

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

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THE KNOWLTON AND McLEARY COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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Any employee of any institution under the control of the Department of Mental Health and Corrections or of an institution licensed by the State as a hospital, nursing home, extended care facility or boarding home who, in the exercise of due care, is authorized by the head of such institution or his designee to perform selected activities in the administration of medications and any person who, in the exercise of due care, is delegated such functions by a licensed allopathic or osteopathic physician shall be immune from criminal prosecution and civil liability for any such administration of medication prior to the effective date of this Act and until July 1, 1974, but not thereafter.

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

Effective June 20, 1973

CHAPTER 536

AN ACT Clarifying Certain Municipal Laws.

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

Sec. 1. R. S., T. 20, § 225, sub-§ 2, ¶ G, amended. The first sentence of paragraph G of subsection 2 of section 225 of Title 20 of the Revised Statutes, as amended by section 2 of chapter 611 of the public laws of 1971, is further amended to read as follows:

The voting at meetings held in towns shall be held and conducted in accordance with Title 30, sections 2061 to ~~2064~~ 2065, even though the town has not accepted the provisions of ~~said~~ sections 2061 and 2062.

Sec. 2. R. S., T. 30, § 2062, amended. The first sentence of section 2062 of Title 30 of the Revised Statutes, as amended by section 7 of chapter 114 of the public laws of 1969, is further amended to read as follows:

When any town which has accepted section 2061 accepts this section at a meeting held at least 60 days before the annual meeting, absentee ballots may be cast at all regular and special elections of town officials, including town meeting members where the representative town meeting form of government is used.

Sec. 3. R. S., T. 30, § 1905, additional. Title 30 of the Revised Statutes is amended by adding a new section 1905 to read as follows:

§ 1905. Unconditional gifts

A gift without conditions, of any type of property, offered to a municipality shall be accepted or rejected by its legislative body.

Sec. 4. R. S., T. 30, § 1912, sub-§ 3, ¶ A, amended. Paragraph A of subsection 3 of section 1912 of Title 30 of the Revised Statutes, as enacted by chapter 563 of the public laws of 1969, is amended by inserting after the first paragraph a new paragraph to read as follows:

The petitioners' committee may designate additional voters of the municipality, who are not members of the committee, to circulate the petition.

Sec. 5. R. S., T. 30, § 2053, amended. Section 2053 of Title 30 of the Revised Statutes is amended to read as follows:

§ 2053. Petition for article in warrant

On the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10, the ~~selectmen~~ municipal officers shall either insert a particular article in the next warrant issued or shall within 60 days call a special town meeting for its consideration.

Sec. 6. R. S., T. 30, § 2054, sub-§ 2, amended. Subsection 2 of section 2054 of Title 30 of the Revised Statutes is amended to read as follows:

2. Moderator elected and sworn. The clerk, or in his absence a selectman or constable, shall open the meeting by calling for the election of a moderator by written ballot, receiving and counting the votes for moderator, and swearing in the moderator.

Sec. 7. R. S., T. 30, § 2054, sub-§ 3, amended. The first paragraph of subsection 3 of section 2054 of Title 30 of the Revised Statutes, is amended to read as follows:

As soon as he has been elected and sworn, the moderator shall preside and supervise the voting at the meeting and may appoint a deputy moderator to assist him.

Sec. 8. R. S., T. 30, § 2054, sub-§ 3, ¶ D, additional. Subsection 3 of section 2054 of Title 30 of the Revised Statutes, as amended by chapter 306 of the public laws of 1971, is further amended by adding a new paragraph D to read as follows:

D. The moderator shall serve until the meeting is adjourned and shall be subject to the same penalties for neglect of official duty as are other town officials.

Sec. 9. R. S., T. 30, § 2054, sub-§ 5, additional. Section 2054 of Title 30 of the Revised Statutes, as amended by chapter 306 of the public laws of 1971, is further amended by adding a new subsection 5 to read as follows:

5. Written ballots. Ballots shall be prepared by the town clerk, be of uniform size and color, and shall be blank except that 2 squares with "yes" by one and "no" by the other may be printed on them.

The moderator shall assure that each voter receives only one ballot for each vote taken.

Sec. 10. R. S., T. 30, § 2060, sub-§ 3, amended. Subsection 3 of section 2060 of Title 30 of the Revised Statutes, as amended, is further amended to read as follows:

3. **Qualifications.** In order to hold a municipal office, a person must be a citizen of the United States a resident of the State and, at least 18 years of age and, except in the case of full-time appointed assessors, a citizen of the United States.

Sec. 11. R. S., T. 30, § 2060, sub-§ 6, ¶¶ E and F, additional. Subsection 6 of section 2060 of Title 30 of the Revised Statutes, as amended, is further amended by adding 2 new paragraphs E and F to read as follows:

E. Any town may by ordinance designate a board of appeals appointed pursuant to section 2411 as the board of assessment review.

F. A board of assessment review shall elect annually from its membership a chairman and a secretary and shall be subject to the procedural requirements of section 2411, subsection 3.

Sec. 12. R. S., T. 30, § 2151, amended. The first sentence of the next to the last paragraph of section 2151 of Title 30 of the Revised Statutes is amended to read as follows:

The municipality shall provide a penalty of not more than \$100 plus costs for the violation of any ordinance authorized by this section.

Sec. 13. R. S., T. 30, § 2156, sub-§ 1, ¶ A, amended. Paragraph A of subsection 1 of section 2156 of Title 30 of the Revised Statutes, as enacted by chapter 337 of the public laws of 1969, is amended to read as follows:

A. "Code" means any published compilation of rules which has been prepared by the American Insurance Association, the Building Officials Conference of America the Building Officials and Code Administrators International, the International Conference of Building Officials, the National Fire Protection Association or the Southern Building Code Congress, and shall include specifically, but shall not be limited to: Building codes, plumbing codes, electrical wiring codes, health or sanitation codes, fire prevention codes, inflammable liquids codes, together with any other code which embraces rules pertinent to a subject which is a proper municipal legislative matter.

Sec. 14. R. S., T. 30, § 2752, amended. The first sentence of section 2752 of Title 30 of the Revised Statutes is amended to read as follows:

The municipal officers, treasurer and clerk of every town, hereinafter in this subchapter called the "licensing board," shall meet annually on the first Monday during the month of May or on the day succeeding, or both, and at such on a date and at a time and place in said town as that they shall appoint, by posting notices in 2 or more public places therein, at least 7 days previously, stating the purpose of the meeting.

Sec. 15. R. S., T. 30, § 4804, sub-§ 6, amended. Subsection 6 of section 4804 of Title 30 of the Revised Statutes is amended to read as follows:

6. **Relocation of families.** To prepare plans and provide reasonable assistance for the relocation of families displaced from an urban renewal project area to permit the carrying out of the urban renewal project, to the extent

essential for acquiring possession of, rehabilitating, and clearing such area or parts thereof.

Sec. 16. R. S., T. 30, § 4961, sub-§ 1, amended. The first sentence of subsection 1 of section 4961 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended to read as follows:

“Comprehensive plan” shall mean a compilation of policy statements, goals, standards, maps and all pertinent data relative to the past, present and future trends of the municipality with respect to its population, housing, economics, social patterns, land use, and water resources and their use, transportation facilities and public facilities prepared by the municipal planning board, agency or office.

Sec. 17. R. S., T. 30, § 4961, sub-§ 1, amended. The last sentence of subsection 1 of section 4961 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended to read as follows:

The comprehensive plan may include planning techniques such as, but not limited to, planned unit development, site plan approval, open space zoning and clustered development.

Sec. 18. R. S., T. 30, § 4962, sub-§ 1, amended. Subsection 1 of section 4962 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended by adding at the end of the first paragraph a new sentence to read as follows:

In the preparation of a zoning ordinance the public shall be given an adequate opportunity to be heard.

Sec. 19. R. S., T. 30, § 4962, sub-§ 1, ¶ A, amended. Paragraph A of subsection 1 of section 4962 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended to read as follows:

A. Such ordinance or provision shall be pursuant to and consistent with a comprehensive plan adopted by its legislative body.

Sec. 20. R. S., T. 30, § 4962, sub-§ 1, ¶ H, additional. Subsection 1 of section 4962 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended by adding a new paragraph H to read as follows:

H. For the purposes of this subchapter, “zoning” is defined as the division of a municipality into districts and the prescription and reasonable application of different regulations in each district.

Sec. 21. R. S., T. 30, § 4964, amended. Section 4964 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended to read as follows:

§ 4964. Savings provisions

Any planning board or district established and any ordinance, comprehensive plan or map adopted under a prior, inconsistent and repealed statute shall remain in effect until abolished, amended or repealed. Planning boards established pursuant to provisions of repealed section 4952, subsection 1 shall continue to be governed by those provisions until they are superseded by municipal ordinance.

Sec. 22. R. S., T. 36, § 583, sub-§ 3, amended. Subsection 3 of section 583 of Title 36 of the Revised Statutes, as enacted by section 8 of chapter 616 of the public laws of 1971, is amended to read as follows:

3. Appeal to Superior Court. Either party may appeal from the decision of said Forestry Appeal Board to the Superior Court, ~~under the conditions provided for in section 846~~ in accordance with **Rule 80B of the Maine Rules of Civil Procedure.**

Sec. 23. R. S., T. 36, § 706, amended. The 3rd and 4th paragraphs of section 706 of Title 36 of the Revised Statutes are amended to read as follows:

If any person after such notice does not furnish such list, he is thereby barred of his right to make application to the assessors ~~or the county commissioners~~ for any abatement of his taxes, unless he furnishes such list with his application and satisfies them that he was unable to furnish it at the time appointed.

The assessors or any of them may require the person furnishing the list to make oath to its truth, which oath any of them may administer, and any of them may require him to answer in writing all proper inquiries as to the nature, situation and value of his property liable to be taxed in the State; and a refusal or neglect to answer such inquiries and subscribe the same bars an appeal ~~to the county commissioners~~, but such list and answers shall not be conclusive upon the assessors.

Sec. 24. R. S., T. 36, § 843, amended. The last sentence of section 843 of Title 36 of the Revised Statutes is amended to read as follows:

Either party may appeal from the decision of the board of assessment review directly to the Superior Court, ~~under conditions provided for in section 846~~ in accordance with **Rule 80B of the Maine Rules of Civil Procedure.**

Sec. 25. R. S., T. 36, § 844, amended. The last sentence of section 844 of Title 36 of the Revised Statutes is amended to read as follows:

Either party may appeal from the decision of said county commissioners to the Superior Court ~~under the conditions provided for in section 846~~ in accordance with **Rule 80B of the Maine Rules of Civil Procedure.**

Sec. 26. R. S., T. 36, § 942, amended. The next to the last paragraph of section 942 of Title 36 of the Revised Statutes is amended to read as follows:

The costs to be paid by the taxpayer shall be ~~\$4~~ **\$6** plus the registered mail fees paid for sending the true copies of the tax lien certificate. Upon redemption the municipality shall prepare and record a discharge of the tax lien mortgage.