

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)

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

other proclamation affecting the sections of the State covered by the original proclamation, or any part thereof. Said proclamation shall be published in such newspapers of the State and posted in such places as the Governor, or the person acting in that capacity, deems appropriate.

Sec. 3. R. S., T. 37-A, § 58, amended. The first paragraph of section 58 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is amended to read as follows:

When the Governor has issued a proclamation as provided for in section 57, subsection 1, and when thereafter in his judgment for the better protection and welfare of this State or its inhabitants, the situation so requires as a matter of public necessity or convenience, he may take possession of any property, real or personal, located within this State for public uses in furtherance of this chapter.

Sec. 4. R. S., T. 37-A, § 67, amended. The first sentence of section 67 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is repealed and the following enacted in place thereof:

Upon the issuance of a proclamation as provided in section 57, the Governor shall have the power and authority to utilize any available property and enlist the aid of any person to assist in the effort to control, put out or end the disaster, catastrophe or emergency or aid in the caring for the safety of persons.

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

Effective March 26, 1974

CHAPTER 758

AN ACT Relating to the Powers of the Milk Commission.

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

Sec. 1. R. S., T. 7, § 2951, sub-§ 14, additional. Section 2951 of Title 7 of the Revised Statutes is amended by adding a new subsection 14, to read as follows:

14. Retail store. "Retail store" means a grocery store, dairy product store or any similar commercial establishment where milk is sold to consumers for consumption off the premises.

Sec. 2. R. S., T. 7, § 2952, amended. The first sentence of section 2952 of Title 7 of the Revised Statutes, as amended by chapter 362 of the public laws of 1967, is repealed and the following enacted in place thereof:

The Maine Milk Commission, as heretofore established, shall consist of 2 producers, a dealer, a producer-dealer, the owner of a retail store and 2 consumers, one of whom shall be a representative from a nonprofit organization established for the purposes of consumer protection. All members of the commission shall be residents of the State.

Sec. 3. R. S., T. 7, § 2954, amended. The last 2 sentences of the first paragraph of section 2954 of Title 7 of the Revised Statutes are repealed and the following enacted in place thereof:

The commission is vested with power to establish and change after investigation the minimum prices to be paid to producers by dealers for milk received, purchased, stored, manufactured, processed, distributed or otherwise handled within the State. The commission shall hold a public hearing prior to establishing and changing such prices whenever any single increase in price is greater than 23¢ per hundredweight or whenever the sum of the price increases since the last preceding public hearing is greater than 23¢ per hundredweight. Due notice of such a public hearing shall be given by publishing it at least 7 days prior to said hearing in appropriate newspapers. The commission is further vested with power to establish and change, after investigation and public hearing, the wholesale and retail prices to be charged for milk distributed for sale within the State, wherever produced, including the following sales:

Sec. 4. R. S., T. 7, § 2954, amended. Section 2954 of Title 7 of the Revised Statutes, as amended by section 5-B of chapter 425 and chapter 245, both of the public laws of 1965, and by chapter 129 of the public laws of 1971, is further amended by inserting 2 new paragraphs before the 2nd paragraph to read as follows:

In establishing and changing minimum wholesale and retail prices, the commission shall use no system which by itself determines such prices in the preceding 6 sales categories by means of mathematical formula, price bracket or similar device using as a basis the prices paid to producers. Prior to consideration of each price change in each of the preceding 6 sales categories, the commission shall conduct a public hearing, of which due notice has been given by publishing it at least 7 days prior to said hearing in appropriate newspapers. At such hearing, the commission shall solicit and receive testimony to determine whether such a price change is just and reasonable under this chapter.

In establishing and changing minimum wholesale and retail prices in the preceding 6 sales categories, the commission is authorized to consider evidence relating to any variations in costs of different types of container and different sizes of container. The commission shall use, among other factors, these variations in costs, if any, in determining the minimum wholesale and retail prices in the 6 sales categories.

Sec. 5. R. S., T. 7, § 2954, amended. The 3rd paragraph of section 2954 of Title 7 of the Revised Statutes is amended to read as follows:

The commission in its discretion may waive public hearing when the sole change to be made in minimum prices paid to producers by dealers is to conform with orders of any federal agency duly authorized by law to determine prices.

Sec. 6. R. S., T. 7, § 2954, amended. The 6th paragraph of section 2954 of Title 7 of the Revised Statutes is repealed as follows:

~~No price shall be established for any one or more of said sales, unless at the same time a price shall be established for all of said sales in any market.~~

Sec. 7. R. S., T. 7, § 2954, amended. The last sentence of the next to the last paragraph of section 2954 of Title 7 of the Revised Statutes is amended to read as follows:

Violation of this paragraph shall be sufficient cause for the ~~Maine Milk Commission~~ **commission** to revoke or withhold a dealer's license.

Effective June 28, 1974

CHAPTER 759

AN ACT Clarifying the Regulation of Roadside Cutting Practices.

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

R. S., T. 12, § 519, sub-§§ 2 and 6, amended. Subsection 2, as enacted by chapter 486 of the public laws of 1971 and subsection 6, as enacted by chapter 486 of the public laws of 1971 and as amended by section 18 of chapter 460 of the public laws of 1973, are further amended to read as follows:

2. Land used for residential, nonwoodland commercial, industrial or recreational purposes or ~~being developed for such purposes with respect to which~~ **development for such purposes has already been commenced by application for applicable permits or by equally definitive steps, prior to harvesting in excess of the limits imposed by this section ;**

6. Selective cutting which removes not more than ~~40%~~ **50%** of the ~~trees~~ volume of trees 6 inches in diameter or larger, measured at 4½ feet above ground level, in any 15-year period within the 100-foot strip and returns a well distributed stand of tree foliage, except that more than ~~40%~~ **50%** may be removed, if a state forester so recommends or if a private forester with the approval of the bureau so recommends ;

Effective June 28, 1974

CHAPTER 760

AN ACT to Establish Guidelines for Release of Accused Persons Pending Trial.

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

R. S., T. 15, § 942, additional. Title 15 of the Revised Statutes is amended by adding a new section 942 to read as follows:

§ 942. Release on personal recognizance or bond

1. Factors in the release decision. Any person charged with an offense, other than an offense punishable by life imprisonment, shall at his appearance before a judge of the district court, or bail commissioner, be ordered released pending trial on his personal recognizance or on execution of an unsecured bond which shall be in writing signed by said person on forms approved by the Chief Judge of the District Court, unless said judge or bail commissioner