

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth 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
1971

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Fourth Legislature

AT THE
SPECIAL SESSION

January 6, 1970
to
February 7, 1970

Whereas, the commission has been in existence since the fall of 1967; and

Whereas, the following legislation is vitally necessary to allow the commission to continue its duties, primarily to coordinate and correlate the programs and activities of all agencies of the State in planning the observance of the anniversary; 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. 28, § 204, amended. The last sentence of the first paragraph of section 204 of Title 28 of the Revised Statutes, as enacted by chapter 311 of the public laws of 1969, is amended to read as follows:

The commission may sell spirituous and vinous liquor not for consumption within the State to airlines **and ferry services or their agents as authorized by the Liquor Commission** at a price to be set by the commission which shall be approved by the Governor and Council.

Sec. 2. Additional funds for Sesquicentennial Commission. Notwithstanding the Revised Statutes, Title 28, section 451, all net revenue, less the cost of handling each bottle, derived from the state liquor tax of spirits sold until June 30, 1971 by the State Liquor Commission in sesquicentennial bottles, approved by the State Liquor Commission, shall be deposited to the credit of the Maine State Sesquicentennial Commission to be expended by the Sesquicentennial Commission for the observance of the 150th anniversary of the formation of the State of Maine. Any funds remaining at June 30, 1970 shall be carried forward to the next fiscal year for the same purposes.

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

Effective January 14, 1970

Chapter 515

AN ACT Relating to Code of Military Justice for the State Military Forces.

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

R. S., T. 25, § 1262, amended. Section 1262 of Title 25 of the Revised Statutes, as amended by chapter 197 of the public laws of 1965, is further amended to read as follows:

§ 1262. Uniform code of military justice applicable

Except as provided in chapters 121 to 139, the National Guard or other authorized state military or naval forces of the State of Maine shall at all times and in all places, and the unorganized militia shall whenever called into service, be governed by the current Uniform Code of Military Justice and Manual for Courts-martial, United States, ~~1957, as amended and in effect on January 1, 1965~~ as presently in effect in the national military establishment.

Effective May 9, 1970

Chapter 516

AN ACT Relating to Disqualification of the Administrative Hearing Commissioner.

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

R. S., T. 5, § 2401, sub-§ 5, additional. Section 2401 of Title 5 of the Revised Statutes, as repealed and replaced by chapter 507 of the public laws of 1969, is amended by adding a new subsection 5, as follows:

5. Disqualification of Administrative Hearing Commissioner. Whenever the Administrative Hearing Commissioner determines that he has a personal interest or a financial interest, directly or indirectly, in a case which is before him, or that he is related to a party or to counsel for a party, he shall disqualify himself from hearing an individual case. In such event he shall certify to the Chief Justice of the Supreme Judicial Court the name and nature of the case, the fact of his disqualification and the reasons therefor. A copy of the certification shall be filed in the docket of the case.

The Chief Justice shall approve or disapprove the disqualification of the Administrative Hearing Commissioner and shall give written notice of same to the Administrative Hearing Commissioner and to the parties to the action and shall file his approval or disapproval in the docket of the case.

If the Chief Justice approves the disqualification of the Administrative Hearing Commissioner, the moving party shall, within 10 days thereafter, commence an action by filing or refiling his complaint with any active or active retired Justice of the Supreme Judicial or Superior Court, who, sitting in the Superior Court, shall hear the case de novo and render a written decision thereon, in accordance with the provisions of the Administrative Code. An aggrieved party may appeal from the decision of said justice sitting in Superior Court to the Supreme Judicial Court, as in other civil cases.

Effective May 9, 1970