

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

3. **Penalty for ordinances.** Whoever violates any provision of a municipal ordinance authorized by this section shall be punished by a fine as provided by section 4504.

Sec. 5. 12 MRSA § 4401, sub-§ 5 is amended to read:

5. **Penalty for the taking, holding or possession of female lobsters.** Whoever takes, holds, transports, ships or has in his possession any female lobsters in violation of any provision of this section shall be punished by a fine of not less than ~~\$25~~ \$10, and in addition by a fine of ~~\$10~~ \$25 for each such female lobster involved, or by imprisonment for not more than 90 days, or by both.

Sec. 6. 12 MRSA § 4455, sub-§ 1, ¶ A, as last amended by PL 1965, c. 30, § 2, is further amended to read:

A. Whoever possesses any such tail section of lobster meat shall be punished by a fine of ~~\$25 and in addition by a fine of \$5 for each such tail section of lobster meat possessed~~ \$10 and in addition by a fine of \$5 for each such tail section involved, up to and including the first 5, and by a fine of \$25 for each such tail section in excess of 5, or by imprisonment for not more than 90 days, or by both.

Sec. 7. 12 MRSA § 4461 is amended to read:

§ 4461. **Unmarked lobster and crab pots and traps**

It is unlawful for any person to set, raise or haul in or, from the tidal waters of this State any pot or trap for any lobster or crab, or to cause the same to be done, without having it and the buoy attached thereto ~~plainly carved or branded~~ clearly marked with his lobster and crab fishing license number.

1. **Lobster cars to be marked.** It is unlawful for any person, firm or corporation to use or set in tidal waters of this State any car or other contrivance for the holding or keeping of lobsters, or to cause the same to be done, without having it ~~plainly carved or branded~~ clearly marked with the owner's lobster and crab fishing license number, retail seafood dealer's license number or wholesale seafood dealer's and processor's license number.

2. **Penalty.** Whoever violates any provision of this section shall be subject to the penalties provided in section 4504 and in addition ~~shall~~ may forfeit to the State the pot, trap, buoy, car or other contrivance not so marked, and any lobsters or crabs found therein.

Effective October 1, 1975

CHAPTER 441

AN ACT Relating to Verifying Facts Supporting the Eligibility of Applicants for Aid for Families with Dependent Children.

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

Whereas, the United States Department of Health, Education and Welfare can reduce federal matching funds available to a state for the Aid to Families with Dependent Children Program if the state's error rate in administering the program is greater than that provided for by federal guidelines; and

Whereas, Maine's error rate exceeds those federal guidelines and is currently increasing because of cutbacks in staff ordered in the last special session; and

Whereas, this legislation, which would decrease Maine's error rate, must be enacted as soon as possible to prevent loss of federal matching funds; 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:

Sec. 1. 22 MRSA §§ 3757 and 3758 are enacted to read:

§ 3757. Substantiation of eligibility

The department shall appropriately substantiate the facts supporting eligibility stated in any application for aid to families with dependent children before approving the application.

"Appropriately substantiate" shall be interpreted to mean that the department must assure itself of the eligibility of the family for public assistance benefits. To obtain such assurance, it shall contact, as appropriate, the local town official in the town of residence, banks or savings institutions, vital records, specific public court files, etc.

§ 3758. Disbursements

1. Carrying account for unexpended balances. Notwithstanding any other provision of law and except as funds are necessary to carry out section 2 of this Act, funds appropriated for the aid to families with dependent children account shall not be transferred from such account and shall not lapse at the end of a fiscal year, but shall be carried forward from year to year to be expended for the same purpose. All unexpended balances of the account shall be expended pursuant to subsections 3 and 4.

2. Funds to support positions authorized. Funds to support positions authorized shall be taken from savings realized by reduced error rates for ineligible payments and overpayments made to clients and on behalf of clients on the aid to families with dependent children program. No reduction in maximum payments as defined in the Maine Public Assistance Manual, chapter II, section D, page 3 shall be made for the purpose of funding staff.

3. Analysis of unexpended balance. Each month, from the savings resulting from the error rate, the aid to families with dependent children account shall be analyzed to determine if the unexpended balance is sufficient to provide for an increase in payment maximums. The balance to be analyzed shall be that as of the most recent month for which data is available, preferably the 2nd month preceding the month in which the analysis is made.

4. Payment maximums. Payment maximums shall be increased when the unexpended balance of the account is sufficient and when the amount of the monthly payment maximum shall not exceed an amount consistent with

1/12 of the annual lower level budget for a family of 4 people computed for Portland, Maine, by the United States Department of Labor, Bureau of Labor Statistics. Subject to the availability of funds, such increase shall be no less than 5% of the current payment maximum rounded to the nearest dollar and shall be effective with checks issued the first month following the current month and shall be continued for the balance of the fiscal year. If the un-expended balance is not sufficient to provide for such an increase, it shall be expended to continue payments at current levels.

Sec. 2. Authorization. There are authorized for the Department of Health and Welfare, Bureau of Social Welfare, the following positions to carry out the purposes of this Act. The breakdown shall be as follows:

| | 1974-75 | 1975-76 | 1976-77 |
|--------------------------------------|---------|---------|---------|
| HEALTH AND WELFARE, DEPARTMENT OF | | | |
| Bureau of Social Welfare | | | |
| Personal Services | (35) — | (35) — | (35) — |

These positions shall be funded in the fiscal years 1976 and 1977 from those funds recovered from overpayments and ineligibility only.

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

Effective June 11, 1975

CHAPTER 442

AN ACT Providing for Temporary Interim Relief Relating to the Availability of Hospital and Medical Malpractice Insurance.

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

Whereas, a crisis is developing in Maine with regard to the availability of hospital and medical malpractice insurance; and

Whereas, the effect of the situation has already been felt in the State of Maine; and

Whereas, it is vital that action be taken which will provide for the availability of medical malpractice insurance while a comprehensive review of the medical and hospital malpractice situation in Maine is being made; 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:

24 MRSA c. 20 is enacted to read: