

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.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

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

Sec. 2. R. S., T. 10, § 1404, sub-§§ 3 to 5, additional. Section 1404 of Title 10 of the Revised Statutes, as enacted by chapter 435 of the public laws of 1973, is amended by adding 3 new subsections 3, 4 and 5, to read as follows:

3. That the manufacturer and dealer shall be jointly and severally liable to the consumer for the fulfillment of the terms of warranty, and the consumer may notify either one or both of the need for appropriate corrective action in instances of substantial defects in materials or workmanship;

4. That the name, address and phone number of the manufacturer and the dealer where the consumer must mail or deliver written notice of defects to either the dealer or the manufacturer, or both, shall be set forth in the document;

5. That while the manufacturers of any or all appliances may also issue their own warranties, the primary responsibility for appropriate corrective action under the warranty rests with the dealer and manufacturer, and the consumer should report all complaints to the dealer and manufacturer initially.

Effective June 28, 1974

CHAPTER 755

AN ACT to Create The Enlisted National Guard Association of the State of Maine.

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

R. S., T. 37-A, § 306, additional. Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is amended by adding a new section 306, to read as follows:

§ 306. The Enlisted National Guard Association of the State of Maine

The enlisted personnel of the National Guard may organize themselves into an association, the name of which shall be "The Enlisted National Guard Association of the State of Maine." Such association may adopt a constitution and bylaws not repugnant to law, orders or regulations, and alter and amend the same, and may take and hold such real and personal property as may be necessary for the purposes of the association.

Effective June 28, 1974

CHAPTER 756

AN ACT Placing Certain Limits on Campaign Donations and Expenditures by Candidates for Political Office.

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

Sec. 1. R. S., T. 21, § 1391, repealed and replaced. Section 1391 of Title 21 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1391. Purpose; legislative finding of fact; applicability

The Legislature finds and declares that it is in the best interests of the people of the State of Maine to place certain limits on expenditures by or on behalf of candidates for political office. The Legislature, while recognizing the right of the citizens of the State of Maine to support the political candidates of their choice and while recognizing the right of those candidates to present their views to the citizens, also is cognizant that abuses in the election process can occur through the expenditure of disproportionate sums of money to influence the minds of the voters and further recognizes that an attempt should be made to correct these abuses and to equalize presentations in order that citizens may have a more balanced view of the positions and platforms of political candidates. The Legislature further finds that the expenditure of large sums of money by any one individual or organization results in undue influence over the electoral process. The Legislature desires to minimize the effects of these problems and therefore, the Legislature further finds that the imposition of certain expenditure limits, which it feels, after careful study, are properly limited to the end sought to be achieved, will not result in the abridgement of any constitutional freedoms of the citizens or candidates, such as freedom of speech, and will not interfere with the right of those persons to participate fully in the election process.

Any references in this chapter to the promotion or defeat of a candidate includes the promotion or defeat of a party, principal, initiative or referendum question.

Sec. 2. R. S., T. 21, § 1395, sub-§ 1, amended. Subsection 1 of section 1395 of Title 21 of the Revised Statutes is amended to read as follows:

1. **Limitation.** This does not prohibit contributions to a candidate, political committee or party by a person other than a treasurer or candidate, or the spending of his own money by any person, **except as otherwise provided herein.**

Sec. 3. R. S., T. 21, § 1395, sub-§§ 3 and 4, repealed and replaced. Subsections 3 and 4 of section 1395 of Title 21 of the Revised Statutes, as enacted by chapter 207 of the public laws of 1971 and as amended, are repealed and the following enacted in place thereof:

3. **Limitations on expenditures.** The following provisions shall govern expenditures by candidates for the offices of Governor, United States Senator, United States Representatives and candidates for other political offices.

A. Primary election. No candidate for the office of Governor, United States Senator, United States Representative or candidate for other political office in a primary election shall make or authorize expenditures on behalf of such candidacy in excess of 25¢ multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding general election for such office.

B. General election. No candidate for the office of Governor, United States Senator, United States Representative or candidate for other political office in a general election shall make or authorize expenditures on behalf of such candidacy in excess of 50¢ multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding general election for such office.

“Other political office” means all political offices other than Governor, United States Senator and United States Representative.

4. Limitation on expenditures from personal funds. No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination or election to political office, whether in a primary election or general election in excess of:

A. \$35,000 in the case of a candidate for the office of Governor or United States Senator;

B. \$25,000 in the case of a candidate for United States Representative; or

C. \$5,000 in the case of candidates for political offices other than those mentioned in paragraphs A and B.

The totals mentioned in this subsection are cumulative with respect to the primary and general elections and are to be included in the totals allowable under subsection 3.

For the purposes of this subsection, “immediate family” means a candidate’s spouse, any child, parent, grandparent, brother or sister of the candidate and the spouse of such persons.

Sec. 4. R. S., T. 21, § 1395, sub-§ 4-A, additional. Section 1395 of Title 21 of the Revised Statutes, as amended, is further amended by adding a new subsection 4-A to read as follows:

4-A. Expenditures defined. For the purposes of this subsection, “expenditures” means a purchase, payment, distribution, loan, advance, deposit, gift of money or the gift of or use of corporate facilities or personnel or property, the gift of or use of anything of value, the transfer of funds, except for an arm’s-length loan of money made by a national or state bank or credit union in accordance with applicable laws and except for the provision of services to a candidate rendered without compensation by individuals volunteering their time on behalf of a candidate or political committee. Expenditures shall further include, but not be limited to, all moneys or other valuable things expended for political advertising and mailings and funds dispensed by or on behalf of a candidate.

Sec. 5. R. S., T. 21, § 1395, sub-§ 9, repealed and replaced. Subsection 9 of section 1395 of Title 21 of the Revised Statutes, as enacted by chapter 207 of the public laws of 1971, is repealed and the following enacted in place thereof:

9. Accept contributions; authorize expenditures. No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of this section.

Sec. 6. R. S., T. 21, § 1395, sub-§ 9-A, additional. Section 1395 of Title 21 of the Revised Statutes, as amended, is further amended by adding a new subsection 9-A to read as follows:

9-A. Make or authorize expenditures. For the purposes of this section, "make or authorize expenditures on behalf of such candidacy" shall refer to expenditures made within 6 months immediately preceding the date of the election with reference to which the candidacy applies, whether primary or general.

Sec. 7. R. S., T. 21, § 1395, sub-§ 10-A, additional. Section 1395 of Title 21 of the Revised Statutes, as amended, is further amended by adding a new subsection 10-A to read as follows:

10-A. Federal law controlling. In the event that any of the provisions of this section are in conflict with applicable federal statutes relating to expenditures by political candidates, the federal statute shall be controlling.

Sec. 8. R. S., T. 21, § 1397, sub-§ 2, amended. Subsection 2 of section 1397 of Title 21 of the Revised Statutes, as amended, is further amended by adding at the end the following new sentences:

In addition, a report must be filed with the Secretary of State within 45 days previous to any election showing the totals of the campaign to that date. After filing the foregoing report, the disposition of any surplus or deficit shown on this report shall be reported to the Office of the Secretary of State every 3 months until such time as such surplus shall have been disposed of or such deficit shall have been liquidated.

Sec. 9. R. S., T. 21, § 1397, sub-§ 2-A, additional. Section 1397 of Title 21 of the Revised Statutes is amended by adding a new subsection 2-A to read as follows:

2-A. State Auditor. The State Auditor shall serve as a staff agency to the campaign reports committee in making investigations of any phase of the committee's work and shall have all necessary powers to carry out his responsibilities.

Sec. 10. Effective date and transitional provisions. This Act shall be operative as of July 1, 1974. Its provisions relating to expenditures in primary elections do not apply to the 1974 primary election but are intended to apply to expenditures after the above date made or authorized on behalf of candidacies with respect to the general election. Any expenditures made after July 1, 1974 will be presumed to be made for the purpose of the general election. It is the Legislature's intention, notwithstanding the repeal of Title 21, section 1395, subsection 4, which relates to expenditures in primary campaigns, that primary candidates in the 1974 primaries shall be required to comply with the referenced section and file their report on the same basis as if the repealer did not occur.

The Legislature is aware that for the general election for 1974, since the House of Representatives has been redistricted and the districts for the election of district attorneys will be effective for the first time, the new statutory measure of expenditures which is based upon the number of votes cast for legally qualified candidates at the last preceding general election will not realistically apply. Therefore, for the purposes of the 1974 general election, the Legislature finds and declares that no more than \$3,750 may be expended by candidates for the House of Representatives. In the case of those persons

seeking election in the general election for the offices of district attorney, their expenditures for election to the prosecutorial districts as described in Title 30, section 553-A, shall not exceed 50¢ multiplied by the total number of votes cast for all legally qualified candidates for county attorney for such offices in each of the counties comprising the prosecutorial districts for the general election year 1972.

Effective June 28, 1974

CHAPTER 757

AN ACT Granting Energy Emergency Powers to the Governor.

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

Whereas, any shortages of petroleum products and electricity could threaten the health, safety and welfare of the people of the State; and

Whereas, any shortages of other similarly critical material supplies may be imminent; and

Whereas, immediate delegation of temporary emergency powers to the Governor are immediately necessary for the preservation of the public peace, health and safety; 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:

Sec. 1. R. S., T. 37-A, § 53, repealed and replaced. Section 53 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 53. Definitions

As used in this chapter, unless the context otherwise requires, the following words shall have the following meanings.

1. **Civil defense.** "Civil defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy attacks, sabotage, riots, or other hostile action, or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, economic stabilization, allocation of critical materials in short supply, emergency transportation, existing or properly as-