

MAINE STATE LEGISLATURE

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



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

ACTS, 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

The agency is to have those powers necessary to be designated as the "State Planning Agency" within the meaning of Title 1 of Public Law 90-351, the "Omnibus Crime Control and Safe Streets Act of 1968," and Public Law 90-445, the "Juvenile Delinquency Prevention and Control Act of 1968," and the "Law Enforcement Revenue Sharing Act of 1973."

Effective October 3, 1973

CHAPTER 333

AN ACT Relating to Schooling of Indian Children.

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

Sec. 1. R. S., T. 22, c. 1352-A, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 1352-A, to read as follows:

CHAPTER 1352-A

SCHOOL COMMITTEE

§ 4741. School committee

The Passamaquoddy Tribe of Indian Township, the Passamaquoddy Tribe of Pleasant Point and the Penobscot Tribe of Indian Island shall each be authorized to elect by popular election a school committee of not more than 5 tribal members to provide educational and cultural services for its residents. It shall be the responsibility of the school committee to approve all programs, expenditures of funds and procurement of personnel in accordance with the general laws applying to public schools. Should any reservation fail to elect a school committee, the Commissioner of Educational and Cultural Services shall provide for the education of students on that reservation in the same manner as is done for unorganized territory students.

§ 4742. Superintendent

The Indian school committees shall jointly, in a manner agreed upon by all the committees, select a superintendent of schools, subject to the approval of the Commissioner of Educational and Cultural Services, whose duties shall be the same as public school superintendents under the general law.

The school committees shall determine the terms of employment for the superintendent, including compensation and length of contract, subject to the approval of the Commissioner of Educational and Cultural Services.

§ 4743. Personnel and fiscal policies

Each school committee may establish personnel regulations and a system for purchases and accounting in accordance with the general law as it applies to other administrative units.

Sec. 2. R. S., T. 20, § 1452, repealed. Section 1452 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 450 of the public laws of 1965, is repealed.

Sec. 3. R. S., T. 22, §§ 4774-A, 4839 and 4840, repealed. Section 4774-A, as enacted by section 1 of chapter 383 of the public laws of 1971, section 4839, as enacted by chapter 463 of the public laws of 1969 and section 4840, as enacted by section 1 of chapter 384 of the public laws of 1971, of Title 22 of the Revised Statutes, are repealed.

Effective October 3, 1973

CHAPTER 334

AN ACT Relating to the Immunity Provisions of the Unfair Trade Practices Act.

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

Whereas, the United States Supreme Court in *Kastigar v. U. S.* 406 U. S. 441 (1972) has defined the scope of the immunity which a statute must provide in order for the immunity to be coextensive with the scope of the privilege against self-incrimination and, therefore, sufficient to supplant the privilege; and

Whereas, it is important that the immunity provisions of the Unfair Trade Practices Act be consistent with the scope of the immunity required by the Fifth Amendment of the Constitution of the United States as interpreted in *Kastigar v. U. S.* 406 U. S. 441, (1972); and

Whereas, information is frequently demanded under the authority of Title 5, section 211; 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:

R. S., T. 5, § 211, amended. The last paragraph of section 211 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:

At any time prior to the date specified in the notice, or within 21 days after the notice has been served, whichever period is shorter, the court may, upon motion for good cause shown, extend such reporting date or modify or set aside such demand. The motion may be filed in the Superior Court of the county in which the person served resides or has his equal usual place of business, or in Kennebec County. ~~This section shall not be applicable to any criminal proceeding nor shall information obtained under the authority of~~