

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1969

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

Sec. 2. R. S., T. 5, § 1814, amended. The first paragraph of section 1814 of Title 5 of the Revised Statutes is amended to read as follows:

A Standardization Committee as heretofore established shall consist of the Governor or his representative the State Purchasing Agent, ~~2~~ 3 public members and such department or agency heads or their representatives as may be designated by the Governor. The ~~2~~ 3 public members and the department or agency heads or their representatives shall serve at the pleasure of the Governor. The ~~2~~ 3 public members shall be representative of the industry and commerce ~~of Maine~~ and political subdivisions of Maine.

Sec. 3. R. S., T. 5, § 1814, amended. The last sentence of the 2nd paragraph of section 1814 of Title 5 of the Revised Statutes is amended to read as follows:

The ~~2~~ 3 public members shall be paid the necessary expenses incurred in the performance of their duties, and in addition thereto, they shall each receive \$25 per day for attendance at committee meetings.

Sec. 4. R. S., T. 5 § 1816, sub-§ 2, ¶ A, amended. Paragraph A of subsection 2 of section 1816 of Title 5 of the Revised Statutes is amended to read as follows:

A. The ~~purchase procurement of required~~ services, supplies, materials and equipment **required in an emergency** involves the expenditure of less than ~~\$50~~ \$100 and the interests of the State would best be served thereby;

Sec. 5. R. S., T. 5, § 1816, sub-§ 5, amended. The last sentence of subsection 5 of section 1816 of Title 5 of the Revised Statutes is repealed as follows:

~~No bid may be withdrawn during a period of 21 calendar days immediately following the opening thereof;~~

Effective October 1, 1969

Chapter 301

AN ACT Creating the Oil and Gas Conservation and Development Control Act.

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

R. S., T. 10, c. 401, sub-c. IV, additional. Chapter 401 of Title 10 of the Revised Statutes, as amended, is further amended by adding a new subchapter IV, to read as follows:

SUBCHAPTER IV

OIL AND GAS CONSERVATION AND DEVELOPMENT CONTROL ACT

§ 2151. Short title

This subchapter may be cited as the "Oil and Gas Conservation and Development Control Act."

§ 2152. Purpose

The prevention of waste of oil and gas, the protection of correlative rights and public natural resources are declared to be in the public interest. The purpose of this Act is to prevent such waste and to protect all correlative rights.

§ 2153. Definitions

Unless the context otherwise requires, the terms defined in this section shall have the following meaning when used in this Act:

1. Bureau. "Bureau" means the Maine Mining Bureau.
2. Certificate of clearance. "Certificate of clearance" means a permit prescribed by the bureau for the transportation or the delivery of oil or gas or product under, in or on the offshore territorial waters of this State.
3. Certificate of compliance. "Certificate of compliance" means a certificate issued by the bureau to the owner or operator of a well or refinery indicating that the owner or operator has complied with the oil or gas conservation laws of the State and conservation rules, regulations and orders of the bureau.
4. Condensate. "Condensate" means liquid hydrocarbons that were originally in the gaseous phase in the reservoir.
5. Developed area. "Developed area" means a spacing unit on which a well has been completed that is capable of producing oil or gas, or the acreage that is otherwise attributed to a well by the bureau for allowable purposes.
6. Field. "Field" means the general area underlaid by one or more pools.
7. Gas. "Gas" means all natural gas and all other fluid hydrocarbons not defined as oil originating from any well in the State, including condensate, as it originally was in the gaseous phase in the reservoir.
8. Illegal gas. "Illegal gas" means that gas which has been produced from any well within the State in excess of the quantity permitted by any rule, regulation or order of the bureau.
9. Illegal oil. "Illegal oil" means oil that has been produced from any well within the State in excess of the quantity permitted by any rule, regulation or order of the bureau.
10. Illegal product. "Illegal product" means any product derived in whole

or in part from illegal oil or illegal gas.

11. Just and equitable share of the production. "Just and equitable share of the production" means, as to each person, that part of the authorized production from the pool that is substantially in the proportion that the amount of recoverable oil or gas or both in the developed area of his tract or tracts in the pool bears to the recoverable oil or gas or both in the total of the developed areas in the pool.

12. Oil. "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, originating from any well in the State, but does not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir.

13. Oil and gas. "Oil and gas" means oil or gas, or both.

14. Owner. "Owner" means the person who has the right to drill into and produce from a pool and to appropriate the oil or gas that he produces therefrom, either for himself or for himself and others.

15. Person. "Person" means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary or other representatives of any kind, and includes any government or any political subdivision or any agency thereof. The masculine gender, in referring to a person, includes the feminine and the neuter genders.

16. Pollution. "Pollution" means the contamination of the environment by any activities utilized for the development, production or refining of oil and gas.

17. Pool. "Pool" means an underground reservoir containing a common accumulation of oil or gas or both. Each zone of a structure that is completely separated from any other zone in the same structure is a pool.

18. Producer. "Producer" means the owner of a well or wells capable of producing oil or gas or both.

19. Product. "Product" means any commodity made from oil or gas, and includes refined crude oil, crude tops, topped crude, processed crude, processed crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural-gas gasoline, kerosene, benzine, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of two or more liquid products or byproducts derived from oil or gas, whether herein enumerated or not.

20. Protect correlative rights. "Protect correlative rights" means that the action or regulation by the bureau should afford a reasonable opportunity to each person entitled thereto to recover or receive the oil or gas in his tract or tracts or the equivalent thereof, without being required to drill unnecessary wells or to incur other unnecessary expense to recover or receive such oil or gas or its equivalent.

21. Reasonable market demand. "Reasonable market demand" means the amount of oil reasonably needed for current consumption, use, storage or

working stocks, within and without the State, or the amount of gas of any type reasonably needed for current consumption, use or storage, within and without the State.

22. State. The words "in the State", "within the State", "in this State" or "within this State" mean in the State of Maine or under, in or on the off-shore territorial waters of the State of Maine, wherever the context permits.

23. Waste. "Waste" means and includes :

A. All uncontrolled discharge of oil and gas, hydrocarbon products, and those materials, equipment and chemicals coincident to production, beneficiation and transportation of oil and gas ;

B. The inefficient, excessive or improper use, or the unnecessary dissipation of, reservoir energy ;

C. The inefficient storing of oil and gas ;

D. The locating, drilling, equipping, operating or producing of any oil or gas well in a manner that causes, or tends to cause, reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations, or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas ;

E. The production of oil or gas in excess of reasonable market demand ; the amount reasonably required to be produced in the proper drilling, completing or testing of the well from which it is produced ; or oil or gas otherwise usefully utilized ; except gas produced from an oil well or condensate well pending the time when with reasonable diligence the gas can be sold or otherwise usefully utilized on terms and conditions that are just and reasonable ;

F. Underground or above ground waste in the production or storage of oil, gas or condensate, however caused, and whether or not defined in other subdivisions hereof.

§ 2154. Waste prohibited

The waste of oil and gas is prohibited.

§ 2155. Authority of the bureau

This Act shall apply to all lands located in the State, however owned, including submerged lands on the continental shelf within the territorial seaward boundary of this State, and any lands owned or administered by any government or any agency or political subdivision thereof, over which the State, under its police power, has jurisdiction.

The bureau is authorized and it is its duty to prevent waste of oil and gas and related materials to protect correlative rights, and to prevent pollution, and otherwise to administer and enforce this Act. It has jurisdiction over all persons and property necessary for that purpose.

Without limiting its general authority, the bureau shall have the specific authority:

1. Require. To require:

A. Identification of ownership of oil or gas wells, producing leases, tanks, plants, structures and facilities for the transportation or refining of oil and gas;

B. The making and filing of electrical or nuclear well logs, or both, directional surveys, and reports on well location, drilling and production, provided that the log of an exploratory or wildcat well need not be filed before 6 months after the completion of the well;

C. The drilling, casing, operation and plugging of wells in such manner as to prevent the escape of oil or gas out of one pool into another, the detrimental intrusion of water into an oil or gas pool that is avoidable by efficient operations, the pollution of fresh water and ocean water by oil, gas or salt water, and blow-outs, cavings, seepages and fires;

D. The taking of tests of oil or gas wells;

E. That every person who produces, stores, transports or refines crude or untreated oil and gas which originates from within the territorial jurisdiction of the State shall furnish a performance bond with good and sufficient surety, as required by the Mining Bureau for each facility, conditioned for the duty to plug each dry or abandoned well, to remove all obstructions to commercial fishing operation, and to repair each well causing pollution or waste; and shall furnish evidence of liability insurance to indemnify commercial fishermen, riparian owners, owners of boats and shore installations or state resources agencies for damage caused by pollution or waste;

F. That the production from wells be separated into gaseous and liquid hydrocarbons, and that each be measured by means and upon standards that may be prescribed by the bureau;

G. That wells not be operated with inefficient gas-oil or water-oil ratios, and to fix these ratios and to limit production from wells with inefficient gas-oil or water-oil ratios;

H. Metering or other measuring of oil, gas or product;

I. That every person who produces, sells, purchases, acquires, stores, transports, refines or processes oil or gas derived from within or offshore this State keep and maintain complete and accurate records of the quantities thereof, which records shall be available for examination by the bureau or its agents at all reasonable times;

J. The filing of such reports or plans with the bureau as it may prescribe;

K. Certificates of clearance in connection with the transportation or delivery of oil, gas or product; under, in or on the offshore territorial waters of this State;

L. Owners or operators of oil or gas wells or refineries producing or operating within or offshore this State, before connecting with any oil or gas pipeline, to secure from the bureau a certificate showing compliance with the oil or gas conservation laws of the State and conservation rules, regulations and orders of the bureau. No operator of a pipeline or other carrier shall connect with any oil or gas well or refinery until the owner or operator of such well or refinery shall furnish a certificate from the bureau that such conservation laws and such rules, regulations and orders have been complied with; provided, this section shall not prevent a temporary connection with any well solely for the purpose of taking care of production and preventing waste, provided that in the event of such temporary connection, the operator of such well shall forthwith make application for such certificate.

2. Cancel. To cancel:

A. Any certificate of compliance issued under this subchapter when it appears that the owner or operator of a well or refinery covered by this subchapter has violated or is violating, in connection with the operation of said well or refinery or the production of oil or gas therefrom, any of the oil or gas conservation laws of the State or any of the rules, regulations or orders of the bureau promulgated thereunder;

B. Any certificate of clearance issued under this subchapter when it appears that the owner or operator who in the course of transporting or delivering oil, gas or product under, in or on the offshore territorial waters of this State has violated or is violating any of the oil and gas conservation laws, regulations or orders of the bureau promulgated thereunder.

3. Regulate. To regulate:

A. The drilling, producing and plugging of wells, and all other operations for the production or refining of oil or gas;

B. The shooting and treatment of wells;

C. The spacing or locating of wells;

D. Operations to increase ultimate recovery, such as cycling of gas, the maintenance of pressure and the introduction of gas, water or other substances into a producing formation;

E. The operation, abandonment and proper plugging of wells to prevent the pollution of the streams and public bodies of surface water of the State;

F. The location and routing of submerged pipelines for the transportation of oil or gas or product to minimize the unnecessary proliferation of pipelines, conflicts between individual producers and fishing interests;

G. The transportation or the delivery of oil, gas or product under, in or on the offshore territorial waters of this State.

4. Limitations. To limit the production of oil, gas or condensate from any field, pool, area, lease or well, and to allocate production.

5. Classification. To classify and reclassify pools as oil, gas or condensate pools, or wells as oil, gas or condensate wells.

6. Regulations. To adopt, amend, repeal and enforce regulations necessary to prevent and measure waste and pollution, protect correlative rights, and to administer this Act. In adopting, amending or repealing regulations, the bureau shall follow the procedure prescribed by Title 5, sections 2351 and 2352 for the adoption, amendment and repeal of rules of practice before it.

§ 2156. Allocation of production

Whenever the bureau limits the amount of oil that may be produced in the State, the bureau shall allocate the allowable production among the pools on such basis as it deems reasonable.

Whenever the bureau limits the total amount of oil, gas or condensate that may be produced in any pool to an amount less than the amount that the pool could produce if no limitation were imposed, the bureau shall, subject to the reasonable necessities for the prevention of waste, allocate the allowable production among the several wells or producing properties in the pool so that each person entitled thereto will have a reasonable opportunity to produce or to receive his just and equitable share of the production.

In fixing oil allowables based on reasonable market demand, the bureau shall not be required to determine the reasonable market demand applicable to any single pool or group of pools, except in relation to all other pools and in relation to the reasonable market demand applicable to the State. In allocating oil allowables to pools, the bureau may consider, but shall not be bound by, nominations or purchasers to purchase from particular pools or groups of pools. The bureau shall allocate the oil allowable for the State in such manner as will prevent undue discrimination among pools that would result from selective buying or nomination by purchasers.

§ 2157. Well spacing

The bureau shall promptly establish spacing units for each pool.

An order establishing spacing units shall specify the size and shape of the units which shall be such as will, in the opinion of the bureau, result in the efficient and economical development of the pool as a whole. The size of the spacing units shall not be smaller than the maximum area that can be efficiently and economically drained by one well. If, at the time of a hearing to establish spacing units, there is not sufficient evidence from which to determine the area that can be efficiently and economically drained by one well, the bureau may make an order establishing temporary spacing units for the orderly development of the pool pending the obtaining of the information required to determine what the ultimate spacing should be.

Except where circumstances reasonably require, spacing units shall be of approximately uniform size and shape for the entire pool. The bureau may establish spacing units of different sizes or shapes for different parts of a pool or may grant exceptions to the size or shape of any spacing unit or units or may change the size or shape of one or more existing spacing units. Where

spacing units of different sizes or shapes exist in a pool, the bureau shall, if necessary, make such adjustment of the allowable production from the well or wells drilled thereon so that each person entitled thereto in each spacing unit will have a reasonable opportunity to produce or receive his just and equitable share of the production.

An order establishing spacing units shall specify the location for the drilling of a well thereon, in accordance with a reasonably uniform spacing pattern, with necessary exceptions for wells drilled or drilling at the time of the filing of the application. If the bureau finds that a well drilled at the prescribed location would not be likely to produce in paying quantities, or that surface conditions would substantially add to the burden or hazard of drilling such well, or for other good cause shown, the bureau is authorized to make an order permitting the well to be drilled at a location other than that prescribed by such spacing order. In so doing, the bureau shall, if necessary, make such an adjustment of the allowable production from the well drilled thereon so that each person entitled thereto in such spacing unit shall not produce or receive more than his just and equitable share of the production.

An order establishing spacing units for a pool shall cover all lands determined or believed to be underlaid by such pool, and may be modified by the bureau from time to time to include additional lands determined to be underlaid by such pool or to exclude lands determined not to be underlaid by such pool.

An order establishing spacing units may be modified by the bureau to change the size or shape of one or more spacing units, or to permit the drilling of additional wells on a reasonably uniform pattern.

After the date of the notice for a hearing called to establish spacing units, no additional well shall be commenced for production from the pool until the order establishing spacing units has been made, unless the commencement of the well is authorized by order of the bureau.

§ 2158. Integration of interests in spacing units

When 2 or more separately owned tracts are embraced within a spacing unit, or when there are separately owned interests in all or a part of a spacing unit, the interested persons may integrate their tracts or interests for the development and operation of the spacing unit. In the absence of voluntary integration, the bureau, upon the application of any interested person, shall make an order integrating all tracts or interests in the spacing unit for the development and operation thereof and for the sharing of production therefrom. The bureau, as a part of the order establishing a spacing unit or units, may prescribe the terms and conditions upon which the royalty interests in the unit or units shall, in the absence of voluntary agreement, be deemed to be integrated without the necessity of a subsequent separate order integrating the royalty interests. Each such integration order shall be upon terms and conditions that are just and reasonable.

§ 2159. Unit operations

1. Hearing. The bureau upon its own motion may, and upon application of any interested person shall, hold a hearing to consider the need for the

operation as a unit of one or more pools or parts thereof in a field.

2. Order. The bureau shall make an order providing for the unit operation of a pool or part thereof if it finds that:

A. Such operation is reasonably necessary to increase substantially the ultimate recovery of oil or gas; and

B. The value of the estimated additional recovery of oil or gas exceeds the estimated additional cost incident to conducting such operations.

3. —terms. The order shall be upon terms and conditions that are just and reasonable and shall prescribe a plan for unit operations that shall include:

A. A description of the pool or pools or parts thereof to be so operated, termed the unit area;

B. A statement of the nature of the operations contemplated;

C. An allocation to the separately owned tracts in the unit area of all the oil and gas that is produced from the unit area and is saved, being the production that is not used in the conduct of operations on the unit area or not unavoidably lost. The allocation shall be in accord with the agreement, if any, of the interested parties. If there is no such agreement, the bureau shall determine the relative value, from evidence introduced at the hearing, of the separately owned tracts in the unit area, exclusive of physical equipment, for development of oil and gas by unit operations, and the production allocated to each tract shall be the proportion that the relative value of each tract so determined bears to the relative value of all tracts in the unit area;

D. The time when the unit operations shall commence, and the manner in which, and the circumstances under which, the unit operations shall terminate; and

E. Such additional provisions that are found to be appropriate for carrying on the unit operations, and for the protection of correlative rights.

4. —effective. No order of the bureau providing for unit operations shall become effective unless and until the plan for unit operations prescribed by the bureau has been approved in writing by those persons who, under the bureau's order, will be required to pay at least 85% of the costs of the unit operation, and by the owners of at least 65% of the production or proceeds thereof that will be credited to interests which are free of cost, such as royalties, overriding royalties and production payments, and the bureau has made a finding, either in the order providing for unit operations or in a supplemental order, that the plan for unit operations has been so approved. If the plan for unit operations has not been so approved at the time the order providing for unit operations is made, the bureau shall upon application and notice hold such supplemental hearings as may be required to determine if and when the plan for unit operations has been so approved. If the persons owning required percentage of interest in the unit area do not approve the plan for unit operations within a period of 6 months from the date on which the order providing for unit operations is made, such order shall be ineffective, and shall be revoked by the bureau unless for good cause shown the bureau

extends said time.

5. —provisions. An order may provide for unit operations on less than the whole of a pool where the unit area is of such size and shape as may be reasonably required for that purpose and the conduct thereof will have no adverse effect upon other portions of the pool.

6. Property and income. The portion of the unit production allocated to any tract, and the proceeds from the sale thereof, shall be the property and income of the several persons to whom, or to whose credit, the same are allocated or payable under the order providing for unit operations.

§ 2160. Approval of unit agreements

An agreement for the unit or cooperative development or operation of a field, pool, or part thereof, may be submitted to the bureau for approval as being in the public interest or reasonably necessary to prevent waste or protect correlative rights. Such approval shall constitute a complete defense to any action charging violation of any statute of the State relating to trusts and monopolies on account thereof or on account of operations conducted pursuant thereto. The failure to submit such an agreement to the bureau for approval shall not for that reason imply or constitute evidence that the agreement or operations conducted pursuant thereto are in violation of laws relating to trusts and monopolies.

§ 2161. Orders; hearings

1. Generally. Except as otherwise provided, all orders of the bureau shall issue only after notice to and hearing with the persons upon whom such order will operate.

2. Notice. Hearings required to be held pursuant to this Act shall be called by the bureau on its own initiative or upon application therefor by any interested person. Notice of such hearing shall be given to all persons whose interests, in the judgment of the bureau, will be affected by the outcome thereof, at least 20 days before the date upon which such hearing is to be held. The notice shall be signed by the chairman or secretary of the bureau, shall contain the date, time and place of the hearing and the matters to be discussed thereat. Service of such notice shall be made in the manner provided by law for the service of civil process within this State.

3. Hearings. A quorum of the bureau for the purposes of conducting hearings shall be 3 members. All witnesses shall be sworn by the bureau member presiding, and all testimony shall be recorded and transcribed by a stenographer.

4. Orders. Within 30 days after the close of a hearing, the bureau shall make findings of fact and, if it finds that an order should issue, issue an order.

A copy of any order issued shall be served, in the manner provided for service of notices of hearings under this Act, upon all persons upon whom such order will operate.

5. Powers of bureau. Any member of the bureau shall have the power to

summon witnesses, to administer oaths and to require the production of records, books and documents for examination, at any hearing before the bureau.

6. Emergency orders. If in the judgment of the bureau an emergency exists requiring immediate action, the bureau may make an emergency order which shall be effective when served. No emergency order shall be effective for more than 15 days.

§ 2162. Oil and Gas Fund

A fund shall be established to be known as the Oil and Gas Fund. Money from this fund shall be expended under the direction of the bureau for administration of this Act. Those funds shall not lapse. All fees, fines and penalties collected under this Act shall accrue to the Oil and Gas Fund.

§ 2163. Penal offenses

1. Illegality. It shall be unlawful, subject to punishment by a fine of not less than \$100 nor more than \$500 or by imprisonment for not more than 6 months, or by both, for any person:

A. To violate any provision of this Act, or any rule, regulation or order of the bureau. Each day of such violation shall constitute a separate offense;

B. To commence operations for the drilling of a well for oil or gas without first giving to the bureau notice of intention to drill, or without first obtaining a permit from the bureau, under such rules and regulations as may be prescribed by the bureau;

C. To do any of the following for the purpose of evading or violating this Act, or any rule, regulation or order of the bureau; make any false entry or statement in a report required by this Act or by any rule, regulation or order of the bureau; make or cause to be made any false entry in any record, account or memorandum required by this Act, or by any such rule, regulation or order; omit, or cause to be omitted, from any such record, account or memorandum, full, true and correct entries as required by this Act or by any such rule, regulation or order; or remove from this State or destroy, mutilate, alter or falsify any such record, account or memorandum.

§ 2164. Illegal oil, gas and products

The sale, purchase, acquisition, transportation, refining, processing or handling of illegal oil, illegal gas or illegal product is prohibited. No penalty by way of fine shall be imposed upon a person who sells, purchases, acquires, transports, refines, processes or handles illegal oil, illegal gas or illegal product unless such person knows, or is put on notice of, facts indicating that illegal oil, illegal gas or illegal product is involved, or such person fails to follow any other method prescribed by an order of the bureau for the identification of such oil, gas or product.

Illegal oil, illegal gas and illegal product bought, sold, carried, transported or found in possession of any person shall be contraband and shall be forfeited to the State. Whenever the bureau finds any illegal oil, illegal gas or illegal product, it may seize the same without warrant and keep it for a reasonable time. The bureau shall within a reasonable time after such seizure file with a judge a libel against such illegal oil, illegal gas or illegal product setting forth the seizure thereof, describing the same, and that it was bought, sold, carried, transported or found in possession in violation of this Act and pray for a decree of forfeiture thereof. Such judge shall thereupon fix a time for the hearing of such libel, and shall issue his monition and notice of the same to all persons interested, citing them to appear at the time and place appointed and show cause why such illegal oil, illegal gas or illegal product should not be declared forfeited, by causing a true and attested copy of said libel and monition to be posted in 2 conspicuous and public places in the municipality where such illegal oil, illegal gas or illegal product was seized, or in such place or places as the judge may order, 10 days at least before the day to which such libel is returnable. Copies shall be served on common carriers.

If no claimant appears on the day fixed for hearing, the judge shall, upon proof of notice, decree that such illegal oil, illegal gas or illegal product is forfeited to the State, and shall further order the sale thereof by the bureau in the same manner and upon the same notice of sale as is provided by law for the sale of personal property on execution of judgment entered in a civil action. Upon such sale, title to the oil, gas or product sold shall vest in the purchaser free of the claims of any and all persons having any title thereto or interest therein at or prior to the seizure thereof. All proceeds derived from such sale shall be paid to the Treasurer of State for the use of the bureau.

If any person appears and claims such oil, gas or product, or any part thereof, as having a right to the possession thereof at the time when the same were seized, he shall file with the judge such claim in writing, stating specifically the right so claimed and the foundation thereof, the items so claimed, the time and place of the seizure and the name of the bureau official by whom the same were seized, and must declare that the same were not had in possession in violation of this Act, with his knowledge or consent, and state his business and place of residence and shall sign and make oath to the same before said judge. If any person so makes claim, he shall be permitted to intervene in the cause, and the judge shall proceed to determine the truth of the allegations in said claim and libel. If the judge is, upon the hearing, satisfied that said oil, gas or product was not had in possession in violation of this Act, and that the claimant is entitled to the custody of any part thereof, he shall give an order in writing directed to the official having the same in custody commanding him to deliver to said claimant the oil, gas or product to which he has been found to be entitled, within 48 hours after demand. If the judge finds the claimant entitled to no part of the oil, gas or product seized, he shall, in addition to the decree required to be made, render judgment against such claimant for costs, to be taxed as in civil cases before such judge, and issue execution thereon. The claimant may appeal and shall recognize with sureties as on appeals in civil causes from a judge.

The forms set forth in Title 12, section 3101, with such changes as adapt them for use in the proceedings described in this section, are sufficient in law for all cases arising under the foregoing provisions. The costs to be taxed

and allowed for libel shall be the same as provided in Title 12, section 3101.

§ 2165. Injunctions against violation

Whenever it appears that any person is violating or threatening to violate any provision of this Act, or any rule, regulation or order of the bureau, the bureau may seek an injunction against such person in the Superior Court of the county in which the office of the bureau is located or of any county where the violation occurs or is threatened, or in the county in which the defendant resides or in which any defendant resides if there is more than one defendant, to restrain such person from continuing such violation or from carrying out the threat of violation. In any such action, the court shall have jurisdiction to grant to the bureau, without bond or other undertaking, such prohibitory or mandatory injunctions as the facts may warrant, including temporary restraining orders and preliminary injunctions.

§ 2166. Judicial review

Any person aggrieved by any order or decision of the bureau acting under this Act may, within 30 days after notice of such order or decision, appeal therefrom to the Superior Court. Notice of the appeal shall be ordered by the court without a jury in the manner and with the rights provided by law in other civil actions so heard. The court shall receive in evidence in any proceedings hereunder a transcript of the proceedings before the bureau and a copy of the bureau's order or decision and shall receive such further evidence as the court in its discretion deems proper. The court shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

Effective October 1, 1969

Chapter 302

AN ACT Relating to Financing Statements Under the Uniform Commercial Code.

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

Sec. 1. R. S., T. 11, § 9-401, sub-§ (1), repealed and replaced. Subsection (1) of section 9-401 of Title 11 of the Revised Statutes is repealed and the following enacted in place thereof:

(1) The proper place to file in order to perfect a security interest is as follows:

(a) When the collateral is consumer goods, then in the office of the clerk of the municipality of the debtor's residence unless the debtor (i) is not a resident of this State or (ii) is a resident of an unorganized place, then in the office of the Secretary of State;