

# 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  
FARMINGTON, MAINE  
1973

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

1973

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### CHAPTER 627

#### AN ACT to Provide a Subsidy to Communities with Private School Enrollments.

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

Sec. 1. R. S., T. 20, § 3711, amended. Section 3711 of Title 20 of the Revised Statutes is amended by adding a new paragraph at the end to read as follows:

It is further declared that it is the intent of the Legislature to reduce the education program costs in the nonprofit private schools of this State, by reducing such costs to the extent and in the manner permitted by the United States Constitution and the Constitution of this State.

Sec. 2. R. S., T. 20, § 3713, sub-§ 10 additional. Section 3713 of Title 20 of the Revised Statutes is amended by adding a new subsection 10 to read as follows:

10. Notwithstanding any other provisions of this chapter, the Commissioner of Educational and Cultural Services shall reimburse any municipality for providing the transportation of school children to and from schools other than public schools, except such schools as are operated for profit in whole or in part.

Sec. 3. R. S., T. 30, § 5104, sub-§ 5, ¶¶ A and B, repealed. Paragraphs A and B of subsection 5 of section 5104 of Title 30 of the Revised Statutes are repealed.

Sec. 4. Appropriation. There is appropriated to the Department of Educational and Cultural Services the sum of \$300,000 for the fiscal year ending June 30, 1975, to carry out the purposes of this Act. The breakdown shall be as follows:

1974-75

#### EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF

From the General Fund

\$300,000

Sec. 5. Effective date. This Act shall become effective January 1, 1974.  
Effective January 1, 1974

### CHAPTER 628

#### AN ACT to Organize the Unorganized and Deorganized Territories of the State and to Provide for Management of the Public Reserved Lands.

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

Sec. 1. R. S., T. 1, § 72, sub-§ 13, repealed and replaced. Subsection 13 of section 72 of Title 1 of the Revised Statutes is repealed and the following enacted in place thereof:

13. Municipality. "Municipality" shall include cities, towns and plantations, except that "municipality" shall not include plantations in Title 30, chapters 201 to 213, 235, 239, subchapters IV, V and VI, chapter 241 and chapter 243.

Sec. 2. R. S., T. 12, § 512, amended. Section 512 of Title 12 of the Revised Statutes, as amended, is further amended by adding a new sentence at the end to read as follows:

All lands acquired and administered under this section and all other state forests shall be managed under the same principles which govern the management of the public reserved lands, to the extent not inconsistent with the express provisions of this section, and management of such state forests shall, in any event, be coordinated with the management of the public reserved lands in order to facilitate the accomplishment of applicable management objectives.

Sec. 3. R. S., T. 12, § 514, repealed and replaced. Section 514 of Title 12 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

#### § 514. Management of public lands

The commissioner shall have the same powers, subject to the same conditions, with respect to the management of lands specified in section 504 as he has with respect to the public reserved lands as set forth in Title 30, section 4162, subsection 4.

Sec. 4. R. S., T. 13, § 3161, amended. Section 3161 of Title 13 of the Revised Statutes is amended to read as follows:

#### § 3161. Fee in ministerial and school land in existing towns

Where lands have been granted or reserved for the use of the ministry or first settled minister, or for the use of schools, in any town incorporated and in existence on January 1, 1973, and the fee in these lands has not vested in some particular parish therein or in some individual, it shall vest in the inhabitants of such town and not in any particular parish therein for such uses. The inhabitants of any such town shall hold and enjoy said public reserved lands subject to the control of and subject to responsibilities imposed by the State.

Sec. 4-A. R. S., T. 13, § 3164, repealed. Section 3164 of Title 13 of the Revised Statutes is repealed.

Sec. 5. R. S., T. 13, § 3167, amended. Section 3167 of Title 13 of the Revised Statutes is amended to read as follows:

#### § 3167. Income to support schools

~~The income of the fund, arising from the sale of lands under section 3164~~  
All income derived from such ministerial and school lands, and from the rents and profits of real and personal estate held under section 3166, shall be annually applied to the support of public schools in the town, and expended like other school moneys.

