

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 Seventh Legislature

1975

the principal is dead or alive have the same effect and inure to the benefit of and bind the principal or his heirs, devisees and personal representatives as if the principal were alive, competent and not disabled. If a conservator or guardian thereafter is appointed for the principal, the attorney-in-fact or agent, during the continuance of the appointment, shall account to the conservator or guardian rather than the principal. The conservator or guardian has the same power the principal would have had if he were not disabled or incompetent to revoke, suspend, or terminate all or any part of the power of attorney or agency.

§ 4202. Other powers of attorney are not revoked until notice of death or disability

1. Power of attorney not revoked. The death, disability or incompetence of any principal who has executed a power of attorney in writing, other than a power as described by section 4201, does not revoke or terminate the agency as to the attorney-in-fact, agent or other person who, without actual knowledge of the death, disability or incompetence of the principal, acts in good faith under the power of attorney or agency. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and his heirs, devisees and personal representatives.

2. Affidavit. An affidavit executed by the attorney-in-fact or agent stating that he did not have, at the time of doing an act pursuant to the power of attorney, actual knowledge of the revocation or termination of the power of attorney by death, disability or incompetence, is, in the absence of fraud, conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power requires execution and delivery of any instrument which is recordable, the affidavit when authenticated for record is likewise recordable.

3. Construction of this section. This section shall not be construed to alter or affect any provision for revocation or termination contained in the power of attorney.

Effective October 1, 1975

CHAPTER 35

AN ACT Relating to Licenses Issued by the Harness Racing Commission and to the Rule-making Authority of that Commission.

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

8 MRSA § 279-A, as last amended by PL 1973, c. 303, § 3, is repealed and the following enacted in place thereof:

§ 279-A. Licenses, rules and regulations

For the purpose of enabling the Harness Racing Commission to exercise and maintain a proper control over racing conducted under this chapter, the commission shall have the power to make and adopt rules and regulations for the licensing, with or without fee in the discretion of the commission, of owners, trainers, drivers, grooms and all other persons participating in harness horse racing, including pari-mutuel employees and race officials.

The fee for any such license or registration, if imposed, shall not in any case exceed \$10 per annual license to be credited to the General Fund.

The commission shall have the power to make and adopt rules and regulations for the conduct on the race track and grounds of owners, trainers, drivers, grooms and all other persons participating in harness horse racing. The rules and regulations shall be reasonably necessary for any one or more of the following purposes: To protect the wagering public, to protect the state's share of pari-mutuel pools, to protect the health and welfare of spectators and participating owners, trainers, drivers, grooms and all other persons participating in harness horse racing, including pari-mutuel employees and race officials and to protect the health and welfare of standard-bred horses.

The Administrative Court Judge shall have the power to revoke or suspend any license for violations of the rules and regulations.

Effective October 1, 1975

CHAPTER 36

AN ACT Relating to Suspension of Sale of Certain Bedding and Upholstered Furniture.

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

26 MRSA § 82, as amended by PL 1971, c. 620, § 13, is further amended to read:

§ 82. Administration and enforcement

The bureau is charged with the administration and enforcement of this subchapter; and may make and enforce reasonable rules and regulations for the enforcement of said subchapter, and shall have the power through its officers or agents to inspect the manufacture and sale or delivery of all articles or materials subject to this subchapter, to open and examine the contents thereof, to suspend the sale or delivery and to seize and hold for evidence any ~~article~~ or all articles in whole or in part which he has reason to believe is made or offered for sale in violation of this subchapter, or the rules and regulations of the bureau; and any places where ~~any~~ articles covered by said subchapter are made, remade or offered for sale, or where sterilization or disinfecting is performed under said subchapter, shall be subject to inspection by the bureau through its officers or agents.

Effective October 1, 1975

CHAPTER 37

AN ACT Relating to Hearings for Applications for Liquor Licenses.

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

28 MRSA § 252, 1st ¶, as last amended by PL 1967, c. 314, is further amended to read:

The municipal officers, or in case of unincorporated places the county commissioners of the county wherein such unincorporated place is located, shall