

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 effective date of this Act, except for sections 1, 22, 52, 53, 54, 55, 56 and 57, shall be January 1, 1976.

Sec. 67. Appropriation. There is appropriated from the General Fund to the State Retirement System the sum of \$161,360 to carry out the purposes of this Act. The breakdown shall be as follows:

	1975-76	1976-77
STATE RETIREMENT SYSTEM		
All Other	—	\$161,360

Sec. 68. Allocation of General Highway Fund. There is allocated from the receipts of the General Highway Fund for the next 2 fiscal years, from July 1, 1975 to June 30, 1976 and from July 1, 1976 to June 30, 1977, to the State Retirement System the sum of \$24,767 to carry out the purposes of this Act. Such allocation shall be expended as follows:

	1975-76	1976-77
STATE RETIREMENT SYSTEM	—	\$24,767

Sec. 69. Utilization of other funds. Payments required by this Act for employees in departments supported by the General Highway Fund shall be paid as provided in section 68 of this Act. Payments required by this Act for employees in departments supported by Special Revenue Funds or other funds shall not be paid from the moneys provided in sections 67 and 68 of this Act, but shall be paid from funds available to such departments from other sources.

Effective January 1, 1976, unless otherwise indicated

CHAPTER 623

AN ACT to Correct Errors and Inconsistencies in the Public Laws.

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

Whereas, many Acts enacted by previous Legislatures have created inconsistencies and technical errors; and

Whereas, such inconsistencies and errors have created uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that such uncertainties be resolved so that injustices to the people of Maine may be avoided; 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. 1 MRSA § 402-A, as enacted by PL 1975, c. 483, § 3, is repealed and the following enacted in place thereof:

§ 402-A. Public records defined

The term "public records" shall mean any written, printed or graphic matter, or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions and has been received or prepared for use in connection with the transaction of public or governmental business, or contains information relating to the transaction of public or governmental business, except:

1. Records designated confidential. Records that have been designated confidential by statute.

2. Records within the scope of privilege against discovery. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials, if the records or inspection thereof were sought in the course of a court proceeding.

3. Legislative records and reports. Records, working papers, interoffice and intraoffice memoranda used or maintained by any legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the biennium in which such proposal or report is prepared.

Sec. 1-A. Effective date. Section 1 of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 1-B. 2 MRSA § 6, sub-§ 1, last 2 lines, as enacted by P&SL 1973, c. 207, § 5, are repealed.

Sec. 2. 2 MRSA § 6, sub-§ 1, as last repealed and replaced by PL 1973, c. 788, § 2, is amended by adding at the end the following:

Commissioner of Business Regulation;

Commissioner of Manpower Affairs.

Sec. 3. 3 MRSA § 165, sub-§ 7, first sentence, as enacted by PL 1973, c. 590, § 8, is amended to read:

When the duties assigned to a committee so require, the Legislature may grant to it the power to administer oaths, issue subpoenas, **compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony**, and to cause the deposition of witnesses, whether residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court.

Sec. 3-A. 3 MRSA § 168, first sentence, as enacted by PL 1973, c. 590, § 11, is amended to read:

The President of the Senate, the Majority and Minority Floor Leaders of the Senate, the Speaker of the House of Representatives, and the Majority and

Minority Floor Leaders of the House of Representatives shall each have the authority to appoint, at his discretion, a personal staff assistant when the Legislature is in session and at such other times as he deems necessary.

Sec. 3-A. 4 MRSA § 1, first ¶, as repealed and replaced by PL 1975, c. 408, § 1, is amended to read:

The Supreme Judicial Court, as heretofore established, shall consist of a Chief Justice and 5 6 associate justices and such Active Retired Justices as may be appointed and serving on said court, learned in the law and of sobriety of manners.

Sec. 3-B. Effective date. Section 3-A of this Act shall become effective on July 1, 1976.

Sec. 3-C. 4 MRSA § 164, sub-§ 12, ¶ B, sub-¶ (18), as enacted by PL 1975, c. 430, § 5, is amended to read:

(18) A 2nd or subsequent moving traffic ~~offense~~ **infraction** within a 12 month's period.

Sec. 3-D. Effective date. Section 3-C of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 3-E. 4 MRSA § 173, sub-§ 5, as enacted by PL 1975, c. 341, is amended to read:

5. **Disbursements by appointed counsel.** In any proceeding where the court has appointed counsel, the Treasurer of State shall reimburse from the District Court Fund such appointed counsel for reasonable disbursements made in behalf of the client, including but not limited to witness fees, sheriff's fees and travel, upon approval of such disbursements by the court.

Sec. 3-F. Effective date. Section 3-E of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 3-G. 4 MRSA § 1051, first sentence, as last amended by PL 1975, c. 418, § 1, is further amended to read:

No court shall be held on Sunday or any day designated for the annual Thanksgiving; or for the choice of Presidential Electors; New Year's Day, January 1st; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May, but if the United States Government designates May 30th as the date for observance of Memorial Day or in 1985, whichever occurs first in time, the 30th of May; the 4th of July; Labor Day, the first Monday of September; the day of the state-wide primary election; the day of the state election; the day of any special state-wide election; Columbus Day, the 2nd Monday in October; Veterans Day, November 11th; or on Christmas Day; and when the time fixed for a term of court falls on any of said days, it shall stand adjourned until the next day, which shall be deemed the first day of the term for all purposes.

Sec. 3-H. Effective date. Section 3-G of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 3-I. 5 MRSA § 13 is enacted to read:

§ 13. Payroll deduction for Maine Warden Service Relief Association

The Commissioner of Finance Administration is hereby authorized to permit payroll deductions from the salaries of state employees for membership dues for the Maine Warden Service Relief Association and to transmit the funds so collected to the Maine Warden Service Relief Association under the appropriate departmental regulations concerning payroll deductions.

Sec. 4. 5 MRSA §§ 3308 - 3311, as enacted by PL 1973, c. 769, § 1, are repealed.

Sec. 5. 5 MRSA §§ 3321 - 3324 are enacted to read:

§ 3321. Commission on Maine's Future

There is created and established a Commission on Maine's Future, hereinafter in this chapter referred to as "the commission." It shall be the responsibility of the commission to recommend a desirable and feasible description of the state's future based upon comprehensive analysis of factual information and projections pertinent to such a description. The commission may use the technical expertise of the State Planning Office to construct models and identify parameters to be used in determining the best long-range goals of the State. These findings shall be articulated into a working document. The commission shall meet at least twice annually.

§ 3322. Members of the commission

The Commission on Maine's Future shall consist of 40 members, 27 of whom shall be appointed by the Governor and who shall be apportioned among the planning and development districts, established pursuant to Title 30, section 4521, according to relative population shares, except that no district shall have fewer than 2 representatives and each county shall have at least one representative. There shall be 13 ex officio members as follows: The Director of the State Planning Office and 6 Senators appointed by the President of the Senate from the majority and minority parties in the Senate, approximately in proportion to their respective membership in the Senate and 6 Representatives appointed by the Speaker of the House from the majority and minority parties in the House, approximately in proportion to their respective membership in the House.

The Governor shall appoint the chairman of the commission from among the membership and the chairman shall serve at the Governor's pleasure. This chapter shall have a legislated lifetime until June 30, 1977 and all appointed members shall serve terms expired on that date. Any membership vacancies will be filled by appointment by the Governor.

§ 3323. Duties of the commission

The duties of the commission are to prepare for consideration by the Governor, the Legislature and the people of Maine:

1. A proposed growth and development policy for the State of Maine and recommendations concerning means of most effectively implementing such policy;

2. Reports assembling, analyzing and projecting relevant information regarding the future of the State including, but not limited to:
 - A. State-wide and regional demographic information on growth, interstate and intrastate migration patterns, age distribution and dependency ratios as factors in the cultural, social and economic life of the State;
 - B. Availability of various natural resources including energy and an analysis of their importance to, and effect upon, the cultural, social and economic life of the State; and
 - C. A description of the future of the State as envisioned by Maine people;
3. An examination of long-range plans by state departments and agencies, including the University of Maine and an assessment of their possible impact on state growth and development;
4. Reports on the implications of major state decisions;
5. An interim report on commission activities to be submitted not later than November 30, 1976;
6. A formal final report on commission activities to be submitted not later than June 30, 1977.

In the performance of the above duties, the commission may hold public hearings and conferences with any person, persons, organizations and governmental agencies concerned with Maine's future. The commission shall be provided information, reports or other assistance from any agency, department, legislative committee or other instrumentality of the State, with the consent of the head of the respective organization. State agencies shall, on request, assist the commission in carrying out the purposes of this chapter.

§ 3324. Funding

The commission is authorized to accept and employ any funding available to it in carrying out the purposes of this chapter.

Sec. 5-A. 7 MRSA § 624, as enacted by PL 1975, c. 382, § 3, is amended to read:

§ 624. Repealers

Jurisdiction in all matters pertaining to the registration, distribution and disposal of pesticides and devices is by this subchapter vested exclusively in the commissioner and all acts and parts of acts inconsistent with this subchapter are hereby expressly repealed.

Sec. 5-B. Effective date. Section 5-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 5-C. 8 MRSA § 279-B, first 2 ¶¶, as last repealed and replaced by PL 1975, c. 52, are amended to read:

In order to enforce the rules and regulations referred to in section 279-A, the commission is authorized to establish a schedule of fines not to exceed \$100 and to levy a fine in lieu of suspension, **after notice and hearing**, for each violation of the rules and regulations.

The commission is further authorized to establish a schedule of suspensions of licenses and to levy suspensions, **after notice and hearing**, for periods not to exceed 20 days **for each violation of the rules and regulations**.

Sec. 5-D. Effective date. Section 5-C of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 6. 9-A, MRSA § 1-106, sub-§ 6, first sentence, as enacted by PL 1973, c. 762, § 1, is amended to read:

If the percentage of change between the Index at the end of the odd-numbered year preceding ~~the effective date of this Act~~ **January 1, 1975** and the Reference Base Index would require change in the designated dollar amounts pursuant to subsection 2, the designated dollar amounts shall change upon ~~the effective date of this Act~~ **January 1, 1975** and, on or before that date, the administrator shall issue a rule announcing the changes required by this subsection.

Sec. 6-A. 9-B MRSA § 141, sub-§ 1, as enacted by PL 1975, c. 500, § 1, is repealed and the following enacted in place thereof:

1. **Holidays established.** Any day of public thanksgiving, mourning or disaster, proclaimed or appointed by the Governor or by the President of the United States, the first day of January; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May, but if the United States Government designates May 30th as the date for observance of Memorial Day or in 1985, whichever occurs first in time, the 30th of May; the 4th of July; Labor Day, the first Monday of September; Columbus Day, the 2nd Monday in October; Veterans Day, November 11th; and the 25th day of December are declared to be financial institution holidays. If the first day of January, the 4th day of July, the 11th day of November or the 25th day of December falls on Sunday, the following Monday shall be deemed a financial institution holiday for the purpose of this Title. When the date for observance of Memorial Day changes under this subsection to the 30th day of May and such date falls on a Sunday, the following Monday shall be deemed a financial institution holiday for the purposes of this Title.

Sec. 6-B. Effective date. Section 6-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 6-C. 10 MRSA § 1454, sub-§ 2, 1st ¶, last sentence, as enacted by PL 1975, c. 549, is amended to read:

For purposes of this section, good cause shall include, but not be limited to:

Sec. 6-D. 10 MRSA § 1454, sub-§ 2, ¶ 1 is enacted to read:

I. Substantial noncompliance with the obligations of the franchise agreement.

Sec. 6-E. Effective date. Section 6-C of this Act shall take effect 91 days after adjournment of the Legislature.

Sec. 7. 12 MRSA § 1603, as amended by PL 1965, c. 226, § 58, is further amended to read:

§ 1603. Appropriation for payment of claims, accounts and demands

So much of the funds raised by the tax imposed and paid into the treasury, as may be necessary to pay the claims, accounts and demands arising under this subchapter and subchapters II and IV, is appropriated to pay the same, and the Governor and Council shall authorize the State Controller to draw his warrant therefor at any time. Any balance remaining shall continue from year to year as a fund available for the purposes defined in ~~sections 1605 and~~ section 1607.

Sec. 7-A. 12 MRSA § 1901, sub-§ 10, as last amended by PL 1975, c. 516, § 2, is further amended to read:

10. Inland waters. "Inland waters" means all waters within the State above the rise and fall of the tide ~~or to a line established as the "Head of Tide" on certain designated tidal rivers, streams, brooks, estuaries or bays~~ and wholly or partly within the territorial limits of the State and excepting private ponds as defined in section 2557.

Sec. 7-B Effective date. Section 7-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 8. 12 MRSA § 2083, as enacted by PL 1973, c. 734, § 1, is amended to read:

§ 2083. —Lily Pond

No person, except officers empowered to enforce this chapter, shall operate a motor boat on Lily Pond, Edgecomb, Lincoln County.

Sec. 8-A. 12 MRSA § 2401, sub-§ 3, ¶¶ G and H, as enacted by PL 1975, c. 516, § 13-A, are repealed.

Sec. 8-B. Effective date. Section 8-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 8-B-1. 12 MRSA § 2401-B, sub-§ 7, first sentence, as last amended by PL 1975, c. 97, § 1, is further amended to read:

The commissioner (Inland Fisheries and Game) shall issue a hunting, trapping and fishing license to any Indian over the age of 10 years of the Passamaquoddy, Penobscot, Maliseet or Micmac Tribes without any charge or fee, providing the Indian presents a certificate from the respective reservation governor or the President of the Association of Aroostook Indians stating that the person described is an Indian and a member of that tribe.

Sec. 8-B-2. **Effective date.** Section 8-B-1 shall become effective 91 days after the adjournment of the Legislature.

Sec. 8-C. 12 MRSA § 2401-B, sub-§ 17 is enacted to read:

17. **Servicemen permanently stationed in Maine.** Any person serving in the Armed Forces of the United States who is permanently stationed at a military or naval post, station or base in the State, that person's spouse and that person's children, provided that the spouse and children permanently reside with that person, shall be eligible for any fishing or hunting license, or combination fishing and hunting license, which may be issued to a Maine resident under this Title, and those licenses issued to persons eligible under this subsection shall be issued for the statutory fees charged Maine residents.

Sec. 9. 12 MRSA § 2212, first ¶, as enacted by PL 1973, c. 786, § 1, is amended to read:

This subchapter shall not apply to river, stream or brook crossings in connection with public works projects which shall alter not more than a total of ~~700~~ 300 feet in any mile of shore nor to private crossing or dam projects which shall alter not more than a total ~~300~~ 100 feet in any mile of shore. Alterations to both shores of the river, stream or brook shall be combined in arriving at a total shore footage.

Sec. 9-A. 12 MRSA § 2559, first sentence, as amended by PL 1975, c. 516, § 20-C, is further amended to read as follows:

The provisions of chapters 301 to 335, so far as they relate to fish of all varieties and fishways, apply to fish and fishways down to tidewaters ~~or to a line established as the "Head of Tide" on certain tidal rivers, streams, brooks, estuaries or bays.~~

Sec. 9-B. **Effective date.** Section 9-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 10. 12 MRSA §§ 3055-3059, as last amended by PL 1973, c. 739, § 11 and by c. 788, § 47, are repealed and the following enacted in place thereof:

§ 3055. Recovery and disposition of fines; fees, forfeitures and penalties

The Commissioner of Inland Fisheries and Game shall have the same authority concerning fines, fees, forfeitures and penalties authorized by chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65 as is granted and vested in the Commissioner of Marine Resources under section 4508.

§ 3056. Proceedings against corporations

In case of violation of any provision of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, by a corporation, the warrant may be served by an attested copy on the president, secretary, manager or any general agent thereof in the county where the action is pending, and upon return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and

any fine imposed may be collected by execution against the property of such corporation. This section shall not be deemed to exempt any agent or employee from prosecution.

§ 3057. Prosecution by district attorneys

Each district attorney shall prosecute all violations of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, occurring within his district when such cases may come to his knowledge, or when he may be so requested by the commissioner or any officer charged with its enforcement.

§ 3058. Results reported to commissioner

Every judge or the clerk of the court, except the District Court before whom any prosecution under chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, is commenced or shall go on appeal, within 20 days after the trial or dismissal thereof, shall report in writing the result thereof and the amount of fines collected, if any, and disposition thereof, to the commissioner.

§ 3059. Jail costs

The costs for imprisonment in a county jail for the violation of any provision of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, or rules and regulations promulgated thereunder shall be paid by the commissioner to the county involved. Such costs shall not exceed the average amount paid for board of federal prisoners.

Sec. 11. 12 MRSA § 3060, first ¶, as last amended by PL 1973, c. 739, § 12 and by c. 788, § 48, is repealed and the following enacted in place thereof:

Whoever violates any of the provisions of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, or rules and regulations promulgated thereunder, or rules and regulations heretofore promulgated and still in force and effect, excepting only those for the violation of which specific penalties have been provided, shall be punished by a fine of not less than \$20 nor more than \$500 and costs, or by imprisonment for not more than 90 days, or by both, except as hereafter noted:

Sec. 12. 12 MRSA § 3061, first sentence, as last amended by PL 1973, c. 739, § 13 and by c. 788, § 49, is repealed and the following enacted in place thereof:

All fines, penalties, officers' costs and all other moneys recovered by the court under any provision of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, shall accrue to the Treasurer of State.

Sec. 13. 12 MRSA § 3101, first 2 sentences, as last amended by PL 1973, c. 739, § 14 and by c. 788, § 50, are repealed and the following enacted in place thereof:

All birds, fish or animals, or parts thereof, hunted, bought, sold, carried, transported or found in possession of any person in violation of chapters 301 to

335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, or equipment possessed in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, shall be contraband and shall be subject to seizure by the State. The officer who made such seizure may within reasonable time file with a judge a libel against such birds, fish or animals, or parts thereof, or any equipment possessed in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, except that articles of less than \$10 in value shall not be libeled unless reasonable doubt exists as to the ownership thereof, setting forth their seizure by him, describing such birds, fish or animals, or parts thereof, or equipment and that they were hunted, taken, caught, killed or had in possession in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, and pray for a decree of forfeiture thereof.

Sec. 14. 12 MRSA § 3101, 2nd and 4th sentences of the 3rd paragraph, as last amended by PL 1973, c. 739, § 15 and by c. 788, § 51, are repealed and the following enacted in place thereof:

If any person appears and claims such articles, or any part thereof, as having a right to the possession thereof at the time when the same were seized, he shall file with the judge such claim in writing, stating specifically the right so claimed, and the foundation thereof, the items so claimed, the time and place of the seizure and the name of the officer by whom the same were seized, and in it must declare that they were not had in possession in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, with his knowledge or consent, and state his business and place of residence, and shall sign and make oath to the same before said judge.

If the judge is, upon the hearing, satisfied that said birds, fish or animals, or parts thereof, or any equipment possessed were not had in possession in violation of chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, and that the claimant is entitled to the custody of any part thereof, he shall give him an order in writing, directed to the officer having the same in custody commanding him to deliver to said claimant the articles, or proceeds derived from the sale of the same, to which he is so found to be entitled, within 48 hours after demand.

Sec. 15. 12 MRSA § 3101, first ¶ under the caption "FORM OF LIBEL," as last amended by PL 1973, c. 739, § 16 and by c. 788, § 52, is repealed and the following enacted in place thereof:

The libel of of shows that he has seized certain birds, fish or animals, or parts thereof, or equipment possessed in violation of the provisions of the Revised Statutes, Title 12, chapters 301 to 335 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, as revised, described as follows:
.....
because the same were hunted, taken, caught, killed or had in possession in violation of the provisions of said chapters and sections, as follows:
.....
which said articles were possessed at in said County of Wherefore he prays for decree of forfeiture of said articles, according to the provisions of law in such case made and provided.

Sec. 15-A. 12 MRSA § 4812-B, 1st sentence, as enacted by PL 1975, c. 330, is amended to read:

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.

Sec. 15-B. 12 MRSA § 4812-B, 3rd ¶, 1st sentence, as enacted by PL 1975, c. 330, is amended to read:

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.

Sec. 15-C. Effective date. Sections 15-A and 15-B of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 16. 12 MRSA Pt. 7, first 4 lines, as enacted by PL 1971, c. 491, § 1, are repealed as follows:

~~PART 7~~

~~DEPARTMENT OF NATURAL RESOURCES~~

~~CHAPTER 427~~

~~DEPARTMENT OF NATURAL RESOURCES~~

Sec. 17. 12 MRSA c. 428, first 2 lines, as enacted by PL 1973, c. 460, § 16, are repealed and the following enacted in place thereof:

PART 8

DEPARTMENT OF CONSERVATION

CHAPTER 428

DEPARTMENT OF CONSERVATION

Sec. 17-A. 15 MRSA § 1902, as amended by PL 1973, c. 567, § 20, is repealed and the following enacted in place thereof:

§ 1902. Fines, forfeitures and criminal costs paid to State

All fines, forfeitures and costs in criminal cases shall be paid into the State Treasury and all the costs and expenses attending the administration of criminal justice shall be paid by the State, unless otherwise specially provided. The Superior Court shall allow bills of costs accruing therein, but all other costs and expenses in criminal cases shall be audited by the State Auditor, including actual expenses incurred by district attorneys in the performance of their official duties, payment of which is expressly provided. Any officer, which shall include any sheriff, deputy sheriff, constable or police officer,

required in the performance of his duties in connection with the administration of criminal justice to incur expenses for or incidental to interstate travel which are payable by the State pursuant to this section, shall be entitled to draw on the Treasurer of State in advance on account on such expenses in an amount set forth in a written estimate thereof bearing endorsement of approval thereof by a Justice of the Superior Court. Such officer shall be held accountable to the State for such advance.

Sec. 17-B. 15 MRSA § 1903, last sentence is repealed and the following enacted in place thereof:

When no other appropriation is expressly made, they inure to the State.

Sec. 17-C. 15 MRSA § 104, last sentence of 2nd ¶, as last amended by PL 1975, c. 506, § 3, is repealed.

Sec. 17-D. Effective date. Section 17-C of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 18. 15 MRSA § 2552, last ¶, as last amended by PL 1971, c. 544, § 51, is further amended to read:

Juvenile courts shall have no jurisdiction over offenses in which any juvenile is charged with the violation of any provision of Title 29, Title 38, chapter 1, subchapter VI, and Title 12, chapter 304, or over any other traffic law or ordinance, if such offense is a misdemeanor, except that juvenile courts shall have exclusive, original jurisdiction over offenses in which any juvenile is charged with a violation of Title 29, sections 900, 1312, 1315 and 1316 and Title 12, section 1978, subsection 2, or of Title 38 12, section ~~237~~ 2073, subsection 2.

Sec. 18-A. 16 MRSA § 600, first ¶, as last amended by PL 1975, c. 430, § 23, is further amended to read:

Any person having been acquitted of a crime or ~~an~~ a traffic infraction in any court or having had a complaint, information or indictment against him dismissed by any court shall be entitled to expungement of any records or recordings of any arrest and detention in connection with such charge, complaint, information or indictment.

Sec. 18-B. 16 MRSA § 600, 2nd ¶, first sentence, as last amended by PL 1975, c. 430, § 23, is further amended to read:

The granting of an acquittal of a crime or ~~an~~ a traffic infraction or the dismissal of a complaint, information or indictment shall mean that the person shall, for all purposes, be considered as never having been arrested for such charge, traffic infraction or crime.

Sec. 18-C. Effective date. Sections 18-A and 18-B of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 18-D. 17 MRSA § 1609-A, sub-§ 1, ¶¶ G and H are enacted to read:

G. If the transferor knows that the odometer reading differs from the number of miles the vehicle has actually been driven, he shall include a

statement of the true mileage traveled, if known, or if not, a statement that the actual vehicle mileage is unknown; and

H. If the transferor knows that the number of miles the vehicle has been driven is beyond the designed mechanical limits of the odometer in said vehicle, he shall include a statement of the total cumulative mileage.

Sec. 18-E. 17 MRSA § 1609-A, sub-§ 1, last ¶, as repealed and replaced by PL 1973, c. 178, is repealed and the following enacted in place thereof:

and also shall enter on any form prescribed by the Secretary of State, Division of Motor Vehicles the information required by this section. Any person, firm, partnership or corporation who intentionally violates any provision of this subsection shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

Sec. 18-F. 17 MRSA § 1609-A, sub-§ 2, as repealed and replaced by PL 1973, c. 178, is repealed and the following enacted in place thereof:

2. Misrepresentation. A person, firm, partnership or corporation or agent thereof who shall disconnect, change or tamper with the odometer of any motor vehicle with the intent to change the number of miles indicated thereon, or who shall intentionally offer or expose for sale a motor vehicle the odometer reading of which differs from the number of miles the vehicle has been driven without disclosing the number of miles the vehicle has been driven, if known, or, if not, without disclosing that the actual vehicle mileage is unknown shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

Sec. 18-G. 17 MRSA § 3204, first ¶, as last repealed and replaced by PL 1975, c. 418, § 3, is amended to read:

No person, firm or corporation shall, on the Lord's Day; Memorial Day, the last Monday in May, but if the United States Government designates May 30th as the date for observance of Memorial Day or in 1985, whichever occurs first in time, the 30th of May; July 4th; Labor Day, the first Monday of September; Veterans Day, November 11th; Christmas Day and Thanksgiving Day as proclaimed by the Governor, keep open a place of business to the public except for works of necessity, emergency or charity.

Sec. 18-H. Effective date. Section 18-G of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 18-I. 18 MRSA § 1253, sub-§ 1, ¶ B, as enacted by PL 1975, c. 310, is amended by adding at the end the following:

As used herein, the term "future interest" includes the possibility of receiving income or principal from a trust through exercise of discretion by the trustee or any other person except the disclaimant; and such interest does not vest and the taker thereof is not ascertained, prior to an exercise of that discretion.

Sec. 18-J. Effective date. Section 18-I of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 19. 18 MRSA § 2402, first sentence is amended to read:

All claims against estates of deceased persons ~~including claims for amounts paid under Title 22, chapters 951 to 959~~ and except for funeral expenses, expenses of administration, legacies, distributive shares and for labor and materials for which a civil action may be commenced under Title 10, section 3256, shall be presented to the executor or administrator in writing or filed in the registry of probate, supported by an affidavit of the claimant or of some other person cognizant thereof, either before or within 6 months after his qualification as such executor or administrator.

Sec. 19-A. 19 MRSA § 515, 1st ¶, last sentence, as enacted by PL 1975, c. 532, is amended to read:

The department may review any action under this subchapter, except the decision under section 498, subsection 4, ~~without proceeding under this section.~~

Sec. 19-B. Effective date. Section 19-A of this Act shall become effective 91 days after the adjournment of the Legislature.

Sec. 20. 20 MRSA § 226, sub-§ 3, last sentence, as last repealed and replaced by PL 1973, c. 783, § 6, is amended to read:

Any budget adopted under this section prior to ~~the effective date of this Act~~ April 1, 1974 shall be validated, approved and declared legal.

Sec. 21. 20 MRSA § 304, 2nd sentence of the 2nd ¶, as repealed and replaced by PL 1973, c. 783, § 9, is amended to read:

Any indebtedness in excess of 12½% incurred under the law, as it existed prior to ~~the effective date of this Act~~ April 1, 1974, is hereby validated.

Sec. 22. 20 MRSA § 2356-A, sub-§ 5, last 2 sentences, as enacted by PL 1973, c. 605, are repealed as follows:

~~The cooperative boards of the 11 new regions for vocational education as set forth in this subsection shall have all the rights and duties that are set forth in sections 309, 309-A and 309-B. The boundaries of the 11 regions shall not be changed except by legislative action provided that any unit contracting for secondary education outside of its region shall become a part of the region where such a contract exists~~

Sec. 23. 20 MRSA § 2356-A, sub-§ 5, first ¶, as last amended by PL 1973, c. 783, § 18, is further amended by adding at the end the following new sentences:

The cooperative boards of the 11 new regions for vocational education as set forth in this subsection shall have all the rights and duties that are set forth in sections 309, 309-A and 309-B. The boundaries of the 11 regions shall not be changed except by legislative action provided that any unit contracting for secondary education outside of its region shall become a part of the region where such a contract exists.

Sec. 24. 20 MRSA § 2356-A, sub-§ 5, ¶ B, last 2 sentences, as enacted by PL 1973, c. 710, § 2, are amended to read:

Any budget adopted under this section prior to ~~the effective date of this Act~~ **March 1, 1974** shall be validated, approved and declared legal. The 1974-1975 budget may be adopted using the procedures set forth in this section even though the budget meeting is called after ~~the effective date of this Act~~ **March 1, 1974**.

Sec. 24-A. ~~20 MRSA § 2356-G, sub-§ 9, last sentence~~, as last repealed and replaced by PL 1975, c. 513, § 10, is amended to read:

For the purposes of this subsection, any school district created by private and special law for the purposes of acquiring school property or erecting or enlarging school buildings, although not responsible for operating public schools, shall be deemed to be an administrative unit.

Sec. 24-B. Effective date. Section 24-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 24-A. ~~21 MRSA § 1, sub-§ 21~~ is repealed and the following enacted in place thereof:

21. Party. "Party" refers to a political organization which polled at least 1% of the total vote for Governor or President cast in the State at the last gubernatorial or presidential election and which has organized to fulfill the requirements for existing political parties as prescribed by chapters 11 and 13.

Sec. 24-B. ~~21 MRSA § 492, sub-§ 5, 2nd sentence~~, as enacted by PL 1973, c. 720, § 2, is amended to read:

A nomination petition for a candidate for the House of Representatives must be signed by at least ~~25~~ 75 and not more than ~~50~~ 150 voters and, in a representative district entitled to 2 or more representatives, by a number of voters equal to at least ~~25~~ 75 and not more than ~~50~~ 150 multiplied by the number of representatives to which the district is entitled.

Sec. 24-C. ~~21 MRSA § 1252, first ¶~~, is repealed and the following enacted in place thereof:

At least 3 months before any election, the Secretary of State shall furnish each municipality with a reasonable number of dated absentee ballot applications. A reasonable time before any election, the Secretary of State shall furnish each municipality with a reasonable number of absentee ballots and return envelopes.

Sec. 24-D. ~~21 MRSA § 1253, sub-§ 1~~, as amended by PL 1975, c. 387, § 2, is repealed and the following enacted in place thereof:

1. Applications available. On request, the clerk shall furnish a reasonable number of ballot applications to any person, provided that the date of the election for which such application shall be used is plainly printed on its face and that no application shall be furnished more than 3 months prior to the election for which such application shall be used.

Sec. 24-E. Effective date. Section 24-D of this Act shall take effect 91 days after the adjournment of the Legislature. Section 24-C and 24-D shall not apply to any elections held before January 1, 1976.

Sec. 25. 22 MRSA § 5, 3rd sentence from end of the first ¶, as last amended by PL 1971, c. 592, § 34, is further amended to read:

No such license shall be issued until the applicant has furnished the department with a written statement signed by the Commissioner of Public Safety or the proper municipal official designated in Title 25, chapters ~~311~~ 313 to 321 to make fire safety inspections that the home and premises comply with said Title 25, chapters ~~311~~ 313 to 321 relating to fire safety.

Sec. 26. 22 MRSA § 5-A, 2nd sentence from end of the first ¶, as enacted by PL 1973, c. 164, § 2, is amended to read:

No such license shall be issued until the applicant has furnished the department with a written statement signed by the Commissioner of Public Safety or his duly authorized representative or the proper municipal official designated in Title 25, chapters ~~311~~ 313 to 321 to make fire safety inspections that the facility and premises comply with said Title 25, chapters ~~311~~ 313 to 321 relating to fire safety.

Sec. 26-A. 22 MRSA § 1471-J, first sentence, as enacted by PL 1975, c. 397, § 2, is amended to read:

Any person who violates any provision of this chapter or any order, regulation, decision, certificate or license issued by the board or does any act constituting a ground for revocation except in section ~~1471-B~~ 1471-D, subsection 8, paragraphs A and H, shall be punished by a fine of not more than \$500 for the first offense and not less than \$500 for each subsequent offense.

Sec. 26-B. Effective date. Section 26-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 27. 22 MRSA § 1816, 3rd sentence, as amended by PL 1971, c. 592, § 5, is further amended to read:

No such license shall be issued until the applicant has furnished the department with a written statement signed by the Commissioner of Public Safety or the proper municipal official designated in Title 25, chapters ~~311~~ 313 to 321 to make fire safety inspections that the home and premises comply with said chapters ~~311~~ 313 to 321 relating to fire safety.

Sec. 28. 22 MRSA § 3273, sub-§ 1, ¶ B, as enacted by PL 1973, c. 790, § 3, is amended to read:

B. For an individual who resides in an adult foster home or boarding home, in addition to the benefits provided herein under ~~subsections~~ paragraphs A and C, provide sufficient income to allow the individual for personal needs an amount equal to the rates set in subsection (e) (i) (B) of section 1611 of Title XVI of the United States Social Security Act, as amended, plus an amount sufficient to meet the monthly per resident payment rate as established by the department for such home in which the individual resides; and

Sec. 29. 22 MRSA § 3282, last 2 sentences, as enacted by PL 1973, c. 790, § 3, are amended to read:

If any of the provisions of said chapters shall be in violation of the provisions of the Federal Social Security Act as in effect on the effective date of this Act April 1, 1974, such provision shall be null and void and the department shall, in that event, take such action as is consistent with the intent of this Act and as is necessary to continue participation by the State of Maine in the program authorized by Title XVI of the United States Social Security Act, as amended. If any of the provisions of this Act shall be in violation of any amendment to the Social Security Act which shall take effect subsequent to the effective date of this Act April 1, 1974, the department shall recommend to the Legislature legislation which is necessary or desirable to conform the laws of the State to such amendments.

Sec. 30. 22 MRSA § 3283 is enacted to read:

§ 3283. Medical expenses for catastrophic illness

The Department of Health and Welfare is authorized to provide financial assistance to, or in behalf of, families or individuals whose costs for hospital in-patient or out-patient care, physicians' services, drugs, appliances and other related services, included skilled nursing home care as defined by the department and as determined by the department to be necessary, cannot be met from their own or other sources, when said costs are of such magnitude as to constitute a financial catastrophe for the said families or individuals, or when it can be determined that medical indigency exists. Skilled nursing home care shall be an eligible service only when the patient is admitted to a skilled nursing facility within 7 days of discharge from a general hospital, following a minimum in-patient stay of at least 5 days. Furthermore, eligibility for payment for skilled nursing home care shall be for a maximum of 60 days in any one year, or in association with any one illness episode.

Application for assistance through the Catastrophic Medical Expense Fund shall be made by the individual who is, or has been, receiving the care for which financial assistance is being sought, or by a person who is legally responsible for such costs, or by a legal representative of said individual. Assistance shall be available through this fund only in behalf of specific individuals, and only for those who are not eligible for aid through federally matched medical care programs as administered in Maine, and, furthermore, it shall terminate when any similar federal program becomes effective. The Governor shall determine by proclamation when said federal program has become effective. Eligibility for, and aid through, this fund shall be on a year to year basis, and eligibility and amount of aid shall be determined only after the full application to the costs of medical care in any one year of all applicable health care insurance benefits, other 3rd-party payor benefits legally provided for, or liability benefits identified as being for medical or rehabilitative care. Furthermore, from all net income before taxes received by the applicant or those legally responsible for the costs of the applicant's care, 20% will be assumed to be applicable to the liabilities for the care for which assistance is being sought. If the applicant has, or those legally responsible for the applicant's care have, or they jointly have, a net worth in excess of \$20,000, and the excess net worth includes cash or readily cashable assets, then 10% of such cash or cashable assets shall be assumed to be applicable to the liabilities for care. If after the application of all of the above resources, the residual liability, in any one year, for which assistance is being sought is less than \$1,000, no payment shall be made from this fund, and only that amount in excess of \$1,000 shall be paid. No reimbursements shall be made for bills already paid. Payments from this fund shall only be made directly to the vendors or pro-

viders of care. However, this section shall not be deemed to create any rights or causes of action against the State in such a vendor or provider of care, his heirs or assigns. When eligibility has been established, the Department of Health and Welfare may make payments from this fund, during the remainder of the year of eligibility, for those goods and services provided for in this section.

The Department of Health and Welfare is authorized to promulgate and adopt the additional rules and regulations necessary for administration of this section.

Prior to the adoption, amendment or repeal of any rules or regulations, the department shall hold a public hearing to afford interested persons the opportunity to submit suggestions orally or in writing. At least 35 days prior to any public hearing and for a period of 5 days, the department shall publish notice of time and place of said public hearing in appropriate newspapers throughout the State. At least 30 days prior to said hearing, the department shall make copies of all proposed rules, regulations or changes available to any interested person. Any proposed rules, regulations or changes shall be published within 30 days following the public hearing. Any person aggrieved by any decision of the department, including the promulgation of any rules, regulations or changes may complain within 30 days of the decision or the publication of the rules, regulations or changes to the Administrative Court Judge. The decision or rule of the department may be stayed by the Administrative Court Judge until a final decision on the complaint is rendered. The adoption, amendment or repeal of any rule shall be effective after a 60 day review period following the public hearing.

Medical indigency and eligibility for assistance under this section are to be defined and determined in manners consistent with the requirements for the receipt of federal matching funds under Title XIX, or its successors, of the Social Security Act.

An applicant shall be an adult who requires care and assistance, an adult legally responsible for such care of another or an adult who is legally responsible for the care of, and is applying in behalf of, one or more dependent minor children. Applications may be made in behalf of said applicants by their legal representatives.

The income factor of eligibility will be met if, after reducing all income received by or available to the applicant by the liabilities for the kinds of goods and services provided for in this section, the residual income does not exceed 133% of an amount equal to the public welfare standards applicable to the applicant.

The application of any available insurance, other 3rd-party liabilities or other benefits to which the applicant may be entitled or the determination of other eligibility factors shall be in accordance with federal matching requirements.

The Department of Health and Welfare shall adopt and promulgate the additional rules and regulations which may be necessary for proper, equitable, and effective administration of this section.

Prior to the adoption, amendment or repeal of any rules or regulations, the department shall hold a public hearing to afford interested persons the oppor-

tunity to submit suggestions orally or in writing. At least 35 days prior to any public hearing and for a period of 5 days, the department shall publish notice of the time and place of said public hearing in appropriate newspapers throughout the State. At least 30 days prior to said hearing, the department shall make copies of all proposed rules, regulations or changes available to any interested person. Any proposed rules, regulations or changes shall be published within 30 days following the public hearing. Any person aggrieved by any decision of the department, including the promulgation of any rules, regulations or changes may complain within 30 days of the decision or the publication of the rules, regulations or changes to the Administration Court Judge. The decision or rule of the department may be stayed by the Administrative Court Judge until a final decision on the complaint is rendered. The adoption, amendment or repeal of any rule shall be effective after a 60 day review period following the public hearing.

Any balances of funds appropriated for medical expenses under this section shall not lapse but shall be carried forward from year to year to be expended for the same purpose.

Sec. 31. 22 MRSA § 3454, as enacted by PL 1973, c. 768, § 1, is repealed.

Sec. 32. 22 MRSA § 4504, last ¶, as enacted by PL 1973, c. 788, § 94, is amended to read:

Within 6 months after ~~the effective date of this Act~~ April 1, 1974, each municipality shall present to the Commissioner of Health and Welfare, for filing, a copy of the rules and regulations. Any amendment or modification of the municipal welfare rules and regulations shall be submitted to the commissioner for filing.

Sec. 32-A. 24 MRSA § 2403, sub-§ 3, 3rd ¶, as enacted by PL 1975, c. 442, is amended to read:

The association shall not commence underwriting operations for other licensed health care providers until the superintendent, after due hearing and investigation, has determined that medical malpractice insurance cannot be made available for a specific type of licensed ~~determination~~ health care providers. ~~the~~ The association shall be the exclusive agency through which medical malpractice insurance may be written in this State on a primary basis for such specific type of health care provider.

Sec. 32-B. 24 MRSA § 2406, sub-§ 5, 5th sentence, as enacted by PL 1975, c. 442, is amended to read:

The moneys held in trust shall be used solely for the purpose of discharging when due any retrospective premium charges payable ~~to~~ by policyholders of the association under the group retrospective rating plan authorized by this chapter.

Sec. 32-C. 24 MRSA § 2413, as enacted by PL 1975, c. 442, is amended to read:

§ 2413. Privileged communications

There shall be no liability on the part of and no cause of action of any nature shall arise against the ~~communications~~ commission, the association,

PUBLIC LAWS, 1975

the superintendent or his authorized representatives or any other person or organization for any statements made in good faith by them during any proceedings or concerning any matters within the scope of this chapter.

Sec. 33. 24-A MRSA § 2180, last sentence of the first ¶, as enacted by PL 1969, c. 504, § 40-A, is amended to read:

No such officer or employee, or person, firm or corporation acting or purporting to act on behalf of such ~~office~~ officer or employee, shall negotiate, make application for, obtain or procure any such surety bond or contract of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be ~~obtain~~ obtained or procured by the bidder, contractor or subcontractor.

Sec. 34. 25 MRSA § 2352 is amended to read:

§ 2352. Right to enter buildings

An inspector of buildings in the performance of his official duty may enter any building for the purpose of making the inspection required by chapters ~~311~~ 313 to 321.

Sec. 35. 25 MRSA § 2359 is amended to read:

§ 2359. Refusing admission to inspector

Any owner or occupant of a building, who refuses to permit an inspector of buildings to enter his buildings or willfully obstructs him in the inspection of such building as required by chapters ~~311~~ 313 to 321, shall be punished by a fine of not less than \$1 nor more than \$20, to be recovered by complaint or indictment.

Sec. 35-A. 26 MRSA § 5, first, 2nd and 4th ¶¶, as repealed and replaced by PL 1975, c. 460, are amended to read as follows:

No court nor any judge or judges thereof shall issue a preliminary or permanent injunction in any case involving or growing out of a labor dispute except after hearing the testimony of witnesses in open court with opportunity for cross-examination and after a showing that **such injunction is necessary to avoid a substantial and irreparable injury to the complainant's property** ~~is not likely to be avoided~~. Such hearing shall be held after due and personal notice thereof has been given in such manner as the court shall direct to all known persons against whom relief is sought.

If a complainant shall allege that ~~unless~~ **the issuance of a temporary restraining order shall be issued** before such hearing can be held ~~that said is necessary in order to avoid a substantial and irreparable injury to complainant's property will not likely be avoided~~, a temporary restraining order may be granted upon the expiration of such reasonable notice as the court may direct by order to show cause but in no case less than 48 hours.

Such temporary restraining order shall be effective for no longer than 5 days except as ~~thereafter~~ hereafter provided. If the hearing for a preliminary

injunction shall have been begun before the expiration of the said 5 days, and if the complainant has shown by clear and convincing evidence that an imminent danger of substantial and irreparable injury to his or its property or to his person will exist if the restraining order is not continued, the restraining order may in the court's discretion be continued until a decision is reached upon the issuance of the preliminary injunction.

Sec. 35-B. Effective date. Section 35-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 36. 26 MRSA § 112, last ¶ is amended to read:

It shall be unlawful to use any false or misleading statement, term or designation on said tag or to remove, deface or alter, or to attempt to remove, deface or alter such tag or any statements thereon ~~or the adhesive stamp.~~

Sec. 36-A. 26 MRSA § 135, first ¶, as enacted by PL 1975, c. 176, is amended to read:

Each article covered by this subchapter shall bear a plainly visible tag or be contained in a bag or box upon which shall be indelibly stamped or printed, in English, the name of the manufacturer or vendor and a statement showing the kind of materials used in filling such article ~~and with approximate percentages when mixed.~~

Sec. 36-B. Effective date. Section 36-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 37. 26 MRSA § 142, first ¶, as amended by PL 1973, c. 669, § 1 and c. 788, § 115, is repealed and the following enacted in place thereof:

This subchapter shall not apply to boilers which are under federal control; or to boilers used solely for propelling motor road vehicles; or to boilers of steam fire engines brought into the State for temporary use in times of emergency to check conflagrations; or to boilers used for agricultural purposes only, or to steam heating boilers, hot water heating boilers and hot water supply boilers, except boilers located in schoolhouses or boilers owned by municipalities, constructed and installed in accordance with the rules adopted by the Board of Boiler Rules; or to miniature boilers exempt by section 245.

Sec. 37-A. 26 MRSA § 626, first sentence, as repealed and replaced by PL 1975, c. 113, § 4, is amended to read:

Any employee leaving his or her employment shall be paid in full within a reasonable time after demand at the office of the employer where payrolls are kept and wages are paid; provided that any loan or advance against future earnings or wages may be deducted if evidenced by a statement in writing signed by said employee.

Sec. 37-B. 26 MRSA § 626, 3rd ¶, as repealed and replaced by PL 1975, c. 113, § 4, is amended to read:

In any action for unpaid wages brought under this subchapter, the employer shall not deduct as a setoff or counterclaim any moneys allegedly due the employer as compensation for damages caused to the employer's property

by the employee, or any moneys allegedly owed to the employer by the employee, notwithstanding any procedural rules regarding counteractions; provided that any loan or advance against future earnings or wages may be deducted if evidenced by a statement in writing signed by said employee, and that nothing in this section shall be construed to limit or restrict in any way any rights which the employer now has to recover, by a separate legal action, any moneys owed said employer by said employee.

Sec. 37-C. 26 MRSA § 626-A, last ¶, first sentence, as enacted by PL 1975, c. 113, § 5, is amended to read:

The suit for unpaid wages may be brought by either the affected employee or ~~employers~~ employees or by the bureau.

Sec. 37-D. Effective date. Sections 37-A, 37-B and 37-C of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 37-E. 26 MRSA § 965, sub-§ 2, ¶ C, as last repealed and replaced by PL 1973, c. 617, § 2, is repealed and the following enacted in place thereof:

C. A panel of mediators, to consist of not less than 5 nor more than 10 impartial members, shall be appointed by the Governor, with the advice and consent of the Council, from time to time upon the expiration of the terms of the several members, for terms of 3 years. They shall be chosen by the Governor from a list, containing at least 5 times as many names as the number of persons to be chosen, supplied at least once a year by the Maine Labor Relations Board. Vacancies occurring during a term shall be filled for the unexpired term. Members of the panel shall each receive \$75 a day for their services for the time actually employed in the discharge of their official duties and shall also receive their traveling and all other necessary expenses. The costs for services rendered and expenses incurred by members of the panel of mediators shall be paid by the State for those mediation cases not exceeding 3 days in length from an appropriation for said panel which shall be included in the budget of the Public Employees Labor Relations Board. Any costs for services rendered and expenses incurred by the panel of mediators beyond the 3rd mediation day per case shall be shared equally by the parties to the proceedings, except that on a showing by either party that such payment would impose undue financial hardship, the executive director may waive all or part of such obligation. Such amount waived shall be paid from the above-mentioned appropriation. Authorization for services rendered and expenditures incurred by members of the panel shall be the responsibility of the Executive Director of the Maine Labor Relations Board.

Sec. 37-F. Effective date. Section 37-E of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 38. 26 MRSA § 663, sub-§ 6 is repealed as follows:

~~6. Resort establishment. "Resort establishment," any hotel, motel, sporting camp, cottage colony or similar establishment which primarily offers lodging accommodations of a vacational rather than a transient nature;~~

Sec. 39. 26 MRSA § 979-H, sub-§ 3, as enacted by PL 1973, c. 774, is amended to read:

3. ~~Aftering~~ After hearing ~~an~~ and argument, if, upon a preponderance of the evidence received, the board shall be of the opinion that any party named in the complaint has engaged in or is engaging in any such prohibited practice, then the board shall in writing state its findings of fact and the reasons for its conclusions and shall issue and cause to be served upon such party an order requiring such party to cease and desist from such prohibited practice and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this chapter. No order of the board shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if such individual was suspended or discharged for cause.

Sec. 40. 28 MRSA § 101, sub-§ 14, as enacted by PL 1973, c. 749, § 3, is repealed.

Sec. 41. 28 MRSA § 101, sub-§ 15 is enacted to read:

15. Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale and other malt liquors), wine and spirits to be consumed on the premises of a municipal auditorium?

Sec. 42. 28 MRSA § 101, first sentence of the 4th ¶, as last amended by PL 1973, c. 747, § 5 and c. 788, § 125, is repealed and the following enacted in place thereof:

A new vote may be held in a municipality upon one or more of the ballot questions, upon receipt of a petition of electors resident in that municipality, in writing addressed to the Secretary of State and signed by at least 15% of the number of voters voting for the gubernatorial candidates at the last state-wide election in that municipality, which petition shall be filed with the Secretary of State 120 days prior to any general, primary or special state-wide election.

Sec. 43. 28 MRSA § 101, 5th ¶ from the end, as last amended by PL 1973, c. 747, § 4 and as repealed and replaced by c. 788, § 124, is repealed and the following enacted in place thereof:

Where a city or town has voted in favor of accepting or not accepting the ballot questions, said vote shall be effective until repealed in the manner hereinafter provided.

Sec. 44. 28 MRSA § 801, first sentence, as last amended by PL 1973, c. 747, § 9 and c. 749, § 7, is repealed and the following enacted in place thereof:

Licenses for the sale of spirituous and vinous liquor and malt liquor to be consumed on the premises where sold may be issued to clubs and to bona fide hotels, restaurants, vessels, railroad dining cars, airlines, to incorporated civic organizations pursuant to section 801-B and municipal auditoriums on payment of the fees provided; subject to the condition that the application therefor be approved by the municipal officers of the town or city in which such intended licensee, if operating a club, restaurant, hotel or municipal auditorium is operating the same, and if said hotel, restaurant or club is located in an unorganized place, said application shall be approved by the county commissioners of the county, within which such unorganized place is located, and subject to the further condition that licenses issued to restaurants, except class A restaurants, shall be limited to malt liquor or wine, or both.

Sec. 44-A. 29 MRSA § 246, as last amended by PL 1973, c. 714, § 2, is further amended by inserting at the end the following new paragraph:

On any application by an owner of a farm motor truck having 2 or 3 axles, when such trucks are used primarily for transportation of agricultural produce, grown by the owner on his farm or farms, $\frac{1}{2}$ the registration fee may be charged during the last 6 months of a registration year.

Sec. 44-B. 29 MRSA § 531, 4th ¶, sub-§§ 2 and 3, as enacted by PL 1973, c. 587, § 2, are repealed and the following enacted in place thereof:

2. Class 2. Any single unit vehicle of over 18,000 pounds registered weight or any such vehicle towing another of 8,000 pounds g. v. w. or less, any bus carrying passengers, including "Class 3," except school bus, motorcycle or motor driven cycle;

3. Class 3. Any motor vehicle or combination of vehicles not exceeding registered weight of 18,000 pounds or any registered farm motor truck bearing the letter F, except school bus, motorcycle or motor driven cycle;

Sec. 44-C. 29 MRSA § 2241, 3rd ¶ from the end, first sentence, as repealed and replaced by PL 1971, c. 345, § 1, is amended to read:

The notification of the suspension or revocation of any certificate of registration or any license issued to any person to operate a motor vehicle shall be sufficient if sent to the registrant or licensee to the address given by him by registered or certified mail, restricted delivery, return receipt requested ~~with instructions to deliver to addressee only.~~

Sec. 44-D. 29 MRSA § 2302, first sentence, as amended by PL 1975, c. 430, § 55, is repealed and the following enacted in place thereof:

The District Court shall have original and exclusive jurisdiction over all prosecutions for traffic infractions.

Sec. 44-E. Effective date. Section 44-D of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 44-F. 29 MRSA § 2444, sub-§ 1, as enacted by PL 1973, c. 586, § 1, is repealed and the following enacted in place thereof:

1. Enforcement officers. Any officer charged with enforcement who learns of the theft of a vehicle not since recovered or of the recovery of a vehicle whose theft or conversion he knows or has reason to believe has been reported to the Secretary of State shall forthwith report such theft or recovery to the Secretary of State.

Sec. 44-F-1. 29 MRSA § 2362, sub-§ 7, is enacted to read:

7. Any trailer designed for the transportation of no more than 4 horses.

Sec. 44-G. 30 MRSA § 2, 17th ¶, as last amended by PL 1973, c. 767, § 16, is repealed and the following enacted in place thereof:

York County: County commissioners, \$2,893; clerk of courts, \$9,672; deputy clerk of courts, \$6,341; county treasurer, \$3,110; sheriff, \$10,768; register of deeds, \$8,974; judge of probate, \$8,375; register of probate, \$6,581.

Sec. 44-H. 28 MRSA § 807, sub-§ 3, as enacted by PL 1975, c. 540, § 4, is amended to read:

3. **Separate area for sale of food and liquor.** A separate area shall be set aside for the sale of food and liquor in these recreational clubs in accordance with the rules of the ~~Bureau of Alcoholic Beverages~~ **State Liquor Commission.**

Sec. 44-I. PL 1975, c. 540, § 6 is amended to read:

Sec. 6. Application limited. This Act shall remain in effect only until January 1, 1977 during which time the ~~Bureau of Alcoholic Beverages~~ **State Liquor Commission** shall evaluate the effectiveness of this law and make a written report to the 108th Legislature.

Sec. 44-J. Effective date. Sections 44-H and 44-I of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 45. 30 MRSA § 105-A, 2nd ¶, as enacted by PL 1973, c. 312, § 1, is amended to read:

Commissioner District number one consisting of the municipalities and unorganized territories of Amity, Bancroft, Benedicta, Blaine, Bridgewater, Castle Hill, Cary Plt., Chapman, Cox Patent, Crystal, Dyer Brook, Dudley, E Plt., ~~Glenwood Plt.~~, Hammond Plt., Haynesville, Hersey, Hodgdon, Houlton, Island Falls, Linneus, Littleton, Ludlow, Macwahoc Plt., Mapleton, Mars Hill, Merrill, Monticello, Moro Plt., Molunkus, New Limerick, Oakfield, Orient, Reed Plt., Sherman, Smyrna, Westfield, Weston, Silver Ridge Twp., TAR2, TAR5 (Molunkus), TCR2, TDR2, T1R4 (North Yarmouth Academy Grant), T1R4 (Upper Molunkus), 1R5, 2R4, 3R2, 3R3, 3R4, 4R3, 7R3, 7R4 (Webbertown), 7R5, 8R3, 8R4 (St. Croix), 8R5, 9R3, 9R4, 9R5, 10R3, 10R4 (Squapan), 11R4 WELS.

Sec. 45-A. 30 MRSA § 502, first sentence, as last amended by PL 1975, c. 430, § 65, is further amended to read:

The district attorney shall attend all criminal terms held in the counties within the prosecutorial district for which he was elected and act for the State in all cases in which the State or county is a party or interested, and unless he makes an order of dismissal as provided, shall diligently and without delay prosecute to final judgment and sentence all criminal and traffic infraction cases before the ~~Superior Court~~ **District Court** of any of the counties within his district, and in the absence of the Attorney General from a term in any of the said counties, shall perform his duties in state cases, under directions from him, in any of the said counties, and he shall appear and act for the State with the Attorney General in the law court in all state cases coming into said court from any of the said counties.

Sec. 45-B. Effective date. Section 45-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 45-C. 30 MRSA § 2151, sub-§ 2, ¶ H, first sentence, as last amended by PL 1973, c. 676, § 2, is further amended to read:

The municipal officers may contract on such terms and conditions and impose such fees, as are in the best interests of the municipality, including the grant

of an exclusive franchise for a period not to exceed ~~to~~ 15 years, for the placing and maintenance of cable television systems and appurtenances or parts thereof, along public ways and including contracts with cable television companies which receive the services of television signal transmission offered by any public utilities using public ways for such transmission.

Sec. 45-D. 30 MRSA § 2354, first ¶ is repealed and the following enacted in place thereof:

The clerk may appoint in writing one or more assistants who shall perform any duties of the office prescribed by the clerk.

Sec. 46. 30 MRSA § 3774, sub-§ 3, as enacted by PL 1973, c. 680, § 5, is amended to read:

3. **Medical examinations.** No person hired after ~~the effective date of this Act~~ June 28, 1974 shall serve as a full-time member of a municipal fire department unless he has undergone a complete preemployment medical examination; nor shall he serve as a full-time member of a municipal fire department, if in the opinion of competent medical authority after examination, he is not capable of performing the duties required of him.

Sec. 46-A. 30 MRSA § 4162, sub-§ 4, ¶ D, as last repealed and replaced by PL 1975, c. 339, § 7, is amended to read:

D. Lease campsites, garages, depots, warehouses and other structures, or sites for the same, for a term of years not exceeding 5; grant options to renew such leases for a further term of years not to exceed 5 in the case of a commercial camp which in the opinion of the director requires such option to secure adequate financing for the maintenance or improvement of facilities located upon public reserved land; and in the case of leases acquired by the State on lands exchanged for public reserved lands, shall authorize, upon reasonable terms and conditions, the transfer of leasehold interests from a lessee of a residential campsite to another;

Sec. 46-B. Effective date. Section 46-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 47. 30 MRSA § 4163, as last repealed and replaced by PL 1973, c. 788, § 142 and as amended by c. 797, § 1, is repealed and the following enacted in place thereof:

§ 4163. Funds from public reserved lands

All income received by the Director of the Bureau of Public Lands from the public reserved lands, except income provided for in section 4166, shall be deposited with the Treasurer of State, to be credited to a Public Reserved Lands Management Fund which is hereby established as a nonlapsing dedicated fund. Moneys credited to the Public Reserved Lands Management Fund shall be available for expenditure by the Director of the Bureau of Public Lands for the purposes set forth in section 4162 without limitation as to fiscal year.

Sec. 47-A. 30 MRSA § 4760, last ¶, first sentence, as repealed and replaced by PL 1973, c. 517, § 4, is amended to read:

The state authority may not purchase such first mortgage loan or evidence of such loan unless at least a reasonable number of the families or individuals who occupy or will occupy the ~~mortgage mortgaged~~ mortgaged premises are persons of low income as defined in this subchapter.

Sec. 47-B. 30 MRSA § 4964, as last amended by PL 1973, c. 681, § 13, is further amended by inserting after the first sentence the following:

Any property or use existing in violating of such an ordinance is a nuisance.

Sec. 48. 30 MRSA § 5062, as last repealed and replaced by PL 1973, c. 788, § 146, is repealed.

Sec. 49. 30 MRSA § 5063, 3rd sentence from end, as enacted by PL 1973, c. 665, is amended to read:

The reports shall ~~be filed within 90 days of the effective date of this Act for the immediately preceding fiscal year of each district and, thereafter, shall be~~ filed within 45 days of the end date of each fiscal year.

Sec. 49-A. 30 MRSA § 5353, sub-§ 1, ¶ B, as enacted by PL 1969, c. 353, is repealed and the following enacted in place thereof:

B. Voters. Each district shall contain as nearly as possible the same number of inhabitants as determined according to the latest Federal Decennial Census, but districts shall not differ in number of registered voters by more than 10% of the voters in the smallest district created.

Sec. 49-B. 32 MRSA § 73, sub-§ 7, as enacted by PL 1975, c. 417, § 3, is repealed and the following enacted in place thereof:

7. Limitation. Successful completion of the Emergency Medical Technician Ambulance Course prepared by the United States Department of Transportation or its equivalent shall not be required as a condition for licensure of volunteer ambulance personnel in any municipality with a population of less than 10,000 persons, unless the department finds, after a public hearing in the municipality in which the ambulance service is located, that both of the following conditions have been satisfied:

A. The Emergency Medical Technician Ambulance Course or its equivalent has been offered within 10 miles of the municipality during the 3 years preceding the public hearing;

B. Local or state authorities have made adequate arrangements to provide for at least $\frac{2}{3}$ of the costs of this course.

Sec. 49-C. Effective date. Section 49-B of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 50. 32 MRSA § 1685, sub-§ 1, as last amended by PL 1973, c. 788, § 154, is further amended to read:

1. Land surveyor. The registration fee for land surveyors shall be established by the board in an amount not to exceed \$25, $\frac{1}{2}$ of which shall accom-

pany the application in which case the fee shall be not more than \$10 and shall all accompany the application.

Sec. 51. 32 MRSA § 3276, as enacted by PL 1971, c. 591, § 1, is repealed.

Sec. 51-A. 32 MRSA § 4859-A, next to last ¶, first sentence, as enacted by PL 1975, c. 477, § 4, is amended to read:

The board shall keep minutes ~~of~~ or records of the hearing in such manner as it determines to be desirable and feasible.

Sec. 51-B. 32 MRSA § 4860, sub-§ 4, as enacted by PL 1975, c. 477, § 4, is repealed and the following enacted in place thereof:

4. Out-of-state veterinarian consulting with licensed veterinarian. A veterinarian legally licensed in another state consulting with a licensed veterinarian in this State.

Sec. 51-C. Effective date. Sections 51-A and 51-B of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 51-D. 32 MRSA § 4918, as enacted by PL 1973, c. 588, § 1, is amended to read:

§ 4918. Plans prepared

All geologic plans, specifications, reports ~~of~~ or documents, which shall enter the public record, shall be prepared by a certified geologist, or by a subordinate under his direction. In addition, such documents shall be signed by him which shall indicate his responsibility for them.

Sec. 51-D-1. 32 MRSA § 5002, last sentence, as enacted by PL 1975, c. 490, is amended to read:

Nothing in this chapter shall be construed as preventing or prohibiting any person from managing or otherwise conducting forestry practices on land owned, leased, rented or held under any contractual arrangement by such person; nor shall anything herein prohibit any regular employee or official of any person, corporation, agency, institution or other entity from engaging in forestry practices on lands owned, leased, rented or held under any contractual arrangement by such person, corporation, agency or other entity; nor shall anything herein prohibit any graduate of a school of forestry recognized by the board from practicing forestry under the supervision of a registered forester; nor shall anything herein prohibit employees of a governmental agency from practicing for said governmental agency.

Sec. 51-D-2. 32 MRSA § 5018, 2nd ¶, as enacted by PL 1975, c. 490, is repealed and the following enacted in place thereof:

Any person alleged to have been defrauded may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any registrant. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the board.

Sec. 51-D-3. Effective date. Sections 51-D-1 and 51-D-2 of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 51-E. 33 MRSA § 775, sub-§ 10, as enacted by PL 1967, c. 377, is repealed and the following enacted in place thereof:

10 Deed from Multiple Grantors to Joint Tenants

Sec. 51-F. 33 MRSA § 775, 10th form, first line, as last repealed and replaced by PL 1975, c. 104, § 2, is repealed and the following enacted in place thereof:

10 Deed From Multiple Grantors to Joint Tenants

Sec. 51-G. Effective date. Section 51-F of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 51-H. 34 MRSA § 529, first paragraph, as enacted by PL 1975, c. 492, § 2, is amended to read:

When it appears to the Director of the Bureau of Corrections, for reasons of availability of rehabilitative programs and the most efficient administration of correctional resources, that the requirements of any person sentenced or committed to a penal, correctional or juvenile institution would be better met in a facility, institution or program other than that to which such person was originally sentenced, the Director of the Bureau of Corrections, with the consent of the person so sentenced, may transfer, after written notice of the transfer to the court which originally had jurisdiction and in the absence of any objection by the court within 14 days following the date of the notice, such person to another correctional institution, residential facility or program administered by or providing services to the Bureau of Corrections; provided that no juvenile shall be transferred to a facility or program for adult offenders and that no male juvenile shall be transferred to the Stevens School at Hallowell.

Sec. 51-I. Effective date. Section 51-H of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 51-J. 34 MRSA § 2105, first ¶, next to last sentence, as enacted by PL 1975, c. 188, is amended to read:

Such a patient shall not be placed on indefinite convalescence status from any state hospital or institution if, according to the determination of the chief administrative officer or a person designated by him, the residential facility in which the patient will be residing is not at least equivalent in the quality of the living conditions to the hospital or institution from which he is to be placed on indefinite convalescence status.

Sec. 51-K. 34 MRSA § 2105, as enacted by PL 1975, c. 188, is amended by inserting before the last sentence of the first paragraph the following:

For the purposes of this section, the phrase "living conditions" shall include, but not be limited to, the physical conditions of the facility, the individual

treatment plan provided for each patient and the programs for treatment available to and appropriate for each patient.

Sec. 51-L. Effective date. Sections 51-J and 51-K of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 51-M. 35 MRSA § 2847, sub-§ 3, is repealed and the following enacted in place thereof:

3. Staggered terms. In lieu of electing the whole number of trustees annually, the bylaws may provide that the trustees be divided into either 2 or 3 classes, each class to be as nearly equal as possible. The term of office of trustees of the first class shall expire at the first annual meeting of members after their election, that of the 2nd class shall expire at the 2nd annual meeting after their election and that of the 3rd class, if any, shall expire at the 3rd annual meeting after their election. At each annual meeting after such classification, the number of trustees equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the 2nd succeeding annual meeting, if there be 2 classes, or until the 3rd succeeding annual meeting, if there be 3 classes. No classification of trustees shall be effective prior to the first annual meeting of members.

Sec. 52. 36 MRSA § 384, 3rd sentence, as last repealed and replaced by PL 1973, c. 695, § 8, is amended to read:

He shall direct proceedings, actions and prosecutions to be instituted to enforce all laws relating to the assessment and taxation of property and to the liability of individuals, public officers and officers and agents of corporations for failure or negligence to comply with the laws governing the assessment or taxation of property, and the Attorney General and ~~county~~ district attorneys, upon the written request of the State Tax Assessor, shall institute such legal proceedings as may be necessary to carry out this Title.

Sec. 53. 36 MRSA § 654, sub-§ 1, ¶ E is amended to read:

E. The estates up to the value of \$3,500 of all persons determined to be blind within the definition provided by Title 22, ~~chapters 951 to chapter 959~~, who are receiving aid under ~~those chapters~~ that chapter;

Sec. 54. 36 MRSA § 706, first ¶, as last repealed and replaced by PL 1973, c. 695, § 12, is amended to read:

Before making an assessment, the assessors or the chief assessor of a primary assessing area shall give reasonable notice in writing to all persons liable to taxation in the municipality or primary assessing area to furnish to the assessors or chief assessor of a primary assessing area true and perfect lists of ~~their polls and~~ all their estates, not by law exempt from taxation, of which they were possessed on the first day of April of the same year.

Sec. 55. 36 MRSA § 991, first sentence, as amended by PL 1965, c. 425, § 20-B, is further amended to read:

If any resident or nonresident taxpayer after a reasonable demand refuses or neglects to pay any part of the tax assessed against him in accordance with

this chapter ~~or chapter 109~~, the tax collector may distraint him in any part of the State by any of his goods and chattels not exempt from attachment for debt, for the whole or any part of his tax, and may keep such distress for not less than 4 days nor more than 7 days at the expense of the owner, and if he does not pay his tax within that time, the distress shall be openly sold at vendue by the tax collector after the 4th day but on or before the 7th day.

Sec. 56. 36 MRSA § 993, first sentence, as amended by PL 1965, c. 425, § 20-C, is further amended to read:

If any resident or nonresident taxpayer assessed in accordance with this chapter ~~or chapter 109~~, for 12 days after demand, refuses or neglects to pay his tax and to show the tax collector sufficient goods and chattels to pay it, such officer may arrest him in the county where found and commit him there to jail, until he pays it or is discharged by law.

Sec. 56-A. 36 MRSA § 1482, sub-§ 6, ¶ D is repealed and the following enacted in place thereof:

D. Where an excise tax is paid on a mobile home and said mobile home is later in the same year assessed as real estate, the excise tax paid shall be allowed as a credit on the real estate tax.

Sec. 57. 36 MRSA § 1760, sub-§ 5-A, as enacted by PL 1973, c. 573, is repealed as follows:

~~5-A. Hearing Aids. Sales of hearing aids~~

Sec. 58. 36 MRSA § 2352, first sentence, as last amended by PL 1973, c. 788, § 189, is further amended to read:

The State Tax Assessor or his duly authorized agent shall have access to the books of any corporation, company, association or person required to make returns under sections ~~2516~~ 2517, 2519, ~~and~~ 2520 and ~~2521-A~~, to ascertain if the required returns are correctly made.

Sec. 59. 36 MRSA § 2687-A, as enacted by PL 1973, c. 788, § 190, is amended to read:

§ 2687-A. Failure to make return; assessment

If any corporation, association or person fails to make the returns required by section ~~2687~~ 2686, the State Tax Assessor shall make an assessment of tax upon such corporation, association or person on such gross receipts thereof as he thinks just, with such evidence as he may obtain, and such assessment shall be final.

Sec. 60. 36 MRSA § 4365, 2nd sentence, as enacted by PL 1973, c. 768, § 2, is amended to read:

Any increase in tax authorized under this section shall terminate when a federal program similar to that provided in Title 22, section 3454 becomes effective.

Sec. 61. 37-A MRSA § 50-K, first sentence, as enacted by PL 1973, c. 788, § 196, is amended to read:

In order to assist any person qualifying as an orphan or as a widow, wife or child of a veteran or member of the Armed Forces in accordance with section ~~47~~ 50-J in securing higher education, the bureau shall pay, for any person which it finds eligible for such assistance, a maximum of \$300 per year, for a period of time not exceeding 8 semesters of attendance nor exceeding 6 consecutive academic years from the date of first entrance, towards the cost of such higher education.

Sec. 62. 37-A MRSA § 50-K, last sentence, as enacted by PL 1973, c. 788, § 198, is amended to read:

The ~~commissioner~~ director may waive the limitation of 6 consecutive academic years from the date of the first entrance in those instances where he finds that the recipient orphan's education has been interrupted by severe medical disability or illness which has made continued attendance impossible.

Sec. 63. 37-A MRSA § 50-L, as enacted by PL 1973, c. 788, § 196, is amended to read:

§ 50-L. Free tuition

All children qualifying as orphans and widows qualifying under this subchapter, and the wives and children of those members of the Armed Forces described in the 3rd paragraph of section ~~47~~ 50-J, shall be admitted to state supported post-secondary vocational schools or institutions of collegiate grade free of tuition.

Sec. 64. 38 MRSA § 201, as last amended by PL 1973, c. 513, § 22, is repealed.

Sec. 65. 38 MRSA § 202 is repealed.

Sec. 66. 38 MRSA § 203, as last amended by PL 1973, c. 513, § 22, is repealed.

Sec. 67. 38 MRSA § 204, as last amended by PL 1969, c. 123, § 2, is repealed.

Sec. 68. 38 MRSA § 205, as last amended by PL 1973, c. 17, §§ 5 and 18, is repealed.

Sec. 69. 38 MRSA § 206 is repealed.

Sec. 70. 38 MRSA § 245, as enacted by PL 1971, c. 33, is repealed.

Sec. 71. 38 MRSA § 246, as enacted by PL 1971, c. 544, § 125, is repealed.

Sec. 72. 38 MRSA § 247, as enacted by PL 1971, c. 75, is repealed.

P&SL 1975, c. 75, § 9, is repealed and the following enacted in place thereof:

Sec. 9. Authorized to negotiate temporary loans ; to issue notes and bonds ; declared a quasi-municipal corporation ; notes and bonds legal investments for savings banks. For accomplishing the purposes of this Act, said district, by vote of its board of trustees, without district vote except as hereinafter provided, is hereby authorized to borrow money temporarily and to issue therefor its negotiable notes, and for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this Act, including organizational and other necessary expenses and liabilities incurred by the district, and in acquiring properties, paying damages, laying water mains, drains and conduits, constructing, maintaining and operating water plant or system and making renewals, additions, extensions and improvements to the same and to cover interest payments during the period of construction, said Howland Water District, by vote of its board of trustees, without district vote except as hereinafter provided, is also hereby authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district and such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine. The total indebtedness of said district at any one time outstanding shall not exceed the sum of \$625,000. In case of a vote by the trustees to authorize bonds or notes to pay for the acquisition of property, or the cost of water plant or system or parts thereof, for renewal or additions or for other improvements in the nature of capital costs, the estimated cost of which singly or in the aggregate is \$20,000 or more but not for renewal or refunding existing indebtedness or to pay for maintenance, repairs or for current expenses, notice or proposed debt and other general purpose or purposes for which it was authorized shall be given by the clerk for publication at least once in a newspaper having a general circulation in the Town of Howland. No debt may be incurred under such vote of the trustees until the expiration of 14 calendar days following the date on which such notice was first published. Prior to the expiration of said period, the trustees may call a special district meeting for the purpose of permitting the voters of the district to express approval or disapproval of the amount of debt so authorized, and the trustees shall call such a special district meeting, if within 14 days following the publication of the said notice, there shall have been filed with the clerk of the district a petition or petitions signed by not less than 40 qualified voters of the district requesting that such a special district meeting be called. If at such district meeting the majority of the voters present and voting thereon express disapproval of the amount of debt authorized by the trustees, the said debt shall not be incurred and the vote of the trustees authorizing the same shall be void and of no effect. Said bonds, notes and evidences of indebtedness may be issued to mature serially in annual installments of not less than 1% of the face amount of the issue and beginning not later than 2 years from the date thereof or made to run for such period as the trustees may determine, but no issue thereof shall run for a longer period than 40 years from the date of original issue thereof. Bonds, notes or evidence of indebtedness may be issued with or without provision for calling the same prior to maturity, and if callable may be made callable at par or at such premium as the trustees may determine.

All bonds, notes or other evidences of indebtedness shall have inscribed upon their face the words "Howland Water District," shall be signed by the treasurer and countersigned by the chairman of the board of trustees of the district, and if coupon bonds are issued, the interest coupons attached thereto shall bear the facsimile of the signature of the treasurer.

All such bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district, which is hereby declared to be

a quasi-municipal corporation within the meaning of the Revised Statutes of 1964, Title 30, section 5053, and all provisions of said section shall be applicable thereto. The said district may, from time to time, issue in one series or in separate series its bonds, notes and other evidences of indebtedness, for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness, and each authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by said district shall be legal investments for savings banks in the State of Maine and shall be tax exempt. The said district is authorized and empowered to enter into agreements with the state or federal government or any agency of either or any corporation, commission or board authorized by the state or federal government to grant or loan money to or otherwise assist in the financing of projects such as the district is authorized to carry out, and to accept grants and borrow money from any such government agency, corporation, commission or board as may be necessary or desirable to enforce the provisions of this Act.

Sec. 73. P & SL 1957, c. 190, § 4-A, first ¶, as last repealed and replaced by P & SL 1973, c. 135, § 1, is amended to read:

The Department of Transportation shall grant to the Towns of North Haven, Vinalhaven, Islesboro, Swan's Island and Long Island Plantation free use of the scheduled ferry service ~~during the period September 1 to June 15~~ each year for the following groups:

Sec. 73-A. P&SL 1907, c. 433, § 10, as last repealed and replaced by P&SL 1975, c. 84, is amended by adding a new paragraph to read:

In addition, the district is authorized to collect from industrial users of the waste water and sewage services accepting payment either directly or through the participating municipality, that portion of any federal grant amount allocable to the treatment of such users' waste water and sewage and to maintain said amounts in accordance with the applicable federal statute. The district is also authorized to enter into agreements with municipalities other than the participating municipalities to provide for the payment to the district of the amounts paid or payable to such municipalities pursuant to any federal legislation under which an allocable share of the costs of such municipalities for waste water and sewage treatment facilities may be recovered from industrial users benefited by the facilities and the district is authorized to pay to municipalities amounts which the district has received pursuant to such legislation.

Sec. 74. P & SL 1957, c. 190, § 4-A, sub-§ 1-A is enacted to read:

1-A. Student commuters when attending mainland schools;

Sec. 75. P & SL 1971, c. 147, § 1 is amended by adding at the end the following new paragraph:

Following presentation of its report to the 107th Legislature, the commission shall continue in existence until March 1, 1976 for the purpose of receiving and evaluating proposed amendments to the code. The commission shall make such report and recommendations to the special session of the 107th Legislature as it may determine to be proper. The commission shall consider the inclusion within the code of such crimes and offenses as are not

now included within the code and shall report its recommendations to the said special session. The commission may undertake a program of dissemination of information concerning the code to elements of the Criminal Justice System of Maine and to the public.

In carrying out its duties, the commission shall consult with a subcommittee of the Joint Committee on Judiciary consisting of 3 members to be appointed jointly by the Senate and House Chairman.

Sec. 76. P & SL 1975, c. 29, § 19, first sentence is amended to read:

870-24

In view of the emergency cited in the preamble, this Act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of Newport at any regular meeting, or at any special meetings called and held for the purpose not later than March 10, ~~1975~~ 1976.

Sec. 77. P & SL 1975, c. 64, § 2 is repealed and the following enacted in place thereof:

Sec. 2. University housing. The university shall operate this housing as a unit of the same auxiliary enterprise as other housing on the campus until all the bonds issued as provided in this Act shall be retired and all expenses incurred hereunder shall be paid. The rates for room charged and collected for the amortization of the principal of and the interest on the bonds issued under this Act shall be the same as all other dormitories that are part of the same auxiliary enterprise and the rates so charged and collected shall be pledged to the amortization of principal and interest on all bonds issued under this Act.

Sec. 78. P & SL 1975, c. 64, § 11, 2nd ¶ is repealed and the following enacted in place thereof:

“Shall an Act, as passed by the 107th Legislature, authorizing the renovation of housing for the University of Maine and the issuing of bonds in the amount of \$900,000, to be repaid by student housing fees, be accepted?”

Sec. 79. Effective date. Sections 77 and 78 of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 80. PL 1975, c. 280, § 3 is enacted to read:

Sec. 3. Effective date. This Act shall become effective on March 1, 1976.

Sec. 81. PL 1975, c. 418, § 5 is repealed.

Sec. 82. Effective date. Section 81 of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 83. PL 1975, c. 499, § 72 is enacted to read:

Sec. 72. Effective date. Sections 2 to 71 of this Act shall become effective March 1, 1976.

Sec. 84. Effective date. Section 83 of this Act shall become effective 90 days after adjournment of the Legislature.

Sec. 85. Reorganization. All the powers and responsibilities vested in the State Director of Property Taxation and the Bureau of Property Taxation shall, henceforth, be vested in the State Tax Assessor and the Bureau of Taxation, respectively. Wherever in the Revised Statutes the words "State Director of Property Taxation" appear they shall mean "State Tax Assessor" and the words "Bureau of Property Taxation" shall mean "Bureau of Taxation." Wherever in the Revised Statutes the words "Director of the Bureau of Taxation" appear, they shall mean "State Tax Assessor."

Sec. 86. Effective date. Section 85 of this Act shall become effective 90 days after adjournment of the Legislature.

Sec. 87. Appropriation. There is appropriated from the General Fund the sum of \$200 to be paid to David P. Mayo of Deer Isle as reimbursement of a fine erroneously paid to the State.

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

Effective July 1, 1975 except as otherwise indicated

CHAPTER 624

AN ACT Pertaining to the Disposition of the Facilities of the Women's Correctional Center at Skowhegan.

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

Whereas, the facilities of the former Women's Correctional Center at Skowhegan are presently not being used; and

Whereas, no funds are presently available for the maintenance of such facilities; and

Whereas, it is urgent that such funds be made available and that the Bureau of Public Improvements be given the authority to permit utilization of the buildings; and

Whereas, it is desirable that other portions of such facilities be made immediately available for use by the people of Maine; 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:

34 MRSA § 866 is enacted to read:

§ 866. Disposition of the facilities of the former Women's Correctional Center at Skowhegan