

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Second Legislature
1965

'The amount to be paid in any year by the Public Utilities Commission acting for the State under sections 3411 to 3413, **and any maintenance expense allocated to the State under section 2903**, except as herein provided, shall not exceed \$25,000 for work in connection with town ways, and said amount shall be appropriated from the General Fund for each fiscal year.'

Effective September 3, 1965

Chapter 90

AN ACT Providing for Area Directional Sign for Sebago and Long Lakes on Maine Turnpike.

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

R. S., T. 23, § 1201, sub-§ 4-A, additional. Section 1201 of Title 23 of the Revised Statutes is amended by adding a new subsection 4-A to read as follows:

'4-A. Sebago-Long Lakes Region: Such sign shall be constructed and maintained on the Maine Turnpike at approximately mile 4 and shall be worded as follows:

SEBAGO

LONG LAKES

REGION

Exit 7 or 8;'

Effective September 3, 1965

Chapter 91

AN ACT Changing the Designation of Clerk of the Public Utilities Commission to Secretary of the Commission.

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

Sec. 1. R. S., T. 5, § 711, sub-§ 3, amended. Subsection 3 of section 711 of Title 5 of the Revised Statutes is amended to read as follows:

'3. **Appointed by Governor; certain official clerks.** Heads of departments and members of boards and commissions required by law to be appointed by the Governor with the advice and consent of the Council, bureau directors, and the official clerk of the ~~Public Utilities Commission and of the State Liquor Commission, and the secretary of the Public Utilities Commission.~~

Sec. 2. R. S., T. 35, § 1, amended. The first paragraph of section 1 of Title 35 of the Revised Statutes is amended to read as follows:

'The Public Utilities Commission, as heretofore established, shall consist of 3 members appointed by the Governor, with the advice and consent of the Coun-

cil, from time to time upon the expiration of the terms of the several members, for terms of 7 years. Any vacancy occurring in said commission shall be filled by appointment for the unexpired portion of the term in which such vacancy occurs. One member of the commission shall be designated by the Governor as chairman. The commission shall adopt and have a seal and be provided with an office at the State House in which its records shall be kept. The commission shall appoint a ~~clerk~~ **secretary** and a director of transportation. It shall appoint, with the approval of the Attorney General, a general counsel. It shall appoint, subject to the Personnel Law, an assistant ~~clerk~~ **secretary**. The ~~clerk~~ **secretary** shall keep a full and minute record of the proceedings of the commission which shall be open to public inspection at all times. The assistant ~~clerk~~ **secretary** shall assist the ~~clerk~~ **secretary** in the performance of his duties, and in the absence of the ~~clerk~~ **secretary** shall have the same powers as the ~~clerk~~ **secretary**. The ~~clerk~~ **secretary** shall have authority to certify to all official acts of the commission, administer oaths, issue subpoenas and issue all processes, notices, orders or other documents necessary to the performance of the duties of the commission. The commission shall have custody and control of all records, maps and papers pertaining to the offices of the former Board of Railroad Commissioners and the former State Water Storage Commission.'

Sec. 3. R. S., T. 35, § 55, amended. The last sentence of section 55 of Title 35 of the Revised Statutes is amended to read as follows :

'The requirements of this section shall not apply to a public utility having no property located within this State other than such as is employed therein while in transit, but every such public utility shall appoint an agent residing in this State upon whom all notices, processes of the commission or other papers relating to chapters 1 to 17 may be served, and shall file a copy of such appointment with the ~~clerk~~ **secretary** of the commission.'

Sec. 4. R. S., T. 35, § 303, amended. The 2nd and 3rd sentences of section 303 of Title 35 of the Revised Statutes are amended to read as follows :

'Wherever a statute or rule regulating the taking of an appeal from the Superior Court in a civil action uses the term "the court," the "clerk," the "clerk of courts," or a similar term, they shall for purposes of an appeal from the commission be read, respectively, as "the commission," "the ~~clerk~~ **secretary** of the commission," or other appropriate term. The result shall be certified by the clerk of the law court to the ~~clerk~~ **secretary** of the commission and to the clerk of the Superior Court for Kennebec County, the prevailing party to recover costs to be taxed by said Superior Court in accordance with the law for the taxation of costs on appeal in civil actions.'

Sec. 5. R. S., T. 35, § 305, amended. The 4th sentence of section 305 of Title 35 of the Revised Statutes is amended to read as follows :

'Such complaint shall be filed with the clerk of the law court and a copy thereof with the ~~clerk~~ **secretary** of the commission, both within 30 days after the date of the said ruling or order or within such further time as the court may allow, together with a certificate that the attorney for the plaintiff is of opinion that there is such probable ground for the appeal as to make it a fit subject for judicial inquiry and that it is not intended for delay.'

Sec. 6. R. S., T. 35, § 652, amended. The 5th sentence of section 652 of Title 35 of the Revised Statutes is amended to read as follows :

'If they find that any of it is so necessary, they shall make a certificate containing a definite description thereof and furnish the corporation with a true copy thereof, attested by the ~~clerk~~ secretary of the commission.'

Sec. 7. R. S., T. 35, § 772, amended. The 2nd sentence of section 772 of Title 35 of the Revised Statutes is amended to read as follows:

'A copy of said certificate, attested by the ~~clerk~~ secretary of the commission, shall be furnished the corporation operating said railroad.'

Effective September 3, 1965

Chapter 92

AN ACT Providing Remedies for the Unauthorized Practice of Law.

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

Sec. 1. R. S., T. 4, § 807, amended. Section 807 of Title 4 of the Revised Statutes is amended to read as follows:

§ 807. Persons not admitted forbidden to practice law; cannot recover pay for services

Unless duly admitted to the bar of this State, no person shall practice law or any branch thereof, or hold himself out to practice law or any branch thereof, within the State or before any court therein, or demand or receive any remuneration for such services rendered in this State. Whoever, not being duly admitted to the bar of this State, shall practice law or any branch thereof, or hold himself out to practice law or any branch thereof, within the State or before any court therein, or demand or receive any remuneration for such services rendered in this State, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or by both. ~~The word "person" as used herein shall include a body corporate. This section shall not be construed to apply to practice before any Federal Court by any person duly admitted to practice therein nor to a person pleading or managing his own cause in court. The Supreme Judicial Court and the Superior Court shall have concurrent jurisdiction, upon petition of 3 or more members of any bar association within the State or of the Attorney General, to restrain violations of this section. In all proceedings under this section, the fact, as shown by the records of the clerk of courts in the county in which a person resides Secretary of State, that such person is not recorded as a member of the bar in such county shall be prima facie evidence that he is not a member of the bar licensed to practice law in the State. The Supreme Judicial Court or any justice thereof shall have the power to issue a rule requiring any person alleged to have violated any of the provisions of this section to appear on a day fixed and show cause why he should not be adjudged in contempt, and abide the order of such court or justice in the premises, which order shall be served by a copy in hand at least 5 days before the return day. In the event that such court or justice finds said person guilty of violating any of the provisions of this section, the person so adjudged shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or by both. This power vesting authority in the Supreme Judicial Court, or any member thereof, to~~