

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]

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Sec. 1. 2 MRSA § 6, sub-§ 7, as repealed and replaced by PL 1973, c. 509, § 2, is amended by adding at the end the following: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Sec. 2. 26 MRSA § 968, sub-§ 1, as enacted by PL 1969, c. 424, § 1, and as last repealed and replaced by PL 1975, c. 564, § 22, is amended by adding at the end a new sentence to read: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
	<hr/>
	\$10,800

Effective July 29, 1976

CHAPTER 777

AN ACT to Promote Efficiency in Maine State Government.

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

Whereas, the measures embodied in this Act will improve the efficiency of State Government; and

Whereas, this Act, in part, would restore the much needed authority on the part of the Bureau of Public Lands to sell excess fixtures, which authority was inadvertently repealed by the public laws of 1975, chapter 339; and

Whereas, this Act contains several other proposals intended to improve the management and promote better government; 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 § 72, sub-§ 28, 2nd and 3rd sentences**, as amended by PL 1971, c. 439, § 4, are repealed and the following enacted in place thereof:

When the signature of a person is required, he must write it or make his mark, but the signatures upon all commissions or the signatures on interest coupons annexed to a corporate bond or other corporate obligation may be facsimiles, engraved or printed.

Sec. 2. 4 **MRSA § 173, sub-§ 4, 5th ¶, 1st sentence**, as last amended by PL 1975, c. 731, § 11, is further amended to read:

The Treasurer of State, except in a case where any part of any fine collected shall accrue to the Department of Transportation, shall pay the latter \$4 each time a state police officer duly signs the return of a criminal warrant issued by the District Court ~~and in every case in which a Uniform Traffic Ticket and Complaint or civil violation citation is issued to or served upon a person by a state police officer.~~

Sec. 3. Effective date. Section 2 of this Act shall become effective May 2, 1976.

Sec. 4. 5 **MRSA § 8-C, last sentence of the first ¶**, as enacted by PL 1971, c. 588, is amended to read:

Meals purchased and prepared for institutional or school use may be sold to ~~an employee~~ employees or to visitors based on the actual total cost of purchasing, preparing and serving such food or food supplies. In the case of institutions and schools operated by the Department of Mental Health and Corrections, income derived from the sale of meals shall accrue to the General Fund.

Sec. 5. 5 **MRSA § 8-D**, as enacted by PL 1971, c. 588, is amended to read:

§ 8-D. Income

Any income derived from the operation of housing or food facilities, or

both, under sections 8-B and 8-C, shall accrue to whatever fund pays for such facilities, unless otherwise provided for by statute; if it is a General Fund account, the income shall accrue to General Fund; if it is a special revenue account, the income shall accrue to that account.

Sec. 6. 12 MRSA § 531, sub-§ 1, as enacted by P & SL 1971, c. 91, § D, § 1, is amended to read:

1. **Geologic information.** Gather and compile geologic information of both the bedrock and surficial features of the State; present this information in printed maps and reports for the general public and the mining industry; assist existing mining operations in the State; and promote the development of the mineral potential of the State; provided that the director shall charge fees sufficient to defray the costs of providing such data to commercial users thereof. Such fees shall be paid into a separate account to be established by the Treasurer of State for such purposes, and such account shall not lapse, but shall continue from year to year;

Sec. 7. 5 MRSA § 711, sub-§ 11, as last repealed and replaced by PL 1975, c. 755, § 1, is repealed and the following enacted in place thereof:

11. **Officials of the Department of Mental Health and Corrections.** The associate commissioners, the directors of Mental Health, of Mental Retardation and of Corrections, the Warden of the State Prison and the superintendents of the Augusta Mental Health Institute, of the Bangor Mental Health Institute and of the Pineland Center.

Sec. 8. 5 MRSA § 7002, sub-§ 2, ¶ A, as enacted by PL 1975, c. 481, is amended to read:

A. Appoint and remove the staff of the office and prescribe their duties as may be necessary to implement the purposes of this chapter. Professional employees authorized by this chapter shall be hired as unclassified employees serve at the pleasure of the director. All other employees shall be subject to the state civil service system;

Sec. 9. 12 MRSA § 531, sub-§ 7 is enacted to read:

7. **Enter into contracts.** The Director of the Bureau of Geology may, upon such terms and conditions as he deems reasonable, and with the approval of the Commissioner of Conservation, enter into contracts with federal, state, county, municipal and quasi-municipal agencies, bureaus, boards, commissions and other public entities, to provide services related to geological inventorying and mapping. The proceeds of any such contract shall be paid into a separate account to be established by the Treasurer of State, which account shall not lapse, but shall continue from year to year and shall be available for the implementation