Sec. 6. R. S., T. 30, § 4151, amended. Section 4151 of Title 30 of the Revised Statutes is amended to read as follows:

§ 4151. Public reserved lands and location by agreement

In every township or plantation now existing or hereafter organized there shall be reserved, as the Legislature may direct, 1,000 acres of land, and at the same rate in all tracts less than a township, for the exclusive benefit of ~~such township or tract~~ the State of Maine, to average in quality, situation and value as to timber and minerals with the other lands therein. Title to such reserved public lots shall be in and all future earnings attributable thereto shall belong to the State of Maine for management and preservation thereof as state assets. In townships or tracts sold and not incorporated, the public reserved lots may be selected and located by the Forest Commissioner and the proprietors, by a written agreement, describing the reserved lands by metes and bounds, signed by said parties and recorded in the commissioner's office. The plan or outline of the lands so selected shall be entered on the plan of the township or tract in the commissioner's office and shall be filed of record in the registry of deeds in the township in which the township is located, which shall be a sufficient location thereof.

Sec. 7. R. S., T. 30, § 4152, repealed. Section 4152 of Title 30 of the Revised Statutes, as amended by section 64 of chapter 226 of the public laws of 1965, is repealed.

Sec. 8. R. S., T. 30, § 4153, repealed and replaced. Section 4153 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4153. Location without agreement

When the Forest Commissioner and proprietors of a tract or township described in section 4151 cannot agree on such location, the Forest Commissioner may petition the Superior Court in the county where the land lies to appoint 3 disinterested persons, and issue to them a warrant, under the seal of the court, requiring them, as soon as may be, to locate the public reserved lot or lots in said township or tract. The public reserved lot or lots shall be of average quality with the residue of lands therein.

Sec. 9. R. S., T. 30, § 4154, amended. The last sentence of section 4154 of Title 30 of the Revised Statutes is amended to read as follows:

They shall make return of said warrant and their doings thereon, under their hands, to the next Superior Court in the county after having completed service; which, being accepted by the court and recorded in the registry of deeds in the county or registry district where the land is situated, within 6 months, shall be a legal assignment and location of such public reserved ~~portions for the uses designated~~ lot or lots.

Sec. 10. R. S., T. 30, §§ 4155 and 4156, repealed. Sections 4155 and 4156 of Title 30 of the Revised Statutes are repealed.

Sec. 11. R. S., T. 30, § 4159, amended. The first sentence of section 4159 of Title 30 of the Revised Statutes is amended to read as follows:

When in the grant of any townships or parts of townships certain portions are reserved for public uses, and such portions have not been located in severalty prior to the incorporation of the same into a town, the Superior Court in the county where the land lies, on application of the assessors of the

town, may appoint 3 disinterested persons of the county and issue to them its warrant under seal of the court, requiring them, as soon as may be, to locate such reserved portion according to the terms of the grant, and if the use or purpose of the reservation is prescribed in the grant, they shall set off and locate the lots accordingly ~~designating the use or purpose for which each lot is so reserved and located.~~

**Sec. 12. R. S., T. 30, § 4161, amended.** Section 4161 of Title 30 of the Revised Statutes is amended to read as follows:

**§ 4161. Report of committee action**

The members of the committee shall make return of said warrant and their doings thereon, to the Superior Court in the county, after having completed the service; which, being accepted by the court and recorded in the registry of deeds in the county or registry district where the land is situated, within 6 months, shall be a legal assignment and location of such reserved proportions ~~for the uses designated.~~ Thereafter the lands so set off and located shall be under the care and oversight of the trustees of the ministerial and school funds of the town, with all the powers and subject to the duties prescribed in this chapter and Title 13, chapter 93 ~~including the power to sell and convey the same.~~

**Sec. 13. R. S., T. 30, § 4161-A, additional.** Title 30 of the Revised Statutes is amended by adding a new section 4161-A to read as follows:

**§ 4161-A. Criteria for location**

Whenever land reserved for public uses is located pursuant to this chapter, and whenever the Forest Commissioner makes his return of partition pursuant to section 4158, the determination as to what lands are of an average quality, situation and value with the other lands in the township shall include, but shall not be limited to, appropriate consideration of the following criteria:

1. Contiguosness to other public lands;
2. Public recreation needs;
3. Accessibility to roads, highways and other transportation;
4. Proximity to centers of population;
5. Needs of state agencies;
6. Scenic quality;
7. Value as to minerals;
8. Value as to timber;
9. The preservation of significant natural, recreational and historic resources, including wildlife habitat and other areas critical to the ecology of the State;
10. The provisions of any applicable comprehensive or long-range management plan for use of public lands.

Sec. 14. R. S., T. 30, § 4162, repealed and replaced. Section 4162 of Title 30 of the Revised Statutes, as repealed and replaced by section 65 of chapter 226 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 4162. Management of public reserved lands

1. Purpose. The Legislature finds that it is in the public interest and for the general benefit of the people of this State that title, possession and the responsibility for the management of the public reserved lands contained within the unincorporated areas of the State be vested and established in an agent of the State acting on behalf of all of the people of the State. The Legislature further finds that it is in the public interest that the public reserved lands be managed under the principles of multiple use and to produce a sustained yield of products and services and that such management should be effected by the use of both prudent business practices and the principles of sound planning.

2. Definitions. As used in this section, unless the context otherwise indicates, the following words shall have the following meanings.

A. "Multiple use" shall mean the management of all of the various renewable surface resources of the public reserved lots, including outdoor recreation, timber, watershed, fish and wildlife and other public purposes; it means making the most judicious use of the land for some or all of these resources over areas large and diverse enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; it means that some land will be used for less than all of the resources; and it means harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

B. "Public reserved lands" includes not only all of the public reserved lots and ministerial and school lands in the unincorporated areas of the State, but all lands acquired with proceeds from the sale of such reserved lands, all lands received by the State in exchange for or pursuant to relocation of such reserved lands and all lands purchased by the State and expressly designated as public reserved lands.

C. "Sustained yield" shall mean the achievement and maintenance in perpetuity of a high-level regular periodic output of the various renewable resources of the public reserved lots without impairment of the productivity of the land.

3. Responsibility. The Forest Commissioner shall have the care, custody, control and the responsibility for the management of the public reserved lands in the unincorporated areas of the State. He shall, beginning promptly after the effective date of this Act, prepare, revise from time to time and maintain a comprehensive management plan for the management of the public reserved lands in accordance with the guidelines set forth. The management plan shall provide for a flexible and practical approach to the coordinated management of the public reserved lands. In preparing, revising and maintaining such management plan, the Forest Commissioner shall, to the extent



practicable, compile and maintain an adequate inventory of the public reserved lands, including not only the timber thereon but the other multiple use values for which the public reserved lands are managed. In addition, all criteria listed in section 4161-A for the location of public reserved lands shall be considered in developing the management plan. The Forest Commissioner shall be entitled to the full cooperation of the Maine Mining Bureau, Department of Inland Fisheries and Game, Department of Parks and Recreation, Land Use Regulation Commission and State Planning Office in compiling and maintaining the inventory of the public reserved lands and shall consult with those agencies as well as other appropriate state agencies in the preparation and maintenance of the comprehensive management plan for the public reserved lands. As and when prepared, all management of the public reserved lands shall, to the extent practicable, be in accordance with said management plan.

4. Actions. The Forest Commissioner may take the following action on the public reserved lands:

A. Grant permits, on such terms and conditions and for such consideration as he deems reasonable, to cut timber, harvest grass and wild foods, tap maple trees for sap and cultivate and harvest crops; provided that such permits shall create in the permittee mere revocable licenses and shall not create any real property interest in the public reserved lands;

B. Sell gravel existing in the soil, but only for the construction of public roads or other public works; provided that in the judgment of the Forest Commissioner, the sale of such gravel shall enhance the value of the land in the vicinity from which the gravel was sold and that it shall promote the purposes for which that portion of the public reserved lands are being managed;

C. Lease the right, for a term of years not exceeding 25, to set poles and maintain utility lines;

D. Lease campsites on an annual basis;

E. Construct and maintain overnight campsites and other camping facilities and charge reasonable fees to defer the cost of maintenance;

F. With the consent of the Governor and Council and subject to the approval of the Maine Mining Bureau, the Land Use Regulation Commission and of the Department of Environmental Protection under Title 10, chapter 451, Mining and Rehabilitation of Land, grant mining rights;

G. Grant the right to construct and maintain public roads;

H. With the consent of the Governor and Council, lease mill privileges, dam sites and flowage rights.

5. Transfer of responsibility. Whenever a particular portion of the public reserved lands is to be used, pursuant to the management plan, for a single use which use is within the particular expertise of another agency of the State, the Forest Commissioner may, with the consent of the Governor and

Council and the state agency involved, transfer to such other state agency the responsibility for the management of such particular portion of the public reserved lands.

6. Application. Nothing herein shall be construed to require the location of unlocated public reserved lands. The determination as to the desirability of locating unlocated public reserved lands shall be made by the Forest Commissioner in the preparation and maintenance of the management plan for the public reserved lands. The Forest Commissioner shall take appropriate steps to insure that in those townships in which public reserved lands remain unlocated, the State receives its proportionate share of common income and that such lands are not subjected to waste by the other cotenants.

Sec. 15. R. S., T. 30, § 4163, repealed and replaced. Section 4163 of Title 30 of the Revised Statutes, as amended by section 65-A of chapter 226 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 4163. Funds from the public reserved lands

1. Income. All income received by the Forest Commissioner from the public reserved lands shall be deposited with the Treasurer of State to be credited to the General Fund.

2. Public Reserved Lots Management Fund. To accomplish the purposes of section 4162, there is established a Public Reserved Lots Management Fund. An amount equal to the General Fund pursuant to subsection 1 shall be transferred by the Treasurer of the State to the Public Reserved Lots Management Fund on the first day of each month following the effective date of this Act. Moneys credited to the Public Reserved Lots Management Fund shall be available for expenditure by the Forest Commissioner for the purposes set forth in section 4162 without limitation as to fiscal year.

Sec. 16. R. S., T. 30, § 4164, repealed. Section 4164 of Title 30 of the Revised Statutes is repealed.

Sec. 17. R. S., T. 30, § 4165, repealed and replaced. Section 4165 of Title 30 of the Revised Statutes, as amended by section 66 of chapter 226 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 4165. Unorganized Territory School Fund

There shall continue in existence the Unorganized Territory School Fund which shall include the existing principal of said fund arising from the public reserved lands prior to the effective date of this Act and any accrued but unexpended income from said fund as of said date. The State shall allow interest annually as earned. Said fund shall be held and administered by the Treasurer of State. The income only of said fund shall be expended and applied as is by law provided for school purposes. The Treasurer of State shall file with the Commissioner of Finance and Administration, on or before January 15th of each year, a list of interest earned by said fund during the preceding calendar year. A copy of said list shall be transmitted to the Commissioner of Educational and Cultural Services by the Treasurer of State.

Sec. 18. R. S., T. 30, § 4166, amended. Section 4166 of Title 30 of the Revised Statutes, as amended by section 67 of the public laws of 1965 and as

amended by chapter 173 of the public laws of 1967, is further amended to read as follows :

§ 4166. Organized Townships Fund

~~The end fund shall be known as the Organized Townships Fund and interest shall be allowed annually as earned. There shall continue in existence the Organized Townships Fund which shall include the principal of said fund arising from the public reserved lots prior to the effective date of this Act and accrued but unexpended income of said fund as of said date. The State shall allow interest annually as earned. Said fund shall be held and administered by the Treasurer of State. The income of the Organized Townships Fund shall be added to the principal of the funds, until the inhabitants of such township or tract are incorporated into a municipality, unless previously expended according to law. When any such township or tract is incorporated as a town, said funds belonging to it shall be paid by the Treasurer of State to the treasurer of the trustees of the ministerial and school funds therein, to be added to the funds of that corporation and held and managed as other school funds of that town are required to be held and managed. # When such township or tract is organized as a plantation, the interest of said fund shall be paid annually by the Treasurer of State to the treasurer of such plantation to be applied toward the support of schools according to the number of scholars in each school. Before interest of said fund is so distributed to the treasurers of such plantations an amount equaling 10% of the determined total interest sum shall be allocated annually to the Forest Commissioner for use in managing and improving the forest growth of the public reserved lots in said organized plantations. Said interest shall be computed to the first day of each January by the Treasurer of State. The Commissioner of Education Educational and Cultural Services shall file in the office of the State Controller a list of such plantations with the amount due for interest for the preceding year according to a record of such amounts to be furnished to him by the Treasurer of State. The Commissioner of Education Educational and Cultural Services shall be satisfied that all such plantations are organized, and that schools have been established therein according to law, that assessors are sworn and qualified and that the treasurers of such plantations have given bonds as required by law. The State Controller shall thereupon insert the name and amount due such plantations in one of the first warrants drawn in that year.~~

The amount due Lakeville Plantation, Penobscot County, annually under this section shall be expended in accordance with this section and any excess shall, under the supervision and direction of the superintending school committee of Lakeville Plantation, be used to established scholarship aid for students of Lakeville Plantation to receive post high school education.

**Sec. 19. Department of Conservation.** Nothing in this Act shall be interpreted to prevent or affect the exercise of the power vested in the Commissioner of the Department of Conservation to delegate powers, duties, rights and responsibilities with respect to the public lots or other public lands, pursuant to Title 12, section 5014, as enacted by chapter 460 of the public laws of 1973, and the term "Forest Commissioner" as used herein shall mean the Director of the Bureau of Public Lands of the Department of Conservation, if, as and when the aforesaid power is exercised.

**Sec. 20. Appropriation.** There is appropriated to the State Planning Office or, in the event a Bureau of Public Lands is established within a Depart-

ment of Conservation, then to said bureau, from the General Fund the sum of \$30,000 to carry out the purposes of this Act.

Effective October 3, 1973

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## CHAPTER 629

AN ACT Relating to Community Based Services for the Mentally Retarded.

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

Sec. 1. R. S., T. 34, c. 184-C, additional. Title 34 of the Revised Statutes is amended by adding a new chapter 184-C to read as follows:

### CHAPTER 184-C

#### COMMUNITY BASED SERVICES FOR THE MENTALLY RETARDED

§ 2095. Assistance to community based mental retardation services; authority, purpose, scope and procedure

The purpose of this chapter is to assist in the establishment and expansion of community based mental retardation services for the maintenance of mentally retarded persons in the community when appropriate, including, but not limited to, group homes and supportive services; to encourage participation in the provision of such services by persons in local communities; to obtain better understanding of the need for such services and to provide a vehicle for financial assistance to such services through procedures set forth in this chapter.

§ 2096. Powers

The Department of Mental Health and Corrections may provide mental retardation services throughout the State, and for that purpose may cooperate with other state agencies, municipalities, other governmental units, unincorporated associations and nonstock corporations. The department, through the Bureau of Mental Retardation, shall adopt and promulgate rules, regulations and standards relating to the administration of the services authorized by this chapter. Under this chapter, funds will be granted by the department only to those applicants whose programs provide for adequate standards of professional service. The department may receive and use for the purpose of this chapter money appropriated by the State and grants by the United States Government and gifts from individuals and any other sources.

§ 2097. Municipalities and other governmental units

A municipality or other governmental unit, such as a county, school district or health district, through its local board of health or other town or governmental agency approved by the department, is authorized to adopt and carry out a program of mental retardation services established or approved