

# 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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abandonment has been authorized by a duly constituted authority, state or federal, when in the judgment of the Department of Transportation the preservation of said railroad line or lines is necessary to protect the public interest. When in the judgment of the Department of Transportation the economic well-being of the State of Maine, or a significant portion thereof, will be impaired by the discontinuance of rail service over the railroad line or lines that have been authorized for abandonment, the Department of Transportation may contract for the continued operation of rail service over said line or lines on a temporary basis under rules and regulations to be prescribed by the department after notice and hearing at which interested parties have an opportunity to express their views, and upon such terms and conditions as the Department of Transportation and the owner of the railroad may agree upon. The leases authorized herein may be made to cover the right-of-way only or may cover the line intact, including the track, track appurtenances, ties, bridges, station houses and other necessary structures. Contracts for continuation of rail service may be made to include the lease of the line and may provide for service on less than a daily basis. The department shall report to the next session of the Legislature with a recommendation for disposition of the leased or subsidized lines.

3. Purchase of certain railroad lines. The Department of Transportation is authorized to purchase under such terms and conditions as the department and the owners of the railroad may agree upon and hold for the State railroad lines or any part thereof located in the State of Maine, owned or otherwise lawfully controlled by said railroad when in the judgment of the department the purchase of such railroad lines is necessary to protect the public interest. The Department of Transportation may purchase the right-of-way only of such line or lines which it shall hold and manage for future transportation use or it may acquire the railroad line intact including track, track appurtenances, ties, bridges, station houses and other necessary structures.

4. Cooperation, acceptance and use of federal, state, local or private funds. The Department of Transportation is authorized and empowered to accept, for the State of Maine, federal funds that may be apportioned under the "Regional Rail Reorganization Act of 1973," (87 Stat. 985) as amended and supplemented, other federal funds, state funds and such municipal funds and private funds as may be available; to act for the State, in conjunction with the representatives of the Federal Government, municipal governments and private groups having a direct interest, in all matters relating to the acquisition or lease of railroad line or lines in the State of Maine and contracts for rail service continuation over railroad lines as provided in this section.

Effective October 1, 1975

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## CHAPTER 222

### AN ACT Concerning the Definition of Child and Student under the Workmen's Compensation Statute.

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

39 MRSA § 2, sub-§ 4, ¶ C, as last amended by PL 1973, c. 788, § 219, is repealed and the following enacted in place thereof:

C. A child or children, including adopted and stepchildren, under the age of 18 years, or under the age of 23 years if a student, or over the age of 18

years but physically or mentally incapacitated from earning, upon the parent with whom he is or they are living, or upon whom he is or they are actually dependent in any way at the time of the injury to said parent, there being no surviving dependent parent, "child" shall include any posthumous child whose mother is not living and dependent. In case there is more than one child dependent, the compensation shall be divided equally among them.

The term "student" means a person regularly pursuing a full-time course of study or training at an institution which is:

- (1) A school, college or university operated or directly supported by the United States, or by any state or local government or political subdivision thereof;
- (2) A school, college or university which has been accredited by a state or by a state recognized or nationally recognized accrediting agency or body;
- (3) A school, college or university not so accredited but whose credits are accepted, on transfer, by not less than 3 institutions which are so accredited, for credit on the same basis as if transferred from an accredited institution;
- (4) An additional type of educational or training institution as defined by the commission, but not after he reaches the age of 23 or has completed 4 years of education beyond the high school level, except that, where his 23rd birthday occurs during a semester or other enrollment period, he shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed 5 months and if he shows to the satisfaction of the commission that he has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or during periods of reasonable duration during which, in the judgment of the commission, he is prevented by factors beyond his control from pursuing his education. A child shall not be deemed to be a student under this Act during a period of service in the Armed Forces of the United States.

Effective October 1, 1975

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## CHAPTER 223

**AN ACT Concerning the Acquisition, Maintenance and Replacement of Multi-level Private Parking Facilities under the Municipal Securities Approval Act.**

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

Sec. 1. 30 MRSA § 5325, sub-§ 1, as last amended by PL 1971, c. 210, § 1, is repealed and the following enacted in place thereof:

1. Revenue-producing industrial-commercial, pollution-control or recreational projects and multi-level parking facility. To acquire, construct, recon-