

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and Fourth 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.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1969

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
ONE HUNDRED AND FOURTH LEGISLATURE  
1969

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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., T. 12, § 1601, amended.** The first sentence of section 1601 of Title 12 of the Revised Statutes, as last amended by chapter 29 of the public laws of 1967, is further amended to read as follows:

A tax of 9 mills on the dollar is assessed for the year 1967 and  $\$ 8\frac{1}{2}$  mills thereafter upon all the property in the Maine Forestry District, including rights in public reserved lots, to be used for the protection thereof; except that in organized municipalities the tax rate shall be 9 mills for the year 1967 and  $\$ 8\frac{1}{2}$  mills thereafter multiplied by a fraction whose numerator is the previous year's assessed value of the land taxable by the municipality, including dams and power houses but not including any other structure or building, and whose denominator is the total previous year's assessed value of all property taxable by the municipality.

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

Effective April 21, 1969

## Chapter 191

### AN ACT Relating to Age of Girls Committed to Stevens School.

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

**R. S., T. 15, § 2714, amended.** The first sentence of section 2714 of Title 15 of the Revised Statutes, as amended by section 4 of chapter 195 of the public laws of 1967, is further amended to read as follows:

A boy between the ages of 11 and 17 may be committed to the Boys Training Center and a girl between the ages of 9 11 and 17 may be committed to the Stevens School, pursuant to chapters 401 to 409.

Effective October 1, 1969

## Chapter 192

### AN ACT Relating to Incurrigibles at Juvenile Training Centers.

**Emergency preamble.** Whereas, Acts passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the administrative transfer of juveniles from a training center to a correctional center has been judicially determined to be unconstitutional when effected pursuant to existing law ; and

Whereas, the needs of certain juveniles committed to training centers and the necessity of orderly administration of juvenile training centers demand the availability of procedures permitting the removal of juveniles from training centers whose needs can be better met by a disposition other than commitment to a training center ; and

Whereas, it is vitally necessary that procedures be available for such purpose ; 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. 15, § 2611, sub-§ 4, ¶ A, repealed. Paragraph A of subsection 4 of section 2611 of Title 15 of the Revised Statutes, as amended by section 1 of chapter 391 of the public laws of 1967, is repealed.

**Sec. 2.** R. S., T. 15, § 2611, sub-§ 5, amended. Subsection 5 of section 2611 of Title 15 of the Revised Statutes, as amended by section 42 of chapter 544 of the public laws of 1967, is further amended by adding at the end the following new paragraph :

When, following commitment under this section to the Boys Training Center or Stevens School, the superintendent thereof considers the child to be incapable of benefitting from the program at the center or that the child willfully and persistently refuses to obey the rules and regulations of the institution, and is in need of, and can reasonably be expected to benefit from, facilities and program available at the Men's Correctional Center, if the child is a male, or the Women's Correctional Center, if the child is a female, the superintendent may request a judicial review of disposition. Such request shall be filed with the juvenile court having territorial jurisdiction where the juvenile institution is located, and the juvenile court may order the child's record to be forwarded from the juvenile court having original jurisdiction of the case. A date and time shall be set for, and reasonable notice given of, a hearing at which the child shall have the right to counsel for the review of disposition of the case. The court at the hearing shall receive testimony bearing on the issue of the need for redispotion of the case and may receive any other relevant testimony. If the court finds from the testimony presented and from pertinent reports submitted, if any, that the child is incapable of benefitting from the program at the training center or willfully and persistently refuses to obey the rules and regulations of the training center, and is in need of, and can reasonably be expected to benefit from, facilities and program available at the Men's Correctional Center, if the child is a male, or the Women's Correctional Center, if the child is a female, the court may order commitment to such institution. Such redispotion of the case of any such juvenile shall not enlarge the period of commitment and the provisions of section 2716 and 2718 shall apply to the superintendent of the correctional center as to any juvenile ordered committed under this subsection. The case

may be further reopened when at any time during the period of commitment to the correctional center, the superintendent thereof considers that the child has benefitted maximally from the correctional center program is not ready for return to the community, but can reasonably be expected to benefit from facilities and program available at the training center. In such case proceedings shall be conducted in the juvenile court which ordered commitment to the correctional center, as in the case of proceedings for commitment to the correctional center under this subsection.

**Sec. 3. R. S., T. 15, § 2717, repealed.** Section 2717 of Title 15 of the Revised Statutes, as repealed and replaced by section 2 of chapter 391 of the public laws of 1967, is repealed.

**Sec. 4. R. S., T. 34, § 801, sub-§ 1, repealed.** Subsection 1 of section 801 of Title 34 of the Revised Statutes, as repealed and replaced by section 10 of chapter 391 of the public laws of 1967, is repealed.

**Sec. 5. R. S., T. 34, § 801, sub-§ 2, repealed and replaced.** Subsection 2 of section 801 of Title 34 of the Revised Statutes, as repealed and replaced by section 10 of chapter 391 of the public laws of 1967, is repealed and the following enacted in place thereof:

**2. Males committed by juvenile court.** Males committed thereto by the juvenile court after commitment to the Boys Training Center and redistribution of the case under Title 15, section 2611, subsection 5;

**Sec. 6. R. S., T. 34, § 801, amended.** The first sentence of the 2nd paragraph of section 801 of Title 34 of the Revised Statutes, as repealed and replaced by section 10 of chapter 391 of the public laws of 1967, is amended to read as follows:

All of the males specified in subsections 2 and 3 shall be detained and confined in accordance with the orders or sentences of the courts and rules and regulations of the center applicable to each such category.

**Sec. 7. R. S., T. 34, § 801-A, sub-§ 2, repealed and replaced.** Subsection 2 of section 801-A of Title 34 of the Revised Statutes, as enacted by section 11 of chapter 391 of the public laws of 1967, is repealed and the following enacted in place thereof:

**2. Inmate.** "Inmate" as used in this chapter shall mean any male sentenced and committed to the center, and males confined therein after being committed in accordance with Title 15, section 2611, subsection 5.

**Sec. 8. R. S., T. 34, § 802, amended.** The first sentence of the 2nd paragraph of section 802 of Title 34 of the Revised Statutes, as repealed and replaced by section 12 of chapter 391 of the public laws of 1967, is repealed and the following enacted in place thereof:

When any such male is ordered committed to the center the court shall not fix the term of commitment to the center.

**Sec. 9. R. S., T. 34, § 851, sub-§ 1, repealed.** Subsection 1 of section 851 of Title 34 of the Revised Statutes, as repealed and replaced by section 15 of chapter 391 of the public laws of 1967, is repealed.

**Sec. 10. R. S., T. 34, § 851, sub-§ 2, repealed and replaced.** Subsection 2 of section 851 of Title 34 of the Revised Statutes, as repealed and replaced by section 15 of chapter 391 and as amended by section 86 of chapter 544, both of the public laws of 1967, is repealed and the following enacted in place thereof:

2. **Females committed by juvenile court.** Females committed thereto by the juvenile court after commitment to the Stevens School and redistribution of the case under Title 15, section 2611, subsection 5;

**Sec. 11. R. S., T. 34, § 851, amended.** The 2nd paragraph of section 851 of Title 34 of the Revised Statutes, as repealed and replaced by section 15 of chapter 391 of the public laws of 1967, is amended to read as follows:

All of the females specified in subsections ~~1~~ 2, 3 and 4 shall be detained and confined in accordance with the orders or sentences of the courts and the rules and regulations of the center applicable to each such category.

**Sec. 12. R. S., T. 34, § 851-A, sub-§ 2, repealed and replaced.** Subsection 2 of section 851-A of Title 34 of the Revised Statutes, as enacted by section 16 of chapter 391 and as amended by section 87 of chapter 544, both of the public laws of 1967, is repealed and the following enacted in place thereof:

2. **Inmate.** "Inmate" as used in this chapter shall mean any female sentenced and committed to the center, and females confined therein after being committed in accordance with Title 15, section 2611, subsection 5;

**Sec. 13. R. S., T. 34, § 853, amended.** The 2nd paragraph of section 853 of Title 34 of the Revised Statutes, as repealed and replaced by section 18 of chapter 391 of the public laws of 1967, is amended to read as follows:

When any such woman ~~or any juvenile offender over the age of 16 years and under the age of 17 years under Title 15, section 2611,~~ is ordered committed to the center the court shall not fix the term of commitment to the center. The duration of the commitment, including time spent on parole shall not exceed 3 years. Upon commitment of any such woman, ~~or any juvenile offender under Title 15, section 2611~~ and upon sentencing any woman to the Maine State Prison, if the officer to whom the judgment and order of commitment is addressed is not a woman, the judge shall, in all cases when feasible, designate a woman to be an attendant to accompany her to the center.

**Sec. 14. R. S., T. 34, § 864, amended.** The last sentence of the first paragraph of section 864 of Title 34 of the Revised Statutes, as enacted by section 24 of chapter 391 and as amended by section 88 of chapter 544, both of the public laws of 1967, is repealed and the following enacted in place thereof:

Females committed to the center under Title 15, section 2611, subsection 5 may be authorized by the superintendent to participate in said program.

**Sec. 15. R. S., T. 34, § 1673, sub-§ 1, amended.** The last sentence of the first paragraph of subsection 1 of section 1673 of Title 34 of the Revised Statutes, is repealed.

**Sec. 16. Affect on existing commitments.** The repeal of Title 15, section 2611, subsection 4, paragraph A, by section 1 of this Act shall not terminate or affect in any other way any commitment made thereunder in effect upon the effective date of this Act. Parole as to any male inmate committed under such repealed section may be granted in accordance with Title 34, section 1673 as it applied to any such commitment at the time of its amendment by section 15 of this Act. Parole of any female committed under such repealed section may be in accordance with Title 34, section 1674.

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

Effective April 21, 1969

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## Chapter 193

### AN ACT Creating the Uniform Anatomical Gift Act.

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

R. S., T. 22, c. 710, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 710, to read as follows:

#### CHAPTER 710

#### UNIFORM ANATOMICAL GIFT ACT

##### § 2901. Definitions

1. **Bank or storage facility.** "Bank or storage facility" means a facility licensed, accredited or approved under the laws of any state for storage of human bodies or parts thereof.

2. **Decedent.** "Decedent" means a deceased individual and includes a stillborn infant or fetus.

3. **Donor.** "Donor" means an individual who makes a gift of all or part of his body.

4. **Hospital.** "Hospital" means a hospital licensed, accredited or approved under the laws of any state and includes a hospital operated by the United States Government, a state or a subdivision thereof, although not required to be licensed under state laws.

5. **Part.** "Part" includes organs, tissues, eyes, bones, arteries, blood, other fluids and other portions of a human body, and "part" includes "parts".