

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth 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
1973

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature

1973

CHAPTER 323

AN ACT Relating to the Deletion of an Exemption under the Unfair Trade Practices Act.

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

Sec. 1. R. S., T. 5, § 208, sub-§ 2, amended. Subsection 2 of section 208 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 577 of the public laws of 1969, is amended to read as follows:

2. **Interstate commerce.** Trade or commerce of any person of whose gross revenue at least 20% is derived from transactions in interstate commerce, excepting however transactions and actions which occur primarily and substantially within the State, and as to which the Federal Trade Commission or its designated representative has failed to assert in writing within 14 days of notice to it and to said person by the Attorney General its objection to action proposed by him and set forth in said notice; the burden of proving exemption, under this subsection, from this chapter shall be upon the person claiming the exemption; ~~or.~~

Sec. 2. R. S., T. 5, § 208, sub-§ 3, repealed. Subsection 3 of section 208 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 577 of the public laws of 1969, is repealed.

Effective October 3, 1973

CHAPTER 324

AN ACT Amending the Authorization of Foreign Banks and Trust Companies to Act as Fiduciaries.

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

R. S., T. 18, § 4162, repealed and replaced. Section 4162 of Title 18 of the Revised Statutes, as enacted by chapter 127 of the public laws of 1967 and as amended by section 14 of chapter 439 of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 4162. Application

Before qualifying or serving in this State in any fiduciary capacity, as defined in section 4161, such bank or trust company shall file an application for authority with the Secretary of State in the same form and subject to the same fees as required by Title 13-A, chapter 12. Such application shall be accompanied by a certificate, made within 90 days of filing, from the official having supervision of banks and trust companies where the bank was organized or is domiciled, indicating that it is duly authorized or presently existing, that it has authority to act in the fiduciary capacity for which it is qualifying and that said jurisdiction grants authority to serve in like fiduciary capacities to a bank or trust company organized under the laws of this State and au-

thorized to serve in like fiduciary capacities. If the person supervising banks and trust companies cannot certify to reciprocity, it shall be done by the Attorney General of its state of domicile. In addition, said application shall designate the Secretary of State as the person upon whom all notices and processes issued by or to any court of this State shall be served in any action or proceeding relating to any trust, estate or matter within this State in which such bank or trust company is acting in any fiduciary capacity with like effect as personal service on such bank or trust company, such designation shall be irrevocable so long as any such liability shall remain outstanding against such bank or trust company in this State. Upon receipt of such notice or process, the Secretary of State shall forthwith forward the same by registered mail to such bank or trust company at the address stated in the said application.

Effective October 3, 1973

CHAPTER 325

AN ACT Increasing License Fee for Nurserymen.

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

R. S., T. 32, § 1901, amended. The 2nd and 3rd sentences of section 1901 of Title 32 of the Revised Statutes are amended to read as follows:

The form of license shall be prescribed by the State Horticulturist and the licenses shall be issued by him upon proper application therefor ~~and shall expire on December 31st of each year~~ for a period of 3 calendar years. The license fee shall be ~~\$7 per year~~ \$5, excepting that for growers of strawberry, blackberry and raspberry plants, gladiolus, dahlias and herbaceous plants out-of-doors and whose total area of land devoted to those plants does not exceed $\frac{1}{4}$ acre, there shall be no license fee.

Effective October 3, 1973

CHAPTER 326

AN ACT to Provide Hospital Administrators under the Department of Mental Health and Corrections.

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

Sec. 1. R. S., T. 34, § 2102, amended. The 3rd and 4th sentences of section 2102 of Title 34 of the Revised Statutes, as last repealed and replaced by section 3 of chapter 350 of the public laws of 1971, are amended to read as follows:

The appointments shall be for a term of ~~2~~ 2 years initially and then an indeterminate term and until his successor is appointed and qualified, or during the pleasure of the commissioner and the Advisory Committee on Mental