

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

Sec. 5. 8 MRSA § 355, sub-§ 1, 1st sentence, as enacted by PL 1973, c. 570, § 1, is repealed and the following enacted in place thereof:

A license as an agent to sell lottery tickets or shares may be issued by the director to any qualified person.

Sec. 6. 8 MRSA § 366, last ¶, as enacted by PL 1973, c. 570, § 1, is repealed.

Sec. 7. 8 MRSA § 366, sub-§ 2 is enacted to read:

2. Apportionment. The moneys in said State Lottery Fund shall be apportioned so that not less than 45% of the total ticket sales received in the lottery will be disbursed as prizes to holders of winning tickets. All other moneys, less reasonable costs for the proper administration of the State Lottery, will be the state's share.

Effective October 1, 1975

CHAPTER 395

AN ACT to Authorize the Delegation by the Board of Environmental Protection of Certain Actions to the Department of Environmental Protection.

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

38 MRSA § 361, as last amended by PL 1973, c. 788, § 206, is further amended by adding at the end the following:

The Board of Environmental Protection is hereby authorized to delegate to the Commissioner of Environmental Protection and the department staff authority to approve, approve with conditions or disapprove applications for approvals by the board made pursuant to any of the laws, including but not limited to Great Ponds Activity Permits under section 422, which the board is required to administer, provided, however, that delegation of authority under sections 413, 414, 414-A, 481 et seq. and 590 shall be limited to the applications meeting the following criteria:

1. The site location law. Sections 481 et seq., but only where an application is for development of a subdivision of less than 75 acres, with less than 25 lots and to contain less than 25 housing units;

2. Waste discharge licenses. Sections 413, 414 and 414-A, but only where an application is for a maximum daily discharge of less than 50,000 gallons per day;

3. Air emission licenses. Section 590, but only where an application is for incinerators in Classes I through IV or for a boiler at a facility with a total boiler capacity of less than 100,000,000 B.T.U.'s.

Such delegation shall be in accordance with the standards found in the applicable statute and shall not take place until the board adopts regulations for the implementation of this delegated authority, which regulations shall

include assurance that any interested person aggrieved by a decision of the commissioner or the department staff made pursuant to this section shall have a right to appeal such decision to the board.

Effective October 1, 1975

CHAPTER 396

AN ACT Relating to Protective Custody of Children under Health and Welfare Laws.

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

Sec. 1. 22 MRSA § 3793, last sentence, as last repealed and replaced by PL 1967, c. 159, § 2, is amended to read:

Upon petition by the department, by the parent or parents or guardian of any such child, or by the suitable person to whom such child may have been committed, to the court making the commitment said court, after notice of not less than 10 days to the parents or guardian of such child, to the department or to the suitable person to whom such child may have been committed, shall examine into the conditions and welfare of the said child, **receive testimony from any relative who has been a foster parent of such child** and, after hearing, may at any time make such further order in relation to his care, custody, support and education as justice may demand, and may discharge any child from custody or restore its custody to its parents, or either of them, if satisfied that the objects of commitment have been accomplished; provided no child whose parents have been divested of all legal rights to said child under section 3792 or any other provision of this chapter may be legally adopted prior to one year from the date of the order or decree so divesting said parents.

Sec. 2. 22 MRSA § 3798, last sentence, as last amended by PL 1969, c. 85, § 1, is further amended to read:

If, upon such hearing at which testimony may be received from any relative who has been a foster parent of such child, it appears that the petitioner is of sufficient ability and inclination suitably to provide for maintenance and education of said child, and that justice requires that its custody be restored to said petitioner, the court shall so order, and the custody and control of said child shall thereafter be given to said petitioner until further order of the court.

Effective October 1, 1975

CHAPTER 397

AN ACT to Conform the Pesticide Statutes to Federal Law.

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

Sec. 1. 22 MRSA c. 258, as amended, is repealed.

Sec. 2. 22 MRSA c. 258-A, is enacted to read: