

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
AT THE  
SPECIAL SESSION  
January 2, 1974  
to  
March 29, 1974

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tional region registration clerk, 5 business days prior to the regional district budget meeting, a certified corrected copy of the voting list of the member municipality. No additions or deletions shall be made during the 5 business days prior to said meeting and only those citizens whose names appear on the voting list may vote on the budget presented by the cooperative board.

(2) The chairman of the cooperative board, or in his absence his designee, shall open the budget meeting by calling for the election of a moderator, receiving and counting votes for the moderator, and swearing in the moderator.

(3) As soon as he has been elected and sworn, the moderator shall preside at the meeting and the annual budget shall be adopted by a majority vote of those present and voting. The moderator shall appoint from the certified voting lists such ballot clerks as he deems necessary for the efficient operation of the meeting. Such ballot clerks shall be sworn by the moderator.

(4) The secretary of the cooperative board, or in his absence his designee, shall record accurately all the votes of the regional meeting.

(5) The cooperative board shall, forthwith upon the adoption of a budget, compute the share to be paid by each municipality within the region and shall notify the school officials to include said share in the administrative unit's annual school budget.

(6) The school officials shall place on the school payroll for payment the first of each month a sum equivalent to  $\frac{1}{12}$  of the municipality's share of the cooperative school budget as adopted.

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

Effective March 1, 1974

## CHAPTER 711

### AN ACT Relating to Duties of the Attorney General.

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

**Sec. 1.** R. S., T. 5, § 191, amended. The first sentence as amended, and the 5th sentence of section 191 of Title 5 of the Revised Statutes, are amended to read as follows:

The Attorney General, a deputy, assistant, or staff attorney shall appear for the State, ~~the Secretary of State, the Treasurer of State, the Bank Superintendent, the Insurance Superintendent~~ the head of any other state department, the head of any state institution and ~~the state boards and commissions~~ agencies of the State in all civil actions and proceedings in which the State is a party or interested, or in which the official acts and doings of said officers are called in question, in all the courts of the State; and in such actions and

proceedings before any other tribunal when requested by the Governor or by the Legislature or either branch thereof.

Said officers ~~boards and commissions~~ or agencies of the State shall not act at the expense of the State as counsel ~~in any action or proceedings in which the State is interested~~, nor employ private counsel except upon prior written approval of the Attorney General.

**Sec. 2. R. S., T. 5, § 191, amended.** Section 191 of Title 5 of the Revised Statutes, as amended, is further amended by adding after the 5th sentence, the following new sentence:

In all instances where the Legislature has authorized an office, or an agency of the State to employ private counsel, the Attorney General's written approval is required as a condition precedent to such employment.

**Sec. 3. R. S., T. 5, § 195, amended.** Section 195 of Title 5 of the Revised Statutes, as amended by sections 11 and 12 of chapter 585 of the public laws of 1973 is further amended to read as follows:

#### § 195. Opinions on questions of law

The Attorney General shall give his written opinion upon questions of law submitted to him by the Governor and Council ~~Secretary of State, Treasurer of State, Bank Superintendent, Insurance Superintendent, State Auditor or head of any other state department, or any of the state boards or commissions~~ agencies or by either branch of the Legislature or any members of the Legislature on legislative matters.

**Sec. 4. R. S., T. 5, § 196, repealed and replaced.** Section 196 of Title 5 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

#### § 196. Deputies and assistants; appointment and duties

The Attorney General may appoint one or more deputy attorneys general, Assistant Attorneys General and staff attorneys who shall serve during the pleasure of the Attorney General or until their successors are duly appointed and qualified. Their offices shall be at the Capitol and they may perform all the duties required of the Attorney General and such other duties as the Attorney General may delegate to them. The Attorney General may appoint such research assistants with such powers and duties as he may delegate. Research Assistants may perform such duties as may be delegated to them by the Attorney General, including such activities as are authorized by Title 4, section 807. The compensation of research assistants shall be fixed by the Attorney General. The compensations of the deputy attorneys general, staff attorneys and assistant attorneys general shall be fixed by the Attorney General with the approval of the Governor and Council, but such compensations shall not in the aggregate exceed the amount appropriated therefor.

**Sec. 5. R. S., T. 5, § 198, amended.** Section 198 of Title 5 of the Revised Statutes is amended to read as follows:

§ 198. Additional assistant attorneys general, clerks or attorneys may be paid from moneys collected by department

Whenever the Attorney General shall appoint any additional assistant attorneys general ~~or staff attorneys~~ as authorized under section 196, or shall employ additional clerks as provided by section 197, or shall employ attorneys-at-law to collect claims due the State, the compensation of such assistants, ~~staff attorneys~~, clerks or attorneys, as approved by the Governor and Council, may be paid, if the Governor and Council so direct, from moneys thus collected by the Department of the Attorney General.

**Sec. 6. R. S., T. 5, § 199, amended.** The 5th sentence of section 199 of Title 5 of the Revised Statutes, as amended by section 2 of chapter 53 of the public laws of 1969, is further amended to read as follows:

Any or all of the powers and duties enumerated in this ~~section~~ chapter may, at the discretion of the Attorney General, be delegated to and performed by, any deputy attorney general ~~or any~~, assistant attorney general ~~or staff attorney~~.

Effective June 28, 1974

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## CHAPTER 712

### AN ACT Relating to Fees Administered by the Department of Environmental Protection.

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

**Sec. 1. R. S., T. 10, § 2205, sub-§ 4, amended.** The first sentence of subsection 4 of section 2205 of Title 10 of the Revised Statutes, as enacted by chapter 472 of the public laws of 1969, is repealed.

**Sec. 2. R. S., T. 12, § 4807-F, repealed.** Section 4807-F of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 411 of the public laws of 1973, is repealed.

**Sec. 3. R. S., T. 30, § 4104, amended.** The next to the last sentence of section 4104 of Title 30 of the Revised Statutes, as enacted by chapter 601 of the public laws of 1973, is amended to read as follows:

The Department of Environmental Protection shall also issue license certificates ~~at a fee of no more than \$50~~ to Maine-based septic tank pumpers and conveyors of said wastes and no septic tank pumper or conveyor of such waste shall operate without said license certificate.

**Sec. 4. R. S., T. 32, § 4180, repealed.** Section 4180 of Title 32 of the Revised Statutes, as enacted by chapter 237 of the public laws of 1969, is repealed.

**Sec. 5. R. S., T. 38, § 361, amended.** Section 361 of Title 38 of the Revised Statutes, as amended, is further amended by adding at the end a new paragraph to read as follows:

The board after a public hearing may adopt, amend and repeal such reasonable fees not to exceed \$500 for licenses, permits and approvals that require continuing surveillance.