the application therefor be approved by the municipal officers of the town or city in which such intended licensee, if operating a club, restaurant or hotel, is operating the same, and if said hotel, restaurant or club is located in an unorganized place said application shall be approved by the county commissioners of the county, within which such unorganized place is located, and subject to the further condition that licenses issued to restaurants, ~~except Class A restaurants~~, shall be limited to malt liquor or wine.'

Sec. 56. P. L. 1959, c. 274, § 12, repealed. Section 12 of chapter 274 of the public laws of 1959, which amends section 56 of chapter 61 of the Revised Statutes, is repealed.

Sec. 57. R. S., c. 86, § 11, amended. The last sentence of section 11 of chapter 86 of the Revised Statutes, as last amended by chapter 168 of the public laws of 1959, is repealed and the following enacted in place thereof:

'Not more than 3 quinellas or any similar types of designations shall be permitted at any harness race or race meet each day at the discretion of the commission.'

Sec. 58. R. S., c. 89, § 43, amended. Section 43 of chapter 89 of the Revised Statutes is amended to read as follows:

'Sec. 43. Removing growth and opening way. The owners of land taken under the provisions of the preceding § sections 35 to 42-A shall be allowed not exceeding one year after the proceedings regarding the location are finally closed to take off timber, wood or any erection thereon. A time not exceeding 2 years shall be allowed for making and opening the way.'

Sec. 59. R. S., c. 89, § 243, amended. The 3rd sentence of section 243 of chapter 89 of the Revised Statutes, as amended by chapters 231 and 318, both of the public laws of 1959, is 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, Piscataquis, Sagadahoc and Waldo, 2 each; for the Counties of Hancock, Lincoln, Oxford, Somerset 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. 60. R. S., c. 89, § 254, amended. The 10th paragraph of section 254 of chapter 89 of the Revised Statutes, as repealed and replaced by section 7 of chapter 372 of the public laws of 1959, is amended to read as follows:

'Oxford County: County commissioners, \$1,800; chairman, \$2,000; clerk of courts, \$3,300; county attorney, \$2,800; treasurer, \$2,300; sheriff, \$3,500; register of deeds, eastern district, \$3,300; western district, \$2,200; judge of probate, \$3,800; register of probate, \$3,300; Western Oxford municipal court judge, \$1,300; Norway municipal court recorder, \$800; judge, \$2,700; Rumford municipal court judge, \$3,500; recorder, \$800.'

Sec. 61. R. S., c. 89, § 254, amended. The 16th paragraph of section 254 of chapter 89 of the Revised Statutes, as repealed and replaced by section 7 of chapter 372 of the public laws of 1959, is amended to read as follows:

'Washington County: County commissioners, \$1,800; clerk of courts, \$2,500; county attorney, \$3,300; treasurer, \$2,400; sheriff, \$4,000; register of deeds, \$2,900; judge of probate, \$2,500; register of probate, \$2,800; Calais municipal court judge, ~~\$2,400~~ \$3,000; recorder, \$600; Eastport municipal court judge, \$1,800; recorder, \$400; Western Washington municipal court judge, ~~\$2,400~~ \$3,000; recorder, \$1,200.'

Sec. 62. Effective date of sections 60 and 61. Sections 60 and 61 shall be retroactive to October 1, 1959.

Sec. 63. 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 and as amended by section 44 of chapter 363 of the public laws of 1959, is repealed and the following enacted in place thereof:

'6. Municipalities of 5,000 or more 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. 64. R. S., c. 91-A, § 123, sub-§ III-A, additional. Section 123 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 308 of the public laws of 1959, is amended by adding a new subsection III-A, as follows:

'III-A. "Stock race car" means a one-time factory produced vehicle equipped with roll bars or bracing welded or attached to the frame in a permanent manner and special safety belts, firewalls and having a certain amount of the body removed.'

Sec. 65. R. S., c. 91-A, § 124, sub-§ I, ¶ C, amended. Paragraph C of subsection I of section 124 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 308 of the public laws of 1959, is amended to read as follows:

'C. Motor vehicles: For the privilege of operating a motor vehicle upon the public ways, each motor vehicle, other than a stock race car, to be so operated shall be subject to such excise tax 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. The minimum tax for a motor vehicle other than bicycle with motor attached shall be \$5, for bicycle with motor attached, \$2.50. The excise tax on a stock race car shall be \$5. The maximum tax on and after the 7th year of model for a passenger vehicle, including a so-called station wagon, but not a bus, shall be \$15.'

Sec. 66. R. S., c. 96, § 15, amended. Section 15 of chapter 96 of the Revised Statutes is amended to read as follows:

'Sec. 15. Tree wardens, appointment and duties. The municipal officers of cities and towns not having elected park commissioners as provided by sections 2 to 12 may at any annual meeting or meetings called for that purpose annually appoint one or more tree wardens who shall have the care and control of all public shade trees upon and along such highways and in the parks thereof and all streets within any village limits and shall enforce all laws relative to the preservation of the same.'

Sec. 67. R. S., c. 103, § 15, amended. The first sentence of section 15 of chapter 103 of the Revised Statutes, as amended by section 69 of chapter 317 of the public laws of 1959, is further amended to read as follows:

'The following cases only come before the court as a court of law: Cases on appeal from the Superior Court or a single justice of the Supreme Judicial Court; criminal cases in which there are motions for new trials upon evidence reported by the justice; questions of law arising on reports of cases, including, in civil cases, interlocutory orders or rulings of such importance as to require, in the opinion of the justice, review by the law court before any further proceedings in the action; bills of exceptions in criminal cases; agreed statement of facts; cases, civil or criminal, presenting a question of law; all questions arising in cases in which equitable relief is sought; motions to dissolve injunctions issued after notice and hearing or continued after a hearing; questions arising on writs of habeas corpus, mandamus and certiorari.'

Sec. 68. R. S., c. 106, § 2, repealed and replaced. Section 2 of chapter 106 of the Revised Statutes, as last amended by chapter 364 and by section 2 of chapter 370, both of the public laws of 1959, is repealed and the following enacted in place thereof:

'Sec. 2. Salary; expenses. Each of the Justices of the Superior Court shall receive an annual salary of \$13,500. Chapter 103, section 4, relating to reimbursement of Justices of the Supreme Judicial Court for expenses incurred by them shall apply to Justices of the Superior Court, including reimbursement for expenses incurred in employing clerical assistance but which in the aggregate shall not exceed a total sum of \$4,000 per year for all such clerical assistance.'

Sec. 69. R. S., c. 106, § 5, amended. The last sentence of section 5 of chapter 106 of the Revised Statutes, as repealed and replaced by section 74 of chapter 317 of the public laws of 1959, is amended to read as follows:

'A single Justice of the Supreme Judicial Court also shall have and exercise jurisdiction, and have and exercise all of the powers, duties and authority necessary for exercising the same jurisdiction as the Superior Court, to hear and determine, with his consent, any issue in a civil action in the Superior Court in as to which the parties have no right to trial by jury or in which the right to trial by jury has been waived, except actions for divorce or annulment.'

Sec. 70. R. S., c. 106, § 14, amended. The last sentence of section 14 of chapter 106 of the Revised Statutes, as enacted by section 76 of chapter 317 of the public laws of 1959, is amended to read as follows:

'In any civil case a ~~defendant~~ any party aggrieved by any judgment, ruling or order may appeal therefrom to the law court within 30 days or such further time as may be granted by the court pursuant to a rule of court.'

Sec. 71. R. S., c. 107, § 23, repealed. Section 23 of chapter 107 of the Revised Statutes, as amended by chapter 306 and as repealed by section 86 of chapter 317, both of the public laws of 1959, is repealed.

Sec. 72. R. S., c. 107, § 37-A, additional. Chapter 107 of the Revised Statutes, as amended, is further amended by adding thereto a new section, to be numbered 37-A, to read as follows:

'Sec. 37-A. Interlocutory appeals. Any party may appeal to the law court from an interlocutory order granting or denying a preliminary injunction in a case involving or growing out of a labor dispute, but such preliminary injunction shall not be stayed by the taking of such appeal. Any such appeal shall be heard at the first term of the law court commencing not less than 14 days after the appellant has filed the record on appeal with the clerk of the Superior Court and furnished the required copies of his brief to the clerk of the law court. Copies of the briefs of other parties shall be furnished to the clerk of the law court not more than 10 days after the appellant's brief has been filed. The law court shall affirm, modify or set aside the order with the greatest possible expedition and shall give such proceedings precedence over all other matters except older matters of the same character.'

Sec. 73. R. S., c. 114, § 5, amended. Section 5 of chapter 114 of the Revised Statutes, as amended by section 209 of chapter 317 of the public laws of 1959, is further amended by adding at the end thereof, the following paragraph:

'When trustee process is used in connection with a counterclaim arising out of the transaction or occurrence that is the subject matter of the opposing party's claim, the alleged trustee may be summoned to appear in the county in which the action is pending, even though he does not reside or maintain a usual place of business in that county.'

Sec. 74. R. S., c. 166, § 43, amended. The first sentence of section 43 of chapter 166 of the Revised Statutes, as amended by section 5 of chapter 75 and by chapter 199, both of the public laws of 1959, is repealed and the following enacted in place thereof :

‘Whenever a man, having a wife, a minor child or children, residing in this State and being of sufficient ability or being able to labor and provide for them, willfully and without reasonable cause, refuses or neglects to provide suitable maintenance for them, the Superior Court, the probate court and any municipal court, in term time, or any judge or justice of said courts in vacation, in the county where the wife or such minor child or children reside, or in the county where the husband or father may be found on petition of the wife for herself and for such child or children, or of such child or children by their guardian or by the municipality that is providing suitable maintenance, after such notice to the husband or father as it may order, and hearing, may order him to contribute to the support of his wife and such minor child or children or either of them such sums payable weekly, monthly or quarterly as are deemed reasonable and just, and may enforce obedience by appropriate decrees.’

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

Effective January 29, 1960