

# 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 Seventh Legislature

1975

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## CHAPTER 31

### AN ACT Relating to Contraband Cigarettes.

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

Sec. 1. 36 MRSA § 4372, 4th and 5th sentences are amended to read:

When such cigarettes are seized as provided, the officer or agent seizing them shall immediately file with the judge before whom such warrant is returnable, a libel against such cigarettes setting forth the seizure and describing the cigarettes, their ~~containers~~ packaging and the place of seizure in sufficient manner to reasonably identify them, and that they were kept or intended for unlawful sale or use in violation of law and pray for a decree of forfeiture thereof. Such judge shall fix a time for the hearing of such libel and shall issue his monition and notice of the same to all persons interested, citing them to appear at the time and place appointed to show cause why such cigarettes and their ~~containers~~ packaging should not be declared forfeited, by causing true and attested copies of said libel and monition to be posted in 2 public and conspicuous places in the town or place where such cigarettes were seized, 10 days at least before said libel is returnable.

Sec. 2. 36 MRSA § 4372 is amended by adding at the end a new paragraph to read:

Any person possessing contraband cigarettes at the time of seizure shall be punished by a fine of \$5 for each carton of cigarettes seized, or each 200 cigarettes seized, with the total fine not to exceed \$500, or by not more than 6 months in jail, or by both; provided the amount of seized cigarettes totals at least 20 cartons of cigarettes or 4,000 cigarettes.

Effective October 1, 1975

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## CHAPTER 32

### AN ACT to Reduce the 5-Year Residency Requirement for Persons Seeking a License to Operate an Employment Agency.

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

30 MRSA § 265I, 8th sentence is amended to read:

Each application shall be accompanied by the affidavits of 2 persons who have known the applicant, or the chief officers thereof if a corporation, for 2 years at least, stating that the applicant is or said officers are of good moral character and a resident or residents of the State and has or have been such for at least ~~5 years~~ 6 months prior to the date of such application.

Effective October 1, 1975

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## CHAPTER 33

### AN ACT to Revise the Assessor's Warrant from a Statutory Form to a Form Prescribed Annually by the State Director of Property Taxation.

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

Whereas, Title 36, section 753 provides a specific form for use by municipal assessors when committing taxes to the municipal tax collectors; and

Whereas, this form no longer fulfills the purpose intended due to recent legislative requirements relating to municipal tax commitments; and

Whereas, the following legislation is vitally necessary to eliminate such uncertainties for the 1975 municipal tax commitments; 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:*

36 MRSA § 753, as last amended by PL 1973, c. 695, § 16, is repealed and the following enacted in place thereof:

§ 753. Municipal tax commitment; form

The Director of Property Taxation shall annually, before April 1st, prescribe the form of the municipal tax commitment to be used by municipal assessors in committing property taxes to the municipal tax collector.

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

Effective March 5, 1975

## CHAPTER 34

AN ACT Concerning Continuation of a Power of Attorney upon Death or Disability.

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

18 MRSA c. 507 is enacted to read:

### CHAPTER 507

#### DURATION OF POWER OF ATTORNEY

§ 4201. When power of attorney is not affected by disability

Whenever a principal designates another his attorney-in-fact or agent by a power of attorney in writing and the writing contains the words "This power of attorney shall not be affected by disability of the principal," or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding his disability, the authority of the attorney-in-fact or agent is exercisable by him as provided in the power on behalf of the principal notwithstanding later disability or incapacity of the principal at law or later uncertainty as to whether the principal is dead or alive. All acts done by the attorney-in-fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether