

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

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

§ 568. Appeals

Any person aggrieved by an order or act of the commissioner or of an inspector of the department under this chapter may, within 15 days after notice thereof, appeal from such order or act to the board which shall hold a hearing thereon, and said board shall, after such hearing, issue an appropriate order either approving or disapproving said order or act.

Any such order of the board or any rule or regulation formulated by the board shall be subject to review by the Superior Court by an appeal taken within 30 days after the date of such order to the Superior Court held in and for the county in which the operation is located at the instance of any party in interest and aggrieved by said order or decision. Such appeal shall be prosecuted by complaint to which such party shall annex the order of the board and in which the appellant shall set forth the substance of and the reasons for the appeal. Upon the filing thereof, the court shall order notice thereof. Upon the evidence and after hearing, which shall be held not less than 7 days after notice thereof, the court may modify, affirm or reverse the order of the board and the rule or regulation on which it is based in whole or in part in accordance with the law and the weight of the evidence. The court, upon hearing, shall determine whether the filing of the appeal shall operate as a stay of any order pending the final determination of the appeal, and may impose such terms and conditions as may be deemed proper.

§ 569. Rules and regulations

The rules and regulations formulated under this chapter may supplement, but shall in no manner supersede, the rules and regulations duly promulgated by the Board of Boiler Rules, the Board of Construction Safety Rules and Regulations and the Board of Elevator Rules and Regulations, whose rule making authority is clearly set forth in sections 173, 373 and 432, respectively.

Effective October 1, 1969

Chapter 455

AN ACT Increasing the State Contingent Account.

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

Sec. 1. R. S., T. 5, § 1507, repealed and replaced. Section 1507 of Title 5 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1507. Contingent Account

The Governor, with the advice and consent of the Council, may allocate from the State Contingent Account amounts not to exceed in total the sum of \$800,000 in any fiscal year.

The total amount available from the State Contingent Account shall include the following amounts reserved for specific purposes :

1. Institutional Reserve Fund. \$120,000 to provide relief, when need exists, and on a commodity basis only, to those institutions where actual average population in a fiscal year exceeds the basic estimates of population upon which the budget was approved and where such relief cannot be absorbed within regular legislative appropriations. Funds provided from this reserve fund are not to be transferred between line categories.

2. Construction Reserve Fund. \$100,000 to provide funds for construction, repairs, equipment, supplies and furnishings, whenever :

A. Increased costs. An increase in construction or equipment costs results in a project cost in excess of the amount appropriated therefor by the Legislature ;

B. Plan changes. A condition arises during the course of a project which necessitates a change in plans, specifications or equipment resulting in a project cost in excess of funds previously made available therefor ;

C. Acquiring real estate. It appears to be in the best interest of the State to acquire real estate or to have estimates, plan or specifications prepared for a project in advance of the date on which funds may be made available therefor by the Legislature, except that with respect to allocations from the Construction Reserve Fund, no allocations shall be made for the purpose of acquiring real estate in any municipality until such time as the acquisition has been approved by the governing body of that municipality ;

D. Construction in best interests of State. It appears to be necessary and in the best interests of the State to proceed with the construction of, or the purchase of equipment for, a project for which funds were not otherwise made available by the Legislature.

3. Purchase of real estate. \$120,000 to provide funds in accordance with Title 1, section 814.

4. Promotion of Maine. \$10,000 to provide funds for the promotion of Maine after ample evidence is presented that such funds will support such unusual and unforeseen needs as may arise in the promotion of specific projects which bear a direct positive effect on the economy of Maine.

Allocations from the balance may be made to meet any expense necessarily incurred under any requirement of law, or for the maintenance of government within the scope existing at the time of the previous session of the Legislature or contemplated by laws enacted thereat, or to pay bills arising out of some emergency requiring an expenditure of money not provided by the Legislature. The Governor and Council shall determine the necessity for such allocations. All such allocations shall be supported by a statement of facts

setting forth the necessity for the allocations. At the close of each fiscal year there shall be transferred from the Unappropriated Surplus of the General Fund such amounts as may be available from time to time until the maximum of \$800,000 shall be achieved.

The State Controller shall include in his official annual financial report at the close of each fiscal year a statement showing all transfers made from the State Contingent Account for the fiscal period.

Sec. 2. R. S., T. 5, § 1503, repealed. Section 1503 of Title 5 of the Revised Statutes is repealed.

Sec. 3. R. S., T. 5, § 1544, amended. The last paragraph of section 1544 of Title 5 of the Revised Statutes is repealed, as follows:

~~The Governor and Council may allocate from the Unappropriated Surplus amounts not to exceed \$700,000 for the purchase of real estate in accordance with Title 7, section 814.~~

Sec. 4. R. S., T. 10, § 1, repealed. Section 1 of Title 10 of the Revised Statutes is repealed.

Effective October 1, 1969

Chapter 456

AN ACT to Amend the New England Higher Education Compact.

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

Sec. 1. R. S., T. 20, § 2752, amended. The last sentence of section 2752 of Title 20 of the Revised Statutes is amended to read as follows:

The board shall consist of 38 resident members from each compacting state, at least 2 of whom shall be members of the Legislature, chosen in the manner and for the terms provided by law of the several states parties to this compact.

Sec. 2. R. S., T. 20, § 2754, amended. The 5th sentence of section 2754 of Title 20 of the Revised Statutes is amended to read as follows:

Meetings shall be held at least ~~twice~~ once each year.

Sec. 3. R. S., T. 20, § 2754, amended. The next to the last sentence of section 2754 of Title 20 of the Revised Statutes is repealed and the following enacted in place thereof: