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

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

1975

purposes or to enhance the propagation or survival of an endangered or threatened species, and permit any endangered or threatened species which enters the State and is being transported to a point outside the State to be so entered and transported without restriction in accordance with the terms of any federal or state permit.

§ 3208. Penalties

Any individual person, firm, corporation, governmental or other legal entity who violates the provisions of this chapter shall be punished by a fine of not more than $500 or by imprisonment for not more than 6 months, or by both.

§ 3209. Enforcement·

Any officer or agent authorized by the commissioner or any state police officer, or any police officer of any municipality of the State shall have authority to execute any warrant to search for and seize any equipment, business records, merchandise, fish or wildlife used or possessed in connection with a violation of this chapter. Such equipment, business records, merchandise, fish or wildlife shall be held pending proceedings in any court of proper jurisdiction, and should a conviction result, be forfeited to the State to be offered by the commissioner to a qualified scientific or educational institution or, as he shall direct, destroyed.

§ 3210. Cooperative agreements

The commissioner is authorized to enter into agreements with federal agencies, other states, political subdivisions of this State or private persons for the establishment and maintenance of programs for the conservation of endangered or threatened species and is authorized to receive all federal funds allocated for obligation to the State pursuant to such agreements.

Effective October 1, 1975

CHAPTER 329

AN ACT to Amend the Requirements for Adopting, Revising or Amending a Municipal Charter.

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

Sec. 1. 30 MRSA § 1912, sub-§ 1, as enacted by PL 1969, c. 563, is amended to read:

1. **Municipal officers.** The municipal officers may determine that the revision of the municipal charter is necessary should be considered or that adoption of a new municipal charter is necessary should be considered and, by order, provide for the establishment of a charter commission to carry out such purpose as provided in this chapter.

Sec. 2. 30 MRSA § 1913, sub-§ 1, ¶ A, 2nd sentence, as enacted by PL 1969, c. 563, is amended to read:

Election of voter members ~~shall~~ may be held at the same municipal election as the referendum for the charter commission, but shall be held within 60 days of such referendum election.

Sec. 3.   30 MRSA § 1913, sub-§ 4, 2nd ¶, 2nd sentence, as enacted by PL 1969, c. 563, is amended to read:

~~Within 30 days after submission of its final report~~ Prior to the termination of its existence, the charter commission shall file with the clerk a complete account of all its receipts and expenditures for public inspection.

Sec. 4.   30 MRSA § 1913, sub-§ 5, as last amended by PL 1971, c. 398, is further amended by adding after the 3rd paragraph a new paragraph to read:

The time limits on the preparation and submission of preliminary and final reports of the charter commission may be extended by the municipal officers, but in no event for longer than 24 months after the election of the charter commission, if such extension shall be necessary to properly complete such reports, or to have them printed or circulated or to secure the written opinion of an attorney.

Sec. 5.   30 MRSA § 1913, sub-§ 7, as enacted by PL 1969, c. 563, is amended to read:

7.   Termination.   The charter commission shall continue in existence for 30 days after submission of its final report to the municipal officers for the purpose of winding up its affairs; unless judicial review is sought under section 1919, subsection 3, in which event the charter commission shall continue in existence until such review and any appeals therefrom are finally completed for the purpose of intervening in such proceedings.

Sec. 6.   30 MRSA § 1914, sub-§ 1, 1st sentence, as last repealed and replaced by PL 1973, c. 304, is amended to read:

The municipal officers may determine that amendments to the municipal charter ~~are necessary~~ should be considered and, by order, provide for notice and hearing on them in the same manner as provided in subsection 4, paragraph A.

Sec. 7.   30 MRSA § 1919, sub-§ 1, as enacted by PL 1969, c. 563, is amended by adding at the end a new sentence to read:

The charter commission may intervene as a party in any such proceeding.

Sec. 8.   30 MRSA § 1919, sub-§ 2, as enacted by PL 1969, c. 563, is amended by adding at the end a new sentence to read:

The charter commission shall be served with notice of the petition for declaratory judgment or with notice of the preliminary petition for leave and may intervene as a party in any proceeding.

Sec. 9.   30 MRSA § 1919, sub-§ 3, as enacted by PL 1969, c. 563, is amended by adding after the first sentence a new sentence to read:

The charter commission shall be served with notice of the petition for judicial review and may intervene as a party in such proceeding.

Sec. 10.   30 MRSA § 1919, sub-§ 4 is enacted to read:

4.   Resubmission upon judicial invalidation for procedural error.   Upon a determination that the procedures whereby any charter was adopted, revised or amended are invalid, the Superior Court may, on its own motion or the motion of any party, order the resubmission of such charter adoption, revision or amendment to the voters. Such order shall require only the minimum procedures on resubmission to the voters that are necessary to cure the material and substantial errors or omissions. The Superior Court may also recommend or order other curative procedures to provide for valid charter adoption, revision or amendment.

<div align="center">Effective October 1, 1975</div>

CHAPTER 330

<div align="center">AN ACT to Facilitate the Entrance of Municipalities into the Federal
Flood Insurance Program.</div>

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

12 MRSA § 4812-B is enacted to read:

§ 4812-B.   Federal flood insurance

In addition to controls required by this chapter, municipalities and plantations may extend or adopt zoning and subdivision controls beyond the limits established by this chapter in order to protect the public health, safety and welfare and to avoid problems associated with flood plain development.

Zoning ordinances adopted or extended pursuant to this section shall be pursuant to and consistent with a comprehensive plan.

Zoning ordinances adopted or extended pursuant to this section need not depend upon the existence of a zoning ordinance for all of the land and water area within a municipality, despite the provisions of Title 30, section 4962 to the contrary, provided such ordinances are required for entrance of the municipality or plantation into the Federal Flood Insurance Program. Ordinances or amendments adopted by authority of this section shall not extend beyond an area greater than that necessary to comply with the requirements of the Federal Flood Insurance Program.

<div align="center">Effective October 1, 1975</div>

CHAPTER 331

<div align="center">AN ACT Establishing a Fee for Approved Blanks and
Forms Furnished by Registers of Probate.</div>

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

18 MRSA § 261 is enacted to read:

§ 261.   Fees for approved blanks and forms