

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

CHAPTER 681**AN ACT to Exempt Emergency Vehicles and School Buses From the Statutory Prohibition of the Use of Studded Tires From May to October.**

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

Whereas, at present, chapter 84 of the Public Laws of 1975 prohibits the use of studded tires on school buses and on emergency vehicles other than fire department vehicles from the first day of May to the first day of October; and

Whereas, treacherous spring ice and snow storms make operation of emergency vehicles and school buses dangerous unless studded tires are used; and

Whereas, it is the intent of this Act to authorize emergency vehicles and school buses the use this May of studded tires; 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:

29 MRSA § 1375, first sentence, as enacted by PL 1975, c. 84, § 1, is amended to read:

It shall be unlawful to operate a motor vehicle or combination of vehicles, except for fire department vehicles and except for school buses during the months school is in regular session, with tires having any metal studs, wires or spikes protruding from the tire tread or any other metal protuberance from the tire tread upon any public highway during the period from the first day of May to the first day of October.

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

Effective March 24, 1976

CHAPTER 682**AN ACT Relating to the Initiative and Referendum Processes.**

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

Whereas, important changes in the laws regulating the initiative and ref-

erendum processes should be in effect to govern any referendum which could be undertaken immediately after adjournment of this special session of the Legislature; 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. 5 MRSA § 2301, sub-§ 1, 2nd ¶ from the end is amended to read:

Secretary of State, but only as he controls and supervises the licensing of auctioneers and as he accepts and reviews initiative and referendum petitions pursuant to Title 21, chapter 33, and subject to the provisions of such chapter;

Sec. 2. 21 MRSA § 1351, first ¶ is amended to read:

On the written ~~request~~ application of a voter, signed in the office of the Secretary of State on a form designed by the Secretary of State, the Secretary of State shall furnish enough petition forms to enable ~~him~~ such voter to invoke the initiative procedure or the referendum procedure provided in the Constitution, Article IV, Part Third. Such application shall contain the names and addresses of 5 voters who shall receive any notices in proceedings under this chapter.

Sec. 3. 21 MRSA §§ 1354-1357 are enacted to read:

§ 1354. Violations

The commission of any of the following acts shall be a Class E crime:

1. False statement. A circulator of an initiative or referendum petition who willfully and falsely swears that one or more signatures to the petition were made in his presence that were not made in his presence or that one or more signatures are those of the persons whose names they purport to be when he knows that such signature or signatures are not those of such persons;

2. False acknowledgement of oath. A person authorized by law to administer oaths who willfully and falsely acknowledges the oath of a circulator of an initiative or referendum petition that was not made in his presence;

3. Unauthorized signature. A person who knowingly signs an initiative or referendum petition with any name other than his own; or

4. Duplicate signature. A person who knowingly signs his name more than once on initiative or referendum petitions for the same measure.

§ 1355. Review of initiative and referendum petitions

1. Secretary of State. The Secretary of State shall review all petitions filed in his office for a referendum pursuant to the Constitution, Article IV, Part Third, Section 17, or for an initiative pursuant to the Constitution, Article IV, Part Third, Section 18. The Secretary of State shall determine

the validity of such petitions and shall within 25 days after the final date for filing such petitions in his office pursuant to the Constitution, Article IV, Part Third, Sections 17 or 18, issue a written decision which shall state the reasons for such decision.

2. Superior Court. Any voter named in the application pursuant to section 1351, or any person who has validly signed such petitions, if these petitions are determined to be invalid, or any other voter, if these petitions are determined to be valid, may appeal the decision of the Secretary of State by commencing an action in the Superior Court. This action shall be conducted in accordance with Rule 80B, Maine Rules of Civil Procedure, except as modified by this section. This action shall be commenced within 5 days of the date of the decision of the Secretary of State and shall be tried, without a jury, within 15 days of the date of this decision. Upon timely application, anyone shall be permitted to intervene in this action when the applicant claims an interest relating to the subject matter of the petitions, unless the applicant's interest is adequately represented by existing parties. The court shall issue its written decision containing its findings of fact and setting forth the reasons for such decision within 30 days of the commencement of the trial or within 45 days of the date of the decision of the Secretary of State, if there is no trial.

3. Supreme Judicial Court. Any aggrieved party may take an appeal, on questions of law, from the decision of the Superior Court by filing a notice of appeal within 3 days of this decision. The appellant shall file the required number of copies of the record with the clerk within 3 days after filing notice of appeal. After filing of a notice of appeal, the parties shall have 10 days in which to file briefs with the clerk of courts. As soon as the record and briefs have been filed, the court shall consider the case forthwith. The court shall issue its decision within 30 days of the date of the decision of the Superior Court.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on April 1, 1976.

Effective April 1, 1976

CHAPTER 683

AN ACT to Allow the Board of Environmental Protection to Grant Limited Variances to Statutory Time Schedules.

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

38 MRSA § 451-B is enacted to read:

§ 451-B. Variances

The Board of Environmental Protection may grant a variance from any statutory water pollution time schedule to any industrial licensee, upon application by any industrial licensee, if the board finds that: