

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY
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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

of the Legislature shall receive the same percentage of its general purpose aid as the percentage determined when the units appropriation per inhabitant from local taxes for public schools is divided by \$20.

Sec. 14. R. S., T. 20, § 3732, amended. The last paragraph of section 3732 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 496 of the public laws of 1969, is repealed and the following enacted in place thereof:

For the purpose of computing general purpose aid under this section for the 1970-71 fiscal year, the pupil enrollment used shall be the resident pupils educated at public expense as reported April 1, 1968.

Sec. 15. P. & S. L., 1969, c. 193, § 1, amended. That part of section 1 of chapter 193 of the private and special laws of 1969 which relates to SAD #53 PITTSFIELD is amended to read as follows:

SAD #53 PITTSFIELD	\$453,616.92	\$458,616.92
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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except for section 13 which shall take effect January 1, 1971.

Effective February 10, 1970,

except as otherwise indicated

Chapter 590

AN ACT to Correct Errors and Inconsistencies in the Public Laws.

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

Whereas, many Acts enacted by the 104th Legislature in regular session have created inconsistencies and technical errors; and

Whereas, such inconsistencies and errors have created uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that such uncertainties be resolved so that injustices to the people of Maine may be avoided; 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. 1, § 72, sub-§ 26-A, repealed. Subsection 26-A of section 72 of Title 1 of the Revised Statutes, as enacted by chapter 113 of the public laws of 1969, is repealed.

Sec. 2. R. S., T. 1, § 72, sub-§ 26-B, additional. Section 72 of Title 1 of the Revised Statutes, as amended, is further amended by adding a new subsection 26-B, to read as follows:

26-B. Unsealed instruments, when given effect of sealed instruments in any written instrument. A recital that such instrument is sealed by or bears the seal of the person signing the same or is given under the hand and seal of the person signing the same, or that such instrument is intended to take effect as a sealed instrument, shall be sufficient to give such instrument the legal effect of a sealed instrument without the addition of any seal of wax, paper or other substance or any semblance of a seal by scroll, impression or otherwise; but the foregoing shall not apply in any case where the seal of a court, public office or public officer is expressly required by the Constitution, by statute or by rule of the court to be affixed to a paper, nor shall it apply in the case of certificates of stock of corporations. The word "person" as used in this subsection shall include a corporation, association, trust or partnership.

Sec. 3. R. S., T. 4, § 153, sub-§ 18, amended. The last sentence of subsection 18 of section 153 of Title 4 of the Revised Statutes is amended to read as follows:

The District Court for Southern Oxford shall be held at ~~South~~ Paris.

Sec. 4. R. S., T. 4, § 651, amended. The first sentence of section 651 of Title 4 of the Revised Statutes, as amended by section 2 of Section D of chapter 197 of the private and special laws of 1969 and by chapter 480 of the public laws of 1969, is repealed and the following enacted in place thereof:

The Chief Justice of the Supreme Judicial Court may appoint not more than 13 Official Court Reporters to serve for a term of 7 years, who shall report the proceedings in the Supreme Judicial Court and in the Superior Court and who shall be officials of the court to which they may from time to time be assigned by the Chief Justice, and be sworn to the faithful discharge of their duties, and each of whom shall receive from the State a salary of \$12,500 per year.

Sec. 4-A. R. S., T. 5, § 1121, sub-§ 1, ¶ A, amended. The 2nd sentence of paragraph A of subsection 1 of section 1121 of Title 5 of the Revised Statutes is amended to read as follows:

Any member not in service may retire at age 60 or thereafter on a service retirement allowance upon written application to the board of trustees setting forth at what time he desires to be retired, provided he has at least 10 years of creditable service or 5 full terms as a Legislator, any part of which service must have been rendered when he was, or could have been under then existing law, a contributing member to any publicly supported contributory retirement system sponsored by the State of Maine, provided further at the effective date of the retirement allowance, his contributions are on deposit in the Members' Contribution Fund.

Sec. 5. R. S., T. 5, § 2401, sub-§ 3, repealed and replaced. Subsection 3 of section 2401 of Title 5 of the Revised Statutes, as amended by section 13 of chapter 504 and repealed and replaced by chapter 507, both of the public laws of 1969, is repealed and the following enacted in place thereof:

3. Salary. The Administrative Hearing Commissioner shall receive an annual compensation of \$19,500. He shall be entitled to actual and necessary

expenses in the performance of his duties. He may employ necessary clerical assistance.

Sec. 5-A. R. S., T. 5, § 2401, sub-§ 5, repealed and replaced. Subsection 5 of section 2401 of Title 5 of the Revised Statutes, as enacted by chapter 516 of the public laws of 1969, is repealed and the following enacted in place thereof:

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, he shall disqualify himself from hearing an individual case.

The Administrative Hearing Commissioner shall give written notice of same to the parties to the action and shall file a copy of the notice in the docket of the case.

The moving party shall, within 10 days thereafter, commence an action by filing or refileing his complaint in the District Court. Jurisdiction is granted to the District Court to hear and determine such matters and to enter such rulings and orders as the nature of the case may require. The case shall be heard in the District Court in accordance with the provisions of the Administrative Code and the District Court Judge hearing the case shall render a written decision thereon. The court reporter from the Office of the Administrative Hearing Commissioner shall transcribe the testimony as in cases before the commissioner. An aggrieved party may appeal from the decision of the District Court Judge to the Superior Court as is provided in the Administrative Code, chapters 301 to 307.

Sec. 5-B. Effective date. Section 5-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 6. R. S., T. 6, § 3, sub-§ 20, amended. Subsection 20 of section 3 of Title 6 of the Revised Statutes is amended to read as follows:

20. Inspector. "Inspector" means the inspector of aeronautics hired by the director ~~with the approval of the commission.~~

Sec. 7. R. S., T. 6, § 201, amended. Section 201 of Title 6 of the Revised Statutes is amended to read as follows:

§ 201. Arrests

~~The director and inspectors~~ Inspectors, when so designated by the ~~commission~~ director, shall have, in any part of the State, the same authority to enforce and to make arrests for the violation of any provision of chapters 1 to 13 or any rule and regulation promulgated thereunder as sheriffs, policemen and constables have in their respective jurisdictions.

Sec. 7-A. R. S., T. 8, § 502, amended. The first sentence of the 3rd paragraph of section 502 of Title 8 of the Revised Statutes is amended to read as follows:

The license shall be further conditioned that there shall be no display of advertising of licensee's circus or traveling amusement show contrary to Title

17, section 2506, Title 23, section 1153 and Title 32, sections ~~2753 and 2754~~ ~~2713 and 2714~~, relating to outdoor advertising, that the licensee shall at all times and at least once each week keep the commissioner informed of proposed changes in itinerary or location, and that the licensee shall conform to all lawful rules and regulations promulgated by the Insurance Commissioner relating to circuses and traveling amusement shows.

Sec. 8. R. S., T. 9, § 443, sub-§ 2, ¶ T, repealed. Paragraph T of subsection 2 of section 443 of Title 9 of the Revised Statutes, as enacted by section 6 of chapter 401 of the public laws of 1969, is repealed.

Sec. 9. R. S., T. 9, § 443, sub-§ 2, ¶ U, additional. Subsection 2 of section 443 of Title 9 of the Revised Statutes, as amended, is further amended by adding a new paragraph U, to read as follows:

U. To employ such officers and other personnel as required, to determine the terms and conditions, compensation and fringe benefits pertaining to such employment and to make all necessary provisions therefor.

Sec. 10. R. S., T. 10, § 2101, amended. The first sentence of section 2101 of Title 10 of the Revised Statutes, as amended by section 19 of chapter 504 and repealed and replaced by section 1 of chapter 508, both of the public laws of 1969, is repealed and the following enacted in place thereof:

The Maine Mining Bureau, as heretofore established, shall consist of 7 members, one each from the State Departments of Agriculture, Forestry, Economic Development, Inland Fisheries and Game, Sea and Shore Fisheries and the Environmental Improvement Commission, plus the State Geologist.

Sec. 11. R. S., T. 12, § 514, amended. The first paragraph of section 514 of Title 12 of the Revised Statutes, as repealed and replaced by section 13 of chapter 226 of the public laws of 1965, is amended to read as follows:

The commissioner may take the following action on state lands specified in section 504 and on other lands specified herein under the direction of the Governor and Council and on such terms as they direct:

Sec. 12. R. S., T. 12, § 2001, amended. The 2nd paragraph of section 2001 of Title 12 of the Revised Statutes, as last repealed and replaced by section 23 of chapter 544 of the public laws of 1967, is amended to read as follows:

It shall be the duty of the inland fish and game wardens to enforce all laws relating to inland fisheries and game and all rules and regulations pertaining thereto, Title 7, chapter 707 and sections 3601, 3602, Title 17, ~~sections~~ ~~section 2794 and 2798~~, Title 32, chapter 65; all regulations of the Federal Migratory Bird Treaty Act, Act of Congress approved July 3, 1918, as amended; all rules and regulations promulgated by the State Park and Recreation Commission relating to hunting, fishing and trapping; all rules and regulations promulgated in accordance with Title 38, section 323 and all rules and regulations promulgated by authority of chapter 206; to arrest all violators thereof, and to prosecute all offenses against the same.

Sec. 13. R. S., T. 12, § 2356, amended. The 3rd paragraph of section 2356 of Title 12 of the Revised Statutes, as enacted by chapters 1 and 112, both of the public laws of 1969, is repealed and the following paragraph enacted in place thereof:

It shall be unlawful to hunt wild hares or rabbits in the Counties of Hancock, Knox, Lincoln, Sagadahoc and Waldo with dogs during the open season on deer.

Sec. 14. R. S., T. 12, § 2551, amended. The 2nd sentence of section 2551 of Title 12 of the Revised Statutes, as last amended by chapter 32 and by section 58 of chapter 425, both of the public laws of 1969, is repealed and the following enacted in place thereof:

Except at Upper Dam in Richardsontown (T4 R1) at the outlet of Mooselookmeguntic Lake in Oxford County, at Middle Dam in T C at the outlet of Lower Richardson Lake in Oxford County and at East Outlet Dam in Sapping (T1 R7) in Somerset County and in Big Squaw Mountain in Piscataquis County at the outlet of Moosehead Lake, the fishway and the area within 50 feet of any part of these fishways shall be closed to fishing at all times and except at Woodland Dam and Grand Falls Powerhouse Dam on the St. Croix River in the Town of Baileyville, East Grand Lake Dam, T9 R4, Spednic Lake Dam, Vanceboro, the area within 75 feet of the mouth of the fishway shall be closed to fishing at all times and except at the so-called ice control dam on the Narraguagus River in the Town of Cherryfield, the area within 100 feet of the dam shall be closed to fishing at all times.

Sec. 15. R. S., T. 12, § 4209, repealed. Section 4209 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 10 of the public laws of 1969, is repealed.

Sec. 16. R. S., T. 12, § 4210, additional. Title 12 of the Revised Statutes is amended by adding a new section 4210, to read as follows:

§ 4210. Taking of striped or sea bass

It shall be unlawful to fish for or catch striped or sea bass in the tidal waters of the State of Maine in any manner except by hand line, or rod and reel or by use of a spear. Spear fishing for striped or sea bass shall be limited to the hours between sunrise and sunset.

1. Definition of sunrise and sunset. For the purpose of this section "sunrise" and "sunset" is that time given for sunrise or sunset in the Maine Farmer's Almanac for the particular day involved converted to the legal standard of time in force in this State on that day.

Sec. 17. R. S., T. 13, § 2433, repealed. Section 2433 of Title 13 of the Revised Statutes, as repealed by section 11 of chapter 132 and amended by section 13 of chapter 433, both of the public laws of 1969, is repealed.

Sec. 18. R. S., T. 13, § 2604, repealed. Section 2604 of Title 13 of the Revised Statutes, as repealed by section 11 of chapter 132 and amended by section 14 of chapter 433, both of the public laws of 1969, is repealed.

Sec. 18-A. R. S., T. 14, § 3552, amended. The last paragraph of section 3552 of Title 14 of the Revised Statutes, as enacted by chapter 432 of the public laws of 1969, is repealed.

Sec. 18-B. R. S., T. 14, § 3554, additional. Title 14 of the Revised Statutes is amended by adding a new section 3554, to read as follows:

§ 3554. Hearing

A sheriff or jailor having an imprisoned debtor in his custody by virtue of process issued pursuant to sections 3505 or 3552 shall immediately upon convening of the next regular session of the nearest District Court notify the Judge of the District Court that he has such imprisoned debtor in his custody and request the judge to hold an examination and hearing to determine whether the oath as provided in section 3711 should be administered and whether the debtor should be discharged. The judge shall forthwith set a time and place for such examination and hearing, which hearing shall be held not later than the next regular session of said court after the notice and request of the sheriff or jailor.

The judge shall immediately give such notice of the hearing as he deems appropriate to the disclosure commissioner who issued the process by which the debtor was imprisoned and to the creditor in order that they may attend the hearing and be heard. Upon receiving such notice the disclosure commissioner shall be required to immediately transmit to the judge issuing such notice certified copies of all process which he has in his possession with reference to the matter, including, but not limited to, copies of the original petition, subpoena and return of service, together with copies of any docket entries which he may have made.

After examination and hearing and an examination of all process, the judge shall administer the oath provided in section 3711 and shall discharge the debtor, if upon such examination and hearing he is entitled thereto. If, after such examination and hearing the judge shall determine that the process is proper and that there is no entitlement to the oath on the part of the debtor, he shall be remanded for imprisonment under the existing commitment.

Sec. 19. R. S., T. 15, § 2552, amended. The last paragraph of section 2552 of Title 15 of the Revised Statutes, as amended by chapters 52 and 368, both of the public laws of 1969, is repealed and the following enacted in place thereof:

Juvenile courts shall have no jurisdiction over offenses in which any juvenile is charged with the violation of any provision of Title 29 and Title 38, chapter 1, subchapter VI, or over any other traffic law or ordinance, if such offense is a misdemeanor, except that juvenile courts shall have exclusive, original jurisdiction over offenses in which any juvenile is charged with a violation of Title 29, sections 900, 1312, 1312-A, 1315 and 1316 and Title 12, section 1978, subsection 2, or of Title 38, section 237, subsection 2.

Sec. 20. R. S., T. 15, § 2716, amended. The first sentence of the 2nd paragraph of section 2716 of Title 15 of the Revised Statutes is amended to read as follows:

At the discretion of the superintendent, any such child, during his or her commitment, may be kept at said center or, upon prior mutual agreement, may be entrusted without indenture, for a period not exceeding the term of his or her commitment, to the care of: Any suitable person or persons; the Probation and Parole Board Division under the Bureau of Corrections; the Department of Health and Welfare, or other public or private child care agencies.

Sec. 20-A. R. S., T. 17, § 3758, amended. Section 3758 of Title 17 of the Revised Statutes is amended to read as follows:

§ 3758. Undesirable persons generally

All rogues, vagabonds and idle persons going about in any town in the county begging; persons using any subtle craft, jugglery or unlawful games or plays, or for the sake of gain pretending to have knowledge in physiognomy, palmistry, to tell destinies or fortunes, or to discover lost or stolen goods; common pipers, fiddlers, runaways, drunkards, nightwalkers, railers, brawlers and pilferers; persons wanton or lascivious in speech or behavior, or neglecting their callings or employments, misspending what they earn and not providing for the support of themselves and their families; ~~all idle and disorderly persons having no visible means of support, neglecting all lawful calling or employment;~~ and all idle and disorderly persons who neglect all lawful calling or employment and misspend their time by frequenting disorderly houses, houses of ill fame or gaming houses may, on complaint under oath before the District Court in the division where he is a resident, be committed to jail or to the house of correction in the town where the person belongs or is found, for a term of not more than 90 days.

Sec. 21. R. S., T. 18, § 2501 amended. Section 2501 of Title 18 of the Revised Statutes is amended to read as follows:

§ 2501. Actions which survive

No personal action or cause of action shall be lost by the death of either party, but the same shall survive for and against the executor or administrator of the deceased, except that actions or causes of action for the recovery of penalties and forfeitures of money under penal statutes ~~and proceedings in bastardy cases~~ shall not survive the death of the defendant. An executor or administrator may seek relief from a judgment in an action to which the deceased was a party to the same extent that the deceased might have done so.

Sec. 22. R. S., T. 18, § 3635, amended. The first paragraph of section 3635 of Title 18 of the Revised Statutes, as enacted by chapter 265 of the public laws of 1969, is amended to read as follows:

Whenever a mentally retarded minor has been admitted to the Pineland Hospital and Training Center or to any other state-operated institution or residence facility for the mentally retarded, and has not been discharged therefrom, the head thereof shall, within 6 months prior to the ~~21st~~ 20th birthday of such mentally retarded person, cause him to be examined to ascertain whether such person will, by reason of mental retardation, be in need of guardianship on attainment of his majority. If, in the opinion of the examiner such need will exist, the institutional or residence facility head may advise in writing the parent, next of kin, or guardian of such minor of the need to institute proceedings for appointment of a guardian. In the event no guardian has been appointed, or no guardianship proceedings are pending when such minor has attained age ~~21~~ 20, or the institutional or residence facility head shall have determined that nomination of the public guardian is advisable in lieu of petition for guardianship by any of such persons, such institutional or residence facility head shall nominate the public guardian to serve as guardian of such mentally retarded person as provided in this subchapter.

Sec. 22-A. R. S., T. 18, § 3652, amended. Section 3652 of Title 18 of the Revised Statutes is amended to read as follows:

§ 3652. Settlements to be approved by court

No settlement of any action brought in behalf of an infant by next friend or defended on his behalf by guardian or guardian ad litem shall be valid unless approved by the court in which the action is pending, ~~or to which the writ is returnable~~ or affirmed by an entry or judgment. If no action has been commenced, an infant by next friend may apply to any court in which an action based on the claim of the infant could have been commenced for an order approving the settlement of any such claim. An order approving such a settlement shall have the effect of a judgment. The court may make all necessary orders for protecting the interests of the infant and may require the guardian ad litem or next friend to give bond to truly account for all money received in behalf of the infant. ~~When the court in which such action is pending or to which it is returnable is in vacation, the judge of that court, or, if the action is pending in or returnable to the Superior Court, any Justice of the Superior Court, shall have the power to approve a settlement of said action and to make all necessary orders for protecting the interests of the infant and may require the giving of a bond as provided,~~

Sec. 22-B. R. S., T. 19, § 282, repealed and replaced. Section 282 of Title 19 of the Revised Statutes, as enacted by section 2 of chapter 325 of the public laws of 1967 and amended by chapter 392 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 282. Security

Upon motion of the plaintiff the court at any time before or after judgment may require the alleged or adjudicated father to give bond or other security for the payment of any judgment which exists or may exist in the future.

Sec. 23. R. S., T. 19, § 486, amended. The first sentence of the 2nd paragraph of section 486 of Title 19 of the Revised Statutes is amended to read as follows:

If the court shall be satisfied by information or evidence under oath that at any time during the period in which the payments were ordered pursuant to ~~sections 484 and 485~~ section 481 the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original complaint or indictment, or sentence him under the original conviction, or enforce the original sentence, as the case may be.

Sec. 24. R. S., T. 20, § 225, amended. The first paragraph of section 225 of Title 20 of the Revised Statutes, as last amended by section 1 of chapter 162 and by section 2-B of chapter 440, both of the public laws of 1969, is repealed and the following enacted in place thereof:

When it is necessary to hold a district meeting to approve the issuance of bonds or notes for capital outlay purposes, to approve a change in the selection of a school building site, to approve a change in the method of sharing costs among the member municipalities, to approve an agreement to add another municipality or municipalities to the School Administrative District, to approve an agreement to merge with another School Administrative District, or to approve a proposed lease agreement with the Maine School Building Authority, or to authorize the school directors to contract for the schooling of secondary pupils, or to authorize the school directors to dispose of real

property, or to accept or reject a prospective gift, the school directors shall be authorized to call such meeting as follows:

Sec. 25. R. S., T. 20, § 225, sub-§ 3, ¶ F, repealed. Paragraph F of subsection 3 of section 225 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 162 of the public laws of 1969, is repealed.

Sec. 26. R. S., T. 20, § 225, sub-§ 3, ¶ G, additional. Subsection 3 of section 225 of Title 20 of the Revised Statutes, as amended, is further amended by adding a new paragraph G, to read as follows:

G. When a meeting is called for the purposes of accepting or rejecting a prospective gift, the Article to be inserted in all warrants shall be as follows:

"Shall the school directors of School Administrative District No. be authorized to accept a prospective gift under the following conditions:

(set forth terms and conditions)

Yes [] No []"

Sec. 26-A. R. S., T. 20, § 804, amended. The first sentence of section 804 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is further amended to read as follows:

School bus shelters for school children, when approved by the school committee of the town in which they are located may, notwithstanding the 50 feet from the nearer line of the traveled way provision of Title 32, section ~~2758~~ 2716, be placed or maintained outside the right-of-way and at least 33 feet from the center line of any highway and carry not more than 2 panels on the sides thereof for the identification of sponsors.

Sec. 27. R. S., T. 20, § 1391, repealed and replaced. Section 1391 of Title 20 of the Revised Statutes, as amended by section 38 of chapter 433, section 12 of chapter 440 and by section 2 of chapter 485, all of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 1391. Attendance at public schools

Any child between the ages of 5 and 20 who resides at a private tax-exempt institution within this State shall have the right to attend the public schools in the administrative unit in which such institution is located under the same conditions as pupils residing in such administrative unit, and shall for the purposes of this section be classed as resident pupils and the administrative unit shall be paid from the appropriation for general-purpose aid the net local cost of educating such children at each elementary or secondary school attended by them. Any child between the ages of 5 and 20 committed or otherwise legally admitted to any state-operated institution shall have the right to attend the public schools in the administrative unit in which such institution is located, or in an adjoining administrative unit, upon enrollment therein by the head of such institution under the same conditions as pupils residing in such administrative unit, and shall for the purposes of this section be classed as resident pupils, and the net local cost of educating any

such child shall be paid in accordance with this section. The net local cost of educating such children shall include only those school operating expenses paid by the administrative unit on account of such children enumerated in section 3721, subsection 2, and shall be computed for each school on the basis of financial reports and school enrollment figures required by and filed with the commissioner during each school year ending June 30th. Payments shall be made to each administrative unit based on the average net local per pupil cost of education during the 2 previous fiscal years. The payment shall be added to the general-purpose aid of the administrative unit.

Sec. 28. R. S., T. 20, § 2803, repealed and replaced. Section 2803 of Title 20 of the Revised Statutes, as repealed and replaced by section 4 of chapter 456 and amended by section 31 of chapter 504, both of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 2803. Board established

Of the 8 members who shall represent the State of Maine, one shall be the Chancellor of the University of Maine ex officio in office at the time being and one shall be the Commissioner of Education ex officio in office at the time being, 4 shall be named by the Governor, with the advice and consent of the Council, for 2-year terms, one shall be a member of the Senate appointed by the President of the Senate and one shall be a member of the House of Representatives appointed by the Speaker of the House. All members shall receive their actual expenses incurred in the performance of their official duties.

Sec. 29. R. S., T. 20, § 3722, repealed. Section 3722 of Title 20 of the Revised Statutes, as repealed by section 1 of chapter 496 and amended by section 34 of chapter 504, both of the public laws of 1969, is repealed.

Sec. 30. R. S., T. 20, § 3724, repealed. Section 3724 of Title 20 of the Revised Statutes, as enacted by chapter 532 of the public laws of 1967 and amended by section 42 of chapter 433 of the public laws of 1969 and repealed by section 17 of chapter 440 and by section 1 of chapter 496, both of the public laws of 1969, is repealed.

Sec. 31. R. S., T. 22, § 3792, amended. The 4th sentence of the 2nd paragraph of section 3792 of Title 22 of the Revised Statutes, as repealed and replaced by section 1 of chapter 159 of the public laws of 1967, is amended to read as follows:

Pending hearing on any such petition, the court may order said child committed into the custody of the department or into the custody of any suitable person approved by the court, ~~without regard to section 3794 as to bond~~ and direct such department or person to make such provision for the child's care as may be necessary pending hearing.

Sec. 32. R. S., T. 22, § 3793, amended. The first sentence of section 3793 of Title 22 of the Revised Statutes is amended to read as follows:

Orders and decrees provided for in sections 3791 and 3792 shall have the same effect to divest the parent or parents of all legal rights in respect to said child as specified in Title 19, section 535, but shall not relieve the parent or parents of liability for the support of such child or from the penalties for failure to support which are provided in Title 19, sections 481 ~~to~~, 483 and 486.

Sec. 33. R. S., T. 22, § 4792, amended. The first sentence of section 4792 of Title 22 of the Revised Statutes, as amended by chapter 249 and by section 54 of chapter 433, both of the public laws of 1969, is repealed and the following enacted in place thereof:

Biennially, on the even-numbered years, on the 2nd Tuesday of September, the Penobscot Indians shall hold their election for the choice of governor and lieutenant governor of said tribe, and a representative at the Legislature of this State, and members of a tribal council, each of whom must be at least 20 years of age.

Sec. 34. R. S., T. 22, § 4792, amended. The first sentence of the 3rd paragraph of section 4792 of Title 22 of the Revised Statutes, as amended by chapter 249 and by section 55 of chapter 433 of the public laws of 1969, is repealed and the following enacted in place thereof:

Only certified members of the tribe who are 20 years of age or older shall be eligible to vote.

Sec. 35. R. S., T. 23, § 1005, amended. The last paragraph of section 1005 of Title 23 of the Revised Statutes, as enacted by chapter 54 of the public laws of 1969, is repealed and the following paragraph enacted in place thereof:

“Valuation” shall mean the assessed valuation certified and filed biennially by the State Tax Assessor and for the purpose of reimbursement such valuation filed before the first day of February of the year of the regular session of the Legislature shall prevail for 2 winter seasons commencing after the fall season of said legislative year.

Sec. 36. R. S., T. 24, § 2301, sub-§ 1, repealed and replaced. Subsection 1 of section 2301 of Title 24 of the Revised Statutes, as amended by section 5 of chapter 132 and repealed and replaced by section 1 of chapter 419, both of the public laws of 1969, is repealed and the following enacted in place thereof:

1. Nonprofit hospital service plans. To establish, maintain and operate nonprofit hospital service plans, whereby hospital care may be provided by hospitals or groups of hospitals with which such corporation has a contract for such purpose, to such persons or groups of persons as become subscribers to said plan under a contract which entitles each subscriber to certain hospital care, and the hospital or hospitals so contracting with such corporation shall be governed by this section and shall be exempt from all other provisions of the insurance laws of this State, unless otherwise specifically provided in this chapter.

Sec. 37. R. S., T. 24, § 2301, sub-§ 7, amended. Subsection 7 of section 2301 of Title 24 of the Revised Statutes, as enacted by section 1 of chapter 419 of the public laws of 1969, is amended to read as follows:

7. Right to contract. The State, any county, city, town or other quasi-municipal corporation shall have the same right to contract with any corporation subject to this chapter as it may have under **Title 24-A**, section 4501 with respect to insurers.

Sec. 38. R. S., T. 24, § 2301, sub-§ 5, repealed. Subsection 5 of section 2301 of Title 24 of the Revised Statutes, as enacted by section 6 of chapter 132 of the public laws of 1969, is repealed.

Sec. 39. R. S., T. 24, § 2301, sub-§ 8, additional. Section 2301 of Title 24 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 419 of the public laws of 1969, is amended by adding a new subsection 8, to read as follows:

8. "Commissioner" defined. As used in this chapter "commissioner" means the Insurance Commissioner of this State.

Sec. 40. R. S., T. 24-A, § 4129, amended. The 3rd sentence of the last paragraph of section 4129 of Title 24-A of the Revised Statutes, as enacted by section 1 of chapter 132 of the public laws of 1969, is amended to read as follows:

When legal process against a society is served upon the commissioner, he shall ~~worthwith~~ **forthwith** forward one of the duplicate copies by registered mail, prepaid, directed to the secretary or corresponding officer.

Sec. 41. R. S., T. 26, § 664, amended. The last sentence of the first paragraph of section 664 of Title 26 of the Revised Statutes, as amended by chapter 184 and repealed and replaced by chapter 356, both of the public laws of 1969, is repealed and the following enacted in place thereof:

The overtime provision of this section shall not apply to seamen, the canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of herring as sardines, of perishable foods, of agricultural produce, and meat and fish products, nor to the canning of perishable goods, nor to hotels, motels, restaurants and other eating establishments.

Sec. 42. R. S., T. 28, § 101, amended. The 5th paragraph from the end of section 101 of Title 28 of the Revised Statutes, as amended by section 3 of chapter 183 and by section 8 of chapter 360, both of the public laws of 1969, is repealed and the following enacted in place thereof:

Where a city or town has voted in favor of accepting or not accepting questions 1, 2, 3, 4, 5, 6, 6-A, 7, 8, 9, 10 and 11, said vote shall be effective until repealed in the manner hereinafter provided.

Sec. 43. Effective date. Section 42 of this Act shall become effective January 2, 1971.

Sec. 44. R. S., T. 28, § 204, repealed and replaced. Section 204 of Title 28 of the Revised Statutes, as amended by chapter 311 and by section 10 of chapter 360, both of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 204. Liquor bought from commission; sale to government agencies

All persons, except public service corporations operating interstate, licensed to sell spirituous or vinous liquor, except table wine, shall purchase all such liquor from the commission. The commission shall sell to such licensees spirituous and vinous liquor, except table wine, for a price of 10% less than the retail price in state retail stores provided that such discount shall not apply to federal taxes levied on and after November 1, 1941. The commission

may sell spirituous and vinous liquor, except table wine to approved government instrumentalities within the State at a price to be set by the commission which shall be approved by the Governor and Council. The commission may sell spirituous and vinous liquor not for consumption within the State to airlines at a price to be set by the commission which shall be approved by the Governor and Council.

The Liquor Commission shall have the power to adopt such rules and regulations as it shall deem necessary or advisable to effectuate the purposes of this section.

Sec. 45. Effective date. Section 44 of this Act shall become effective January 2, 1971.

Sec. 46. R. S., T. 28, § 303, amended. The 2nd sentence of the 2nd paragraph of section 303 of Title 28 of the Revised Statutes, as amended by section 11 of chapter 360 and by section 70 of chapter 433, both of the public laws of 1969, is repealed and the following enacted in place thereof:

No licensee, by himself, clerk, servant or agent entitled to sell malt liquor or table wine not to be consumed on the premises shall sell, furnish, give or deliver such malt liquor or table wine to any person visibly intoxicated, to any mentally ill person, to a known habitual drunkard, to any pauper, to persons of known intemperate habits or to any minor under the age of 20 years.

Sec. 47. Effective date. Section 46 of this Act shall take effect January 2, 1971.

Sec. 48. R. S., T. 28, § 303, amended. The last paragraph of section 303 of Title 28 of the Revised Statutes, as amended by chapter 224 and by section 70 of chapter 433, both of the public laws of 1969, is repealed and the following enacted in place thereof:

Any person under the age of 20 years who purchases any intoxicating liquor or any person under the age of 20 years who consumes any intoxicating liquor in any on-sale premises, or who presents or offers to any licensee, his agent or employee, any written or oral evidence of age which is false, fraudulent or not actually his own, for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any intoxicating liquor, or who has any intoxicating liquor in his possession except in the scope of his or her employment on any street or highway, or in any public place or in any automobile, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100 for the first offense, not less than \$50 nor more than \$100 for the 2nd offense and \$100 for the 3rd and subsequent offenses. If a minor is charged with illegal possession under this section he may not be charged with illegal transportation. No minor shall be charged with more than one offense under this section in any given instance wherein the same set of facts is involved.

Sec. 49. R. S., T. 28, § 604, amended. The last sentence of the first paragraph of section 604 of Title 28 of the Revised Statutes, as amended by chapter 323 and by section 20 of chapter 360, both of the public laws of 1969 is repealed and the following enacted in place thereof:

The fee therefor shall be \$500 per year for malt liquor only and \$300 for table wine only, which sum shall accompany the application for such certificate.

Sec. 50. Effective date. Section 49 of this Act shall take effect January 2, 1971.

Sec. 51. R. S., T. 28, § 751-A, repealed and replaced. Section 751-A of Title 28 of the Revised Statutes, as enacted by chapter 91 of the public laws of 1967 and as last amended by section 25 of chapter 360, section 71 of chapter 433 and by sections 10 and 18 of chapter 500, all of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 751-A. Payment for sales in retail stores

For the purpose of receiving payment at the check-out counters for the sale of malt liquor or table wine in retail stores, the age of such employee receiving the payment shall not be under 17 years of age for malt liquor and 18 years for table wine, provided that an employee who is 20 years of age or older is present in the retail store in a supervisory capacity.

Sec. 52. Effective date. Section 51 of this Act shall take effect January 2, 1971.

Sec. 53. R. S., T. 28, § 756, amended. The first paragraph of section 756 of Title 28 of the Revised Statutes, as amended by chapter 270 and by section 27 of chapter 360, both of the public laws of 1969, is repealed and the following enacted in place thereof:

It shall be unlawful for any wholesale or retail licensee of malt liquor or table wine, either directly or indirectly, by any agent or employee, to go from town to town, or from place to place in the same town, selling, bartering or carrying for sale or exposing for sale any malt liquor or table wine from any vehicle, except all sales of such malt liquor or table wine where transportation and delivery are required shall be made only upon orders actually received at the principal place of business or warehouse or distributing center, if licensed, of the seller prior to shipment thereof, and an invoice stating the names of the purchaser and the seller and the kind and quantity of malt liquor or table wine ordered by the sale, together with the date of the sale, shall be carried by the driver or any other employee of the seller; and except that a wholesale licensee, his agent or employee, may go from town to town or from place to place in the same town selling, or carrying for sale or exposing for sale malt liquor or table wine from its vehicle, provided the licensee, his agent or employee has in his possession on said vehicle a manifest bearing a detailed description of the total amount of malt liquor or table wine on the vehicle, and invoices as required as well as invoices drawn up at the time of delivery. Sales or deliveries must only be made to licensees of the Maine State Liquor Commission.

Sec. 54. Effective date. Section 53 of this Act shall become effective January 2, 1971.

Sec. 55. R. S., T. 28, § 852, amended. The first paragraph of section 852 of Title 28 of the Revised Statutes, as amended by section 72 of chapter 433 and by section 15 of chapter 500, both of the public laws of 1969, is repealed and the following enacted in place thereof:

No licensee for the sale of liquor to be consumed on licensed premises, except in Class A restaurants, clubs and hotel dining rooms, shall employ any person under the age of 20 years in the direct handling or selling of liquor

on the premises where such liquor is sold. No licensee for the sale of liquor to be consumed on the licensed premises of Class A restaurants, clubs and hotel dining rooms shall employ any person under the age of 19 years in the direct handling or selling of liquor on the premises where such liquor is sold, provided that an employee who is 20 years of age or older is present in a supervisory capacity.

Sec. 56. R. S., T. 29, § 333, repealed and replaced. Section 333 of Title 29 of the Revised Statutes, as amended by section 3 of chapter 400 and by section 75 of chapter 433, both of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 333. No certificate for minors

No person under the age of 20 years shall be issued a certificate or plate under this subchapter.

Sec. 56-A. R. S., T. 29, § 537, amended. Section 537 of Title 29 of the Revised Statutes, as amended by section 2 of chapter 303 of the public laws of 1965 and by chapter 59 of the public laws of 1969, is further amended by adding at the end, a new paragraph, as follows:

Any unlicensed person while learning to operate a motorcycle shall not carry any passenger on said motorcycle who is not licensed as a motorcycle operator.

Sec. 57. R. S., T. 30, § 407, amended. The last sentence of section 407 of Title 30 of the Revised Statutes is amended to read as follows:

The county commissioners of each and every ~~other~~ county may without obtaining the consent of their county raise by temporary loans to be paid within one year from the time when the same is contracted out of money raised during the current year by taxes not exceeding $1/5$ of 1% of the assessed valuation of their respective counties.

Sec. 57-A. R. S., T. 30, § 958, amended. Section 958 of Title 30 of the Revised Statutes, as last amended by chapter 518 of the public laws of 1969, is further amended to read as follows:

§ 958. Full-time deputies in all counties; compensation

The sheriffs of all counties shall respectively appoint full-time deputy sheriffs, who shall serve at the pleasure of said respective sheriffs and whose special duty shall be to enforce the criminal laws in said counties and who shall receive as compensation therefor the sum of \$16 per day and such additional pay as the respective county commissioners may approve, to be paid from the respective county treasuries, together with such incidental expenses as may be necessary for the proper enforcement of said laws; bills for which shall be audited as provided in Title 15, section 1902. Such full-time deputy sheriffs shall not receive more than \$112 and chief deputies shall not receive more than \$119 in the aggregate for any one week, except that ~~this limitation~~ **these limitations** shall not apply to Androscoggin County, Cumberland County and York County.

Sec. 57-B. Effective date. Section 57-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 58. R. S., T. 30, § 1051, sub-§ 15, amended. Subsection 15 of section 1051 of Title 30 of the Revised Statutes, as amended, is further amended to read as follows:

15. Attendance upon Supreme Judicial and Superior Courts. Every deputy sheriff and court messenger, while in actual attendance upon a session of the Supreme Judicial Court or the Superior Court in their respective counties ~~except as provided in Title 4, section 56~~ shall receive \$15 a day, plus actual travel at 16¢ a mile from their place of residence for each day's attendance.

Sec. 58-A. R. S., T. 30, § 1201, amended. The first sentence of section 1201 of Title 30 of the Revised Statutes, as amended by chapter 68 of the public laws of 1969, is further amended to read as follows:

The county commissioners of Aroostook County are authorized, on behalf of the inhabitants of Connor and Silver Ridge Townships, of **Township 14, R. 6, Township 15, R. 6, Township 16, R. 6, Township 17, R. 4** and Township 17, R. 5, and the county commissioners of Franklin County are authorized, on behalf of Township 3, R. 2, BKPWKR (Jerusalem), Township 4, R. 2, BKPWKR (Sugarloaf Township) and the Townships of Salem and Freeman, and the county commissioners of Hancock County are authorized, on behalf of the inhabitants of Township 8, S.D., and the county commissioners of Piscataquis County are authorized, on behalf of the inhabitants of Medford and Orneville Townships, and the county commissioners of Oxford County are authorized on behalf of the inhabitants of Albany and Milton Townships, and the county commissioners of Penobscot County are authorized, on behalf of the inhabitants of Argyle and Kingman Townships and the county commissioners of Somerset County are authorized on behalf of the inhabitants of Rockwood Township to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fire protection, for the Townships of Connor, Silver Ridge, **Township 14, R. 6, Township 15, R. 6, Township 16, R. 6, Township 17, R. 4, Township 17, R. 5, Township 3, R. 2 (Jerusalem), Township 4, R. 2 (Sugarloaf Township),** Township 8, S. D., Salem, Freeman, Medford, Orneville, Albany, Milton, Argyle, Kingman and Rockwood.

Sec. 58-B. R. S., T. 30, § 2311, sub-§ 2, amended. Subsection 2 of section 2311 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 438 of the public laws of 1969, is amended by adding at the end the following sentences:

In addition the following town officials may be elected by ballot: Moderator, assessors, overseers of the poor, clerk and treasurer. The election of officials at the last annual town meeting shall require that such town officials continue to be elected until the town otherwise designates.

Sec. 59. R. S., T. 32, § 62, sub-§ 3, amended. The last sentence of subsection 3 of section 62 of Title 32 of the Revised Statutes, as enacted by chapter 359 of the public laws of 1969, is amended to read as follows:

For emergency cases one trained licensed individual or physician, or an osteopathic physician or a registered nurse or licensed practical nurse must be present in the vehicle either as a driver or attendant.

Sec. 59-A. R. S., T. 32, § 63, sub-§ 7, amended. The first sentence of subsection 7 of section 63 of Title 32 of the Revised Statutes, as enacted by chapter 350 of the public laws of 1969, is repealed and the following enacted in place thereof:

The board shall issue a temporary permit by waiver to any person who meets the standards of good character and suitability as promulgated by the board and who has served as nursing home administrator during all of the calendar year immediately preceding the calendar year in which the requirements prescribed in sections 1902 (a) (29) and 1908 of Title XIX of the Social Security Act are first met by the State; provided, however, that such temporary permit shall be issued for a period of time not to exceed one year and may be renewed for an additional period of time not to exceed one year, except that all such temporary permits shall expire no later than June 30, 1972.

Sec. 60. R. S., T. 32, § 1082, repealed and replaced. Section 1082 of Title 32 of the Revised Statutes, as repealed and replaced by section 1 of chapter 197 and amended by section 79 of chapter 433, both of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 1082. Qualifications

Before receiving a certificate to practice dentistry in this State, a person shall be at least 20 years of age, of good moral character and shall be a graduate of or have a diploma from an acceptable dental college, school or dental department of a university approved by the board.

Sec. 60-A. R. S., T. 32, § 2606, additional. Title 32 of the Revised Statutes is amended by adding a new section 2606, to read as follows:

§ 2606. Treatment of minors

Any person licensed under this chapter who, in the exercise of due care, renders medical care to a minor for treatment of venereal disease is under no obligation to obtain the consent of a parent or a guardian, as applicable, or to inform such parent or guardian of such treatment.

Sec. 61. R. S., T. 32, § 3153, repealed. Section 3153 of Title 32 of the Revised Statutes, as enacted by chapter 297 of the public laws of 1969, is repealed.

Sec. 62. R. S., T. 32, § 3154, additional. Title 32 of the Revised Statutes is amended by adding a new section 3154, to read as follows:

§ 3154. Treatment of minors

Any person licensed under this chapter who, in the exercise of due care, renders medical care to a minor for treatment of venereal disease is under no obligation to obtain the consent of a parent or a guardian, as applicable, or to inform such parent or guardian of such treatment.

Sec. 62-A. R. S., T. 32, § 3981, sub-§ 3, amended. Subsection 3 of section 3981 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 344 of the public laws of 1967, is amended to read as follows:

3. **Age.** Who has attained the age of ~~21~~ 20 years, and

Sec. 63. R. S., T. 32, § 4102-A, amended. Section 4102-A of Title 32 of the Revised Statutes, as enacted by section 3 of chapter 312 of the public laws of 1969, is amended to read as follows:

§ 4102-A. Temporary license in case of death

In the event of the death of a licensed broker, who is the sole proprietor of a real estate business, the commission shall, upon application by his legal representative, issue, without examination, a temporary license to such legal representative, or to an individual designated by him and approved by the commission and the payment of the prescribed fee of \$15, which shall authorize such temporary licensee to continue to transact said business for a period not to exceed one year from the date of death subject to all other provisions of sections 4001 to 4119, except that such temporary license shall not be renewed.

Sec. 64. R. S., T. 32, c. 62, repealed. Chapter 62 of Title 32 of the Revised Statutes, as enacted by chapter 282 of the public laws of 1969, is repealed.

Sec. 65. R. S., T. 32, c. 62-A, additional. Title 32 of the Revised Statutes is amended by adding a new chapter 62-A, to read as follows:

CHAPTER 62-A

SOCIAL WORKERS

SUBCHAPTER I

GENERAL PROVISIONS

§ 4183. Definitions

As used in this chapter, unless a different meaning clearly appears from the context, the following definitions shall apply:

1. **Board.** "Board" shall mean the State Board of Social Worker Registration.

2. **Registered or associate social worker.** A "registered or associate social worker" is a person who presents himself to the public with any title including the term or words "registered" or "associate social worker" or any abbreviation thereof or the letters "R.S.W." or "A.S.W." and under such title or description gives or offers to give social work services to individuals, groups, agencies or corporations.

3. **Social work.** "Social work" means engaging in the practice of social casework, social group work, community organization, administration of a social work program, social work education, social work research or any combination of these, in accordance with social work principles and methods. The purpose of social work is to help individuals, families, groups and communities to present or resolve problems caused by social or emotional stress.

§ 4184. Violations

Any person who shall represent himself to the public as a registered or associate social worker without being registered with and holding a current certificate from the board shall, upon conviction, be punished by a fine of not less than \$50 nor more than \$500 for each such offense.

§ 4185. Exemptions

Nothing in this chapter prevents any person from engaging in the practice of social work so long as he does not represent himself as or use the titles of "registered social worker" or "associate social worker."

SUBCHAPTER II

STATE BOARD OF SOCIAL WORKER REGISTRATION

§ 4186. State Board of Social Worker Registration created

There is created a State Board of Social Worker Registration which shall administer this chapter. The board shall consist of 7 members who shall be appointed by the Governor. The terms of office shall be for 3 years, except that in the appointment of the initial board 2 members shall be appointed for one year, 2 members for 2 years, and 3 members for 3 years. All members shall hold office until their successors are appointed and qualified.

§ 4187. Qualifications

Members of the board shall be residents of this State, of good moral character and shall have been engaged in the active practice of social work as registered or associate social workers for not less than 5 years prior to appointment. Appointees to the initial board shall have been engaged in the active practice of social work for not less than 5 years prior to appointment and shall be qualified for certification as registered or associate social workers. No members of the board shall serve more than 2 terms as a board member. The Governor may remove any member for cause.

§ 4188. Compensation and expenses

No member of the board shall receive any compensation for his services as a member of the board, but shall be reimbursed for all actual travelling and incidental expenses necessarily incurred in carrying out this chapter.

§ 4189. Organization and meetings

The board shall annually elect a chairman, vice-chairman and secretary-treasurer from its membership. The secretary-treasurer shall keep full and complete records of its proceedings and accounts, which shall be open to public inspection at all reasonable times.

The board shall hold at least 2 regular meetings each year at such times and places as the board may prescribe. Special meetings may be held upon call of the chairman and any 2 members. Four members of the board shall constitute a quorum for the transaction of business.

The board shall adopt a seal for its use which shall remain in the custody of the secretary-treasurer.

§ 4190. Powers

The board shall have the authority to make such rules and regulations as are necessary to carry out its duties in accordance with this chapter.

SUBCHAPTER III

REGISTRATION

§ 4191. Registration required

In order to safeguard the life, health and welfare of the people of this State, any person practicing or offering to practice as a registered or associate social worker shall be required to submit evidence that he is qualified to so practice and shall be registered as provided.

§ 4192. Qualifications

To be eligible for certification as a registered social worker or an associate social worker, an applicant must be at least 21 years of age, of good moral character and a resident of this State, and shall satisfactorily pass such examination as the board may prescribe by its rules and regulations.

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration and certification as a registered or associate social worker, respectively:

1. Registered social worker. As a registered social worker:

A. Registration by endorsement. A person holding a certificate of registration as a registered social worker under the laws of another state, territory or possession of the United States, the District of Columbia or of any foreign country, who, in the opinion of the board, meets the requirements of this chapter, based upon verified evidence, may, upon application, be registered without further examination.

B. Graduation and examination. Applicants shall have received at least a master's degree in social work from a school of social work accredited by the Council on Social Work Education, and shall have passed the written examination prescribed by the board.

2. Associate social worker. As an associate social worker:

A. Graduation and examination. Applicants shall have at least a bachelor's degree from a recognized college or university, have been employed in social work for not less than 2 years, and have passed the written examination prescribed by the board.

Any person having the necessary qualifications prescribed in this chapter to entitle him to registration as a registered or associate social worker shall be eligible for such registration though he may not be practicing his profession at the time of making the application.

§ 4193. Registration without examination

Any person who within 6 months after the effective date of this chapter submits his application to the board on the prescribed form, pays the necessary fee and furnishes satisfactory evidence to the board that he is 21 years of age or over, of good moral character, a resident of this State, is employed as a social worker or was so employed for 2 years out of the preceding 5 years, shall be registered by the board and certified as a registered or associate social worker without examination. Any person in the Armed Forces of the United States on the effective date of this chapter, who was employed as a social worker prior to entrance into the Armed Forces, shall be certified as a registered or associate social worker without examination, provided he makes application for registration within 3 months after separation or release from the Armed Forces and provided he otherwise qualifies as set forth in this section.

§ 4194. Application; fees

Application for registration and certification as a registered or associate social worker shall be on a form prescribed and furnished by the board.

The registration fee for a registered social worker shall be established by the board in an amount not to exceed \$50, which fee shall accompany the application.

The registration fee for an associate social worker shall be established by the board in an amount not to exceed \$25, which fee shall accompany the application.

Should the board deny the issuance of a certificate of registration to any applicant, the fee shall be retained as an application fee.

§ 4195. Examinations

Written examinations shall be held at such times and places as the board shall determine and shall be based on fundamental social work subjects as determined by the board.

The passing grade on any examination shall be not less than 70%. A candidate failing any examination may apply for reexamination, which shall be granted upon payment of a fee established by the board in an amount not in excess of the original application fee. Any candidate for registration having an average grade of less than 50% in his written examination may not apply for reexamination for one year.

§ 4196. Certificates

The board shall issue a certificate of registration to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter.

§ 4197. Revocation and reissuance

The board shall have the power to revoke the registration of a registered or associate social worker for any of the following reasons:

1. Felony conviction. Conviction of a violation of a law by any court of competent jurisdiction which if committed within this State would constitute a felony under the laws of this State; or
2. Fraud or deceit. The practice of fraud or deceit in obtaining a certificate of registration under this chapter or in connection with service rendered as a registered or associate social worker; or
3. Addiction. Addiction to the use of alcohol, morphine, opium, cocaine or other drugs having similar effect; or
4. Mental incompetency. A medical finding of mental incompetency; or
5. Aiding and abetting misrepresentation. Aiding or abetting a person, not duly certified as a registered or associate social worker, in representing himself as a registered or associate social worker in this State; or
6. Unprofessional conduct or negligence. Any gross negligence, incompetency or misconduct in the practice of professional social work.

Any person may prefer charges against any registered or associate social worker. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within 3 months after the date on which they have been preferred. The time and place for said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or sent by certified mail to the last known address of such registrant, at least 30 days before the date set for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him and to produce evidence and witnesses in his own defense.

If, after such hearing, 4 or more members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such registered or associate social worker.

The board, for reasons it may deem sufficient, may reissue a certificate of registration as a registered or associate social worker to any person whose certificate of registration has been revoked, provided 3 or more members of the board vote in favor of such reissuance. A new certificate of registration as a registered or associate social worker, to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the board, and a charge of \$3 shall be made for such issuance.

§ 4198. Expiration and renewals

Certificates of registration shall expire on the last day of December following their issuance or renewal and shall become invalid on that date unless renewed. Annual fee for renewal of registration shall be set by the

board in an amount not to exceed \$10, and shall be due and payable each year on or before the first day of January. The failure of any registrant to renew his certificate annually on or before the first day of January shall not deprive such person of the right of renewal, but the fee to be paid for the renewal certificate after January 31st shall be increased 10% for each month or fraction thereof that payment for renewal is delayed. The maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

Any person who fails to renew his registration for a period of 3 years or more shall be stricken from the rolls and his registration may be renewed only after meeting the requirements of this chapter.

A person registered under this chapter may, upon request, be placed in an inactive status category without fees, and may be reinstated to active status by paying the fees for the current year.

§ 4199. Receipts and disbursements

The secretary-treasurer of the board shall receive and account for all moneys derived under this chapter and shall pay the same to the Treasurer of the State of Maine, who shall keep such moneys in a separate fund to be known as the "Registered and Associate Social Workers' Fund." The board may authorize such expenditures from said fund as are necessary for the purpose of administering and enforcing this chapter. The expenditures of the board shall not in any year exceed the amount of fees collected by the board for that year.

Sec. 66. R. S., T. 34, § 525, amended. Section 525 of Title 34 of the Revised Statutes, as enacted by chapter 20 of the public laws of 1967, is amended to read as follows:

§ 525. Establishment; purposes

The Bureau of Corrections, as heretofore established within the department, shall be responsible for the direction and general administrative supervision of the correctional programs within the Maine State Prison, the ~~Reformatories for Men and Women~~ Men's Correctional Center, the Women's Correctional Center and the Juvenile Training Centers.

Sec. 66-A. R. S., T. 34, § 1502, sub-§ 7, amended. Subsection 7 of section 1502 of Title 34 of the Revised Statutes is amended to read as follows:

7. Arrest violators. To arrest and return probation and parole violators ~~on warrants issued by the appropriate authorities.~~

Sec. 66-B. R. S., T. 34, § 1503, amended. Section 1503 of Title 34 of the Revised Statutes is amended to read as follows:

§ 1503. Abetting violations

Any person over the age of 17 who willfully obstructs, intimidates or otherwise abets a probationer or parolee under the supervision and control of the ~~State Probation and Parole Board~~ Division of Probation and Parole and thereby contributes or causes said probationer or parolee to violate the

terms and conditions of his probation or parole, after having been warned in writing by the ~~State Probation and Parole Board~~ **Division of Probation and Parole** to cease and desist in said relationship or association with the probationer or parolee, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

This section shall apply in those instances where the probationer or parolee is under the supervision and control of the ~~State Probation and Parole Board~~ **Division of Probation and Parole** at the request of other states under terms of the Uniform Act for Out-of-State Parolee Supervision.

Sec. 66-C. R. S., T. 34, § 1592, sub-§ 4, amended. The first sentence of subsection 4 of section 1592 of Title 34 of the Revised Statutes, as repealed and replaced by section 4 of chapter 319 of the public laws of 1969, is amended to read as follows:

Make recommendations to the ~~board~~ **division** in cases of violation of the conditions of parole, issue warrants for the arrest of parole violators ~~when so instructed by the board~~; notify the superintendents of the institutions of determinations made by the board.

Sec. 66-D. R. S., T. 34, § 1632, amended. The 2nd sentence of section 1632 of Title 34 of the Revised Statutes is amended to read as follows:

When a person is placed on probation, he shall be committed by the court to the custody and control of the ~~State Probation and Parole Board~~ **Division of Probation and Parole**.

Sec. 66-E. R. S., T. 34, § 1633, amended. The first sentence of section 1633 of Title 34 of the Revised Statutes is amended to read as follows:

When the ~~State Probation and Parole Board~~ **Division of Probation and Parole** charges a probationer with violation of a condition of his probation the ~~board~~ **division** shall forthwith report the alleged violation to the court, or to a justice of the court in vacation, which may order the probationer returned.

Sec. 66-F. R. S., T. 34, § 1633, amended. The first sentence of the last paragraph of section 1633 of Title 34 of the Revised Statutes, as enacted by section 2 of chapter 45 of the public laws of 1965, is amended to read as follows:

The ~~State Probation and Parole Board~~ **Division of Probation and Parole** may in its discretion report the alleged violation to any Superior Court.

Sec. 66-G. R. S., T. 34, § 1634, sub-§ 1, amended. Subsection 1 of section 1634 of Title 34 of the Revised Statutes is amended to read as follows:

1. **Probationer no longer needs supervision.** When it appears to the ~~State Probation and Parole Board~~ **Division of Probation and Parole** that a probationer is no longer in need of supervision, the ~~board~~ **division** may so report to the court, or to a justice of the court in vacation, which may order the probationer returned. After hearing, the court or justice may terminate his probation and allow him to go without day.

Sec. 67. R. S., T. 36, § 653, sub-§ 1, ¶ D-1, amended. The last sentence of paragraph D-1 of subsection 1 of section 653 of Title 36 of the Revised Statutes, as enacted by chapter 144 of the public laws of 1967 and as amended by chapters 110 and 341, both of the public laws of 1969, is repealed as follows:

~~A veteran, or unmarried widow of a veteran, receiving exemption under this paragraph shall not receive exemption under paragraphs C or D.~~

Sec. 68. R. S., T. 36, § 1760, sub-§ 25, amended. Subsection 25 of section 1760 of Title 36 of the Revised Statutes, as last amended by chapter 24 of the public laws of 1969, is further amended to read as follows:

25. Boats sold to nonresidents. Sales in this State to nonresidents of yachts and other pleasure boats and commercial vessels and boats actually registered for numbering, enrolled or documented under federal or foreign law in the appropriate customhouses or registry offices for location thereof or home ports therefor outside the State, when such craft are either delivered outside the State or delivered in the State to be sailed or transported outside the State immediately upon delivery by the seller; and any sales to ~~nonresident~~ **nonresidents**, under contracts for the construction of any such craft to be so delivered, of materials to be incorporated therein; and any sales to nonresidents for the repair, alteration, refitting, reconstruction, overhaul or restoration of any such craft to be so delivered, of materials to be incorporated therein.

Sec. 69. R. S., T. 36, § 2912, repealed and replaced. Section 2912 of Title 36 of the Revised Statutes, as amended by chapter 351 and repealed and replaced by section 18 of chapter 498, both of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 2912. Records and reports regarding sales of fuels for aeronautical purposes

Every distributor of internal combustion fuels shall keep a record of sales of such fuels as are sold to be used for aeronautical purposes and shall render a report thereof as provided in section 2906. The tax received by the State on internal combustion engine fuels which are sold to be used for aeronautical purposes shall accrue to the General Fund. The necessary expenses of the collection of the tax on such fuels to be used for aeronautical purposes shall be deducted.

Sec. 70. R. S., T. 38, § 237, sub-§ 7, repealed. Subsection 7 of section 237 of Title 38 of the Revised Statutes, as enacted by section 7 of chapter 123 of the public laws of 1969, is repealed.

Sec. 71. R. S., T. 38, § 237, sub-§ 8, additional. Section 237 of Title 38 of the Revised Statutes, as amended, is further amended by adding a new subsection 8, to read as follows:

8. Mufflers. It shall be unlawful to operate a motorboat on the waters of this State unless it shall be equipped at all times with an effective and suitable muffling device on the engine or engines thereof to effectively deaden or muffle the noise of the exhaust, provided that motorboats which are operating in a regatta or race approved by the bureau under section 238, subsection 2 may use cut outs for such motorboats while on trial runs, or competing

in speed events, not to exceed 48 hours immediately preceding or following such an authorized event.

Sec. 72. R. S., T. 38, § 451, amended. The first sentence of the 3rd paragraph of section 451 of Title 38 of the Revised Statutes, as enacted by section 6 of chapter 431 of the public laws of 1969, is amended to read as follows:

In determining the extent of any mixing zone to be by it established under this section, the commission shall solicit and receive testimony concerning the nature and rate of the discharge; the nature and rate of existing discharges to the waterway and their effect upon the ability of the waterway to achieve its classification standards; the size of the waterway and the rate of flow therein; any seasonal, climatic, tidal and natural variations in such size, flow, nature and rate and the effect of such variations upon the ability of the waterway to achieve its classification standards; the uses of the waterways in the vicinity of the discharge, and such other and further evidence as in the commission's judgment will enable it to establish a reasonable mixing zone for such discharge.

Sec. 73. P. & S. L., 1907, c. 433, § 10, amended. The 7th sentence from the end of section 10 of chapter 433 of the private and special laws of 1907 is amended to read as follows:

At said first meeting the trustees so elected shall determine by lot the term of office of each trustee so that one trustee shall retire each year and whenever the term of office of a trustee expires his successor shall be elected by a plurality vote by the city which elected him and upon nomination made as herein provided for the first election of trustees, and for the purpose of such election, a special election shall be called and held on the fourth ~~Monday~~ **Tuesday** of May in each year in the city wherein such trustee is to be elected, the same to be called in the manner hereinbefore provided for the first election of trustees.

Sec. 74. P. & S. L., 1969, c. 125, § 4, amended. The first sentence of the 2nd paragraph of section 4 of chapter 125 of the private and special laws of 1969, is amended to read as follows:

For an area including more than one municipality, the trustee or trustees from such area shall be elected by a plurality vote of the legal voters of all of the municipalities constituting such area voting at elections to be specially called and held in each municipality on the 4th ~~Monday~~ **Tuesday** of May of each year, commencing on the first such ~~Monday~~ **Tuesday** occurring at least 60 days after the time for withdrawal under section 16 of chapter 95 of the private and special laws of 1969 has expired.

Sec. 75. P. & S. L., 1939, c. 8, Art. V, § 2, amended. Section 2 of article V of chapter 8 of the private and special laws of 1939, as amended, is further amended by adding a new paragraph to read as follows:

Notwithstanding the foregoing, the publication of an ordinance to be enacted pursuant to the Revised Statutes, Title 30, section 2154, as same may be amended, to revise and codify ordinances may be by ordinance title and chapter titles only.

Sec. 76. R. S., T. 5, § 304, amended. Section 304 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 458 of the public laws of 1967, is amended to read as follows:

§ 304. Approval of construction projects

No construction projects shall be initiated in the Capitol Area for the development of state buildings and grounds following the adoption of the plan by the Legislature without the approval of **the Legislative Research Committee** and the commission of the proposals and plans for such projects.

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

Effective February 10, 1970,
except as otherwise indicated