

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1965

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

dental diagnosis, and make oral examinations by mouth mirror and explorer for the detection of cavities, and remove lime deposits, accretions and stains from the exposed surfaces of the teeth and directly beneath the free margin of the gum and make local applications of medicaments to the surfaces of the teeth and gums, but shall not perform any other operation on the teeth or mouth or on any diseased tissues of the mouth. They may operate in the office of any registered or licensed dentist or in any public or private institution or for the Department of Health and Welfare, Division of Dental Health, under the general supervision of a registered or licensed dentist. The board may revoke the license of any registered or licensed dentist who shall permit any dental hygienist operating under his supervision to perform any operation other than that permitted under this section.'

Effective September 3, 1965

Chapter 240

AN ACT Relating to Membership of Judicial Council.

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

Sec. 1. R. S., T. 4, § 451, amended. The 2nd sentence of section 451 of Title 4 of the Revised Statutes is repealed and the following enacted in place thereof:

'The council shall be composed of the Chief Justice of the Supreme Judicial Court, who shall also serve as chairman, the Attorney General, the Chief Judge of the District Court, and the Dean of the University of Maine School of Law, each to serve ex officio, and an active or retired Justice of the Supreme Judicial Court, 2 Justices of the Superior Court, one Judge of the District Court, one judge of a probate court, one clerk of the judicial courts, 2 members of the bar, and 3 laymen, to be appointed by the Governor, with the advice and consent of the Executive Council.'

Sec. 2. R. S., T. 4, § 453, amended. The last sentence of section 453 of Title 4 of the Revised Statutes is amended to read as follows:

'~~The Chief Justice shall be ex officio chairman of said council, and said~~ The council may appoint one of its members or some other suitable person to act as secretary for said council.'

Effective September 3, 1965

Chapter 241

AN ACT to Clarify Condemnation of Schoolhouse Lots.

Emergency preamble. Whereas, the procedures outlined in the Revised Statutes, Title 20, section 3562, are unclear; and

Whereas, many administrative units are currently facing the problem of acquiring land to construct school buildings; and

Whereas, the acquisition of proper school sites is essential to the welfare of the citizens of these communities; and

Whereas, several communities are unable to acquire adequate school sites because of the confusion in the present statutes; 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., T. 20, § 3562, repealed and replaced. Section 3562 of Title 20 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 3562. Condemnation by municipality

When a location for the erection of, or an addition to, a school building has been legally designated by vote of a municipality, at any town meeting, city election or vote of a city council, called for that purpose and the owner thereof refuses to sell, or, the parties are unable to agree on a price within 60 days of the first offer or the owner resides without the State and has no authorized agent or attorney therein, the municipal officers may lay out a schoolhouse lot and playgrounds, not exceeding 25 acres for any one project, and appraise the damages as is provided for laying out town ways, and on payment or tender of such damages, or if such owner does not reside in the State, upon depositing such damages in the treasury of such town for his use, the municipality designating it may take such lot to be held and used for the purposes aforesaid. The municipal officers shall thereupon, within 30 days after payment, tender or deposit of such damages, cause a description of such lot as laid out by them, and a plan thereof, to be recorded in the registry of deeds where the land lies, and notify the recorded owner by serving, in the usual manner as provided for in the commencement in civil actions as provided by law, upon him a certified copy of the vote of the municipal officers which provides for such taking.

§ 3562-A. Condemnation by School Administrative District

When the location of a school lot has been determined by a vote of the legal voters of a School Administrative District, upon the recommendation of the board of directors, and the owner of the property thereof refuses to sell, or, the parties are unable to agree on a price within 60 days of the first offer or the owner resides without the State and has no authorized agent or attorney therein, the board of directors may take and acquire a lot for the erection of, or an addition to, a school building and requisite playgrounds, not exceeding 25 acres for any one project, and appraise the damages sustained by the owner, as is provided for laying out county ways by Title 23, sections 2052 and 2054, except that no notice need be given to the State Highway Commission; and on payment or tender of such damages, or if such owner does not reside in the State, upon depositing such damages in the treasury of the county for his use, the School Administrative District may take such lot to be held and used for the purposes aforesaid. The directors thereof shall thereupon, within 30 days after payment, tender or deposit of such damages, cause a description of such lot as laid out by them and a plan thereof to be recorded in the registry of deeds where the land lies, and notify the recorded owner by serving, in the usual manner as pro-

vided for in the commencement in civil actions as provided by law, upon him a certified copy of the vote of the municipal officers which provides for such taking.

§ 3562-B. Reversion

When such schoolhouse lot, taken under either section 3562 or 3562-A, has ceased to be used for school purposes for 2 successive years, said lot reverts to the owner, his heirs or assigns, on demand by him or them in writing made to the municipal officers of the town or school directors of the School Administrative District, subject to the right of the town or school directors to enter upon said lot and remove said schoolhouse at any time within 6 months after said demand.

§ 3562-C. Fencing

All schoolhouse lots and playgrounds that require fencing shall be fenced by the town, city or administrative district.'

Sec. 2. R. S., T. 20, § 3563, repealed and replaced. Section 3563 of Title 20 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3563. Appeals

If the owner is aggrieved at the damages awarded him under section 3562 or 3562-A, he may appeal from such award to the Superior Court of the county in which the land or any part thereof lies by filing a complaint in said court and serving the school administrative unit with a copy thereof within 90 days from the date of recording of the description of the lot hereinabove provided for in the registry of deeds. Said complaint shall set forth substantially the facts, but shall not state the amount of the damages previously awarded to the owner, and the damages may be determined in the Superior Court by a committee of reference if the parties so agree, or by a verdict of its jury. If the damages are increased, such administrative unit shall pay the damages and costs; otherwise the costs shall be paid by the appellant. The committee of reference shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts. An appeal may be taken by any party from the judgment of said court to the Supreme Judicial Court as in other cases.'

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

Effective April 30, 1965

Chapter 242

AN ACT Relating to Rules for and Enforcement of Channel Lines by Municipal Officers.

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

R. S., T. 38, § 2, amended. Section 2 of Title 38 of the Revised Statutes is amended to read as follows: