

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
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

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]

2. Reimbursement of election expense. The Secretary of State shall reimburse the municipal officers of each township for those expenses incurred in the conduct of elections held pursuant to this section.

Sec. 2. 21 MRSA § 1573-A, as enacted by PL 1965, c. 12, § 1, is repealed.

Sec. 3. 21 MRSA § 1573-B, as enacted by PL 1971, c. 622, § 69-A and as amended by PL 1973, c. 625, § 115, is repealed.

Sec. 4. 21 MRSA § 1573-C, as enacted by PL 1975, c. 605, § 1, is repealed.

Sec. 5. Appropriation. There is appropriated from the General Fund to the Secretary of State the sum of \$1,600 to carry out the purposes of this Act. The breakdown shall be as follows:

1976-77

SECRETARY OF STATE, DEPARTMENT OF

All Other

\$1,600

Effective July 29, 1976

CHAPTER 775

AN ACT To Clarify Various Statutes Relating to Superior Court Fees and Costs.

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

Whereas, by chapter 383, enacted by the regular session of the 107th Legislature, the Legislature transferred funding of the Superior Court from the counties to the State, beginning July 1, 1976; and

Whereas, there are certain inconsistencies in the statutes governing the fees and funding of the Superior Court, which must be resolved as soon as possible in order to avoid needless confusion in the administration of the Superior Court upon the funding transfer and thus avoid needless confusion in the administration of justice; 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. 15 MRSA §§ 1318, 1319 and 1320 are enacted to read:

§ 1318. Prosecuting attorneys

For purposes of this chapter, the term "prosecuting attorney" shall mean:

1. Attorney General. "Attorney General" where a criminal prosecution is brought by the Attorney General; and

2. District Attorney. "District Attorney" where a criminal prosecution is brought by a District Attorney.

§ 1319. Authorization of payments by a prosecuting attorney

For purposes of this chapter, where a prosecuting attorney is permitted to authorize payment of fees or expenses incurred on behalf of the State in a criminal prosecution, payment of those fees and expenses shall be made by the proper authorities to the persons, municipalities or agencies to whom the payment is authorized upon certification to those authorities by the prosecuting attorney or his designee that the payment is reasonable and necessary to the prosecution of a given criminal case.

§ 1320. Authorization of payment of witness fees of state witnesses in criminal prosecutions

In all criminal prosecutions in the Superior Court, payment of witness fees for state witnesses, fees and expenses payable on account of the services of police officers as witnesses and as complainants, and fees and expenses payable on account of the services of police officers in serving criminal process shall be made upon authorization by the prosecuting attorney or his designee. The amount of the fees and expenses shall be determined in accordance with these statutes.

1. Payments. Payments made hereunder shall be made from the county treasury, unless otherwise expressly directed by law and the payments shall be made from the sums set aside in the county budget for the payments on account of Superior Court criminal proceedings.

2. Expenditures. In fixing the amount of direct expenditures by the counties in calendar year 1975 for the support of the Superior Court pursuant to Title 4, section 118, the Treasurer of State shall not consider sums expended in criminal prosecutions in the Superior Court on account of witness fees for state witnesses, fees and expenses payable on account of the services of police officers as witnesses and as complainants, and fees and expenses payable on account of the services of police officers in serving criminal process.

Sec. 2. 15 MRSA § 1901 is repealed and the following enacted in place thereof:

§ 1901. Respondent not to be sentenced to pay costs of court as such

The Superior Court shall not, in any criminal proceeding, sentence any respondent to pay costs of court as such, but may take costs into considera-

tion and include in any fine imposed a sum adequate to cover all or any part of them without reference to such costs and without taxing them, provided the maximum fine for the particular offense is not exceeded.

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

Effective May 3, 1976

CHAPTER 776

AN ACT to Assure Resources for the Resolution of Disputes.

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

Sec. 1. 2 MRSA § 6, sub-§ 7, as repealed and replaced by PL 1973, c. 509, § 2, is amended by adding at the end the following:

Dispute Resolution Specialist.

Sec. 2. 26 MRSA § 968, sub-§ 1, as enacted by PL 1969, c. 424, § 1, and as last repealed and replaced by PL 1975, c. 564, § 22, is amended by adding at the end a new sentence to read:

The executive director and legal or professional personnel employed by the board shall be members of the unclassified service.

Sec. 3. Appropriation. There is appropriated from the General Fund to the Maine Labor Relations Board the sum of \$10,800 to carry out the duties imposed under the law. The breakdown shall be as follows:

1976-77

MAINE LABOR RELATIONS BOARD

Personal Services	(1) \$ 9,000
All Other	1,000
Capital Expenditures	800
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	\$10,800

Effective July 29, 1976

CHAPTER 777

AN ACT to Promote Efficiency in Maine State Government.