

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
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negligence or any other tort. Each policy issued to a charitable organization shall contain a provision to the effect that the insurer shall be estopped from asserting, as a defense to any claim covered by said policy, that such organization is immune from liability on the ground that it is a charitable organization. The amount of damages in any such case shall not exceed the limits of coverage specified in the policy, and the courts shall abate any verdict in any such action to the extent that it exceeds such policy limit.'

Effective September 3, 1965

Chapter 384

AN ACT Relating to Definition of Club Under Liquor Laws.

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

R. S., T. 28, § 2, sub-§ 4, amended. Subsection 4 of section 2 of Title 28 of the Revised Statutes is amended to read as follows:

'4. **Club.** "Club" shall mean any reputable group of individuals incorporated and operating in a bona fide manner solely for objects of recreational, social, patriotic or fraternal nature and not for pecuniary gain. To qualify for license or any renewal thereof under this Title a club shall, for at least ~~2 years~~ **one year** immediately preceding application therefor, have been in continuous operation and existence, regularly occupied as owner or lessee a suitable clubhouse or quarters for use of members, held regular meetings, conducted its business through officers regularly elected and charged and collected dues from elected members, except that any veterans' organization in the State having a charter from a national veterans' organization shall be exempted from the ~~2-year~~ **one-year** requirement, provided it has been established for not less than 3 months.'

Effective September 3, 1965

Chapter 385

AN ACT Revising the Electricians Licensing Laws.

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

Sec. 1. R. S., T. 30, § 2556, repealed and replaced. Section 2556 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2556. Inspections

It shall be the duty of said electrical inspectors to examine and to issue certificates of acceptance of electrical installations at the request or complaint of any owner, lessee, tenant or municipal officer. They may enter any building with the permission of any person having control of the same or may apply to a court for process to do so. In the event an electrical inspector shall find any hazardous electrical installation he shall order the person having charge of the

same to have it corrected forthwith, and in the event of refusal or neglect to do so may apply to an appropriate court for injunctive relief.'

Sec. 2. R. S., T. 32, § 1101, sub-§ 6, repealed and replaced. Subsection 6 of section 1101 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

'6. Type S journeyman. The words "type S journeyman" shall mean a person whose license is limited to the installation and maintenance of electrical equipment in one or more of the following branches:

- A. Automatic gas heat;
- B. Outdoor sign work;
- C. Refrigeration.'

Sec. 3. R. S., T. 32, § 1103, repealed and replaced. Section 1103 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

'§ 1103. Municipal licenses not required; municipal permits

No municipality, provisions in charters to the contrary, shall require electricians to be municipally licensed, but no municipality shall issue a permit for an electrical installation unless satisfied that the person applying for the permit complies with this chapter.'

Sec. 4. R. S., T. 32, § 1104, repealed and replaced. Section 1104 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

'§ 1104. State electrical inspectors

The board when funds are available shall appoint one or more state electrical inspectors, subject to the Personnel Law, to enforce this chapter, the cost thereof, including necessary electrical testing equipment, to be drawn from the funds accruing from license fees hereunder. Said inspectors shall act under the supervision of the executive secretary, subject to the directions of the board.

It shall be the duty of said state electrical inspectors to examine and to issue certificates of acceptance of electrical installations at the request or complaint of any owner, lessee, tenant, municipal officer or local electrical inspector. They may enter any building with the permission of any person having control of the same or may apply to a court for process to do so. In the event a state electrical inspector shall find any hazardous electrical installation he shall order the person having charge of the same to have it corrected forthwith, and in the event of refusal or neglect to do so may apply to an appropriate court for injunctive relief.'

Sec. 5. R. S., T. 32, § 1105, repealed and replaced. Section 1105 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

'§ 1105. Penalty for violation

Any person who engages in the business of installing electrical wires, conduits, apparatus, fixtures or other electrical equipment in the State or installs the same

for compensation without having a license in effect hereunder or any person who, being himself in the business, employs a person to do such work who has not such a license then in effect, unless he is an apprentice electrician or helper electrician as set forth in this chapter or unless the persons or work is exempted under section 1102, or any person who procures a license hereunder wrongfully or by fraud, or any person who violates this chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3 months, or by both.'

Sec. 6. R. S., T. 32, § 1151, amended. Section 1151 of Title 32 of the Revised Statutes is amended to read as follows:

§ 1151. Appointment; vacancies; removal; compensation

An Electricians Examining Board, as heretofore established, and in this chapter called the "board," shall consist of an executive secretary, who shall be the Insurance Commissioner or a representative from the Insurance Department delegated by the Insurance Commissioner and 6 5 other members, hereinafter called the appointive members who shall be appointed by the Governor with the advice and consent of the Council. ~~Two of said appointive members shall be electricians who are active in the trade and who have had at least 5 years' experience as such electricians. The other 4 appointive members shall be persons who have had at least 10 years' experience in the electrical field as electricians, electrical inspectors or otherwise and who~~ Said appointive members shall consist of one master electrician, one electrician who is a bona fide member from organized labor classified as an inside electrician, one electrical inspector and 2 other persons experienced in the electrical field, all with at least 10 years' experience in the electrical field and the latter 3 need not be active electricians at the time of appointment. Said appointive members shall be appointed for terms of ~~2 years and may be reappointed. As the terms of said appointive members expire, new appointive members shall be appointed for terms of 2~~ years 5 years, except that initially one member shall be appointed for 5 years, another for 4 years, another for 3 years, another for 2 years and the 5th for one year. Any vacancy in said board caused by death, resignation or removal of any member shall be filled by the appointment of a person qualified as aforesaid, to hold office during the unexpired term of the member whose place is thus filled. Any member of said board may be removed from office for cause, by the Governor, with the advice and consent of the Council. The members of the board shall each be allowed the sum of \$15 per day and their necessary travelling expenses for actual attendance upon an examination of candidates for license, and for any necessary hearings. The 5 appointive members of the board shall annually in the month of January choose one of their members chairman. The executive secretary shall be a voting member of the board.'

Sec. 7. R. S., T. 32, § 1156, amended. Section 1156 of Title 32 of the Revised Statutes is amended by adding at the end, a new sentence, as follows:

'The board shall at least once each biennium publish a roster of all licensees which shall be available at cost to the public.'

Sec. 8. R. S., T. 32, § 1203, repealed and replaced. Section 1203 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1203. Examinations

The following applicants for license shall present to the executive secretary of the board a written application for examination and license, containing such

information as the board may require, accompanied by the required fee of \$25 for a master electrician's license, \$10 for a journeyman's license and \$5 for a type S journeyman's license. Examinations shall be in whole or in part in writing, shall be conducted by the board and shall be of a thorough and practical character commensurate with the responsibilities of the prospective license holder. They shall include such provisions of the National Electrical Code as the board may deem appropriate. Any person failing to pass his first such examination may be reexamined at any subsequent meeting of said board, within one year of such first examination without additional fee and thereafter may be examined as often as he may desire, upon the payment of the required fee as set forth above. Any holder of a master electrician's license may receive a journeyman's license without examination or further fee. Licenses shall be originally issued over the signature of at least a majority of the board.'

Sec. 9. R. S., T. 32, § 1204, repealed and replaced. Section 1204 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 1204. Renewals

All licenses issued as aforesaid shall expire December 31st of each year as to master electricians and June 30th as to other licensees and they may be renewed thereafter for periods of one year without further examination, upon the payment of the proper fee as set forth in section 1203. Any person who fails to renew his license for a period of over 2 years shall be required to take an examination.’

Effective September 3, 1965

Chapter 386

AN ACT Providing for Adequate Fishways in Dams.

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

Sec. 1. R. S., T. 12, § 2201, amended. Section 2201 of Title 12 of the Revised Statutes is amended by adding after the first paragraph, a new paragraph, as follows:

‘The commissioner shall hold a hearing as follows:

1. Petition by citizens. Whenever he shall be petitioned by 200 citizens of a municipality or municipalities in which such a dam or artificial obstruction either exists or is adjacent to a municipality in which such dam or artificial obstruction exists;

2. Petition by county commissioners. Whenever he shall be petitioned by a majority of the county commissioners in a county where such dam or artificial obstruction is in an unorganized territory;

3. Directed by committee. Whenever he shall be directed by the Inland Fish and Game Legislative Committee that such a dam or artificial obstruction exists.’

Sec. 2. R. S., T. 12, § 2201, amended. The 3rd paragraph of section 2201 of Title 12 of the Revised Statutes is amended to read as follows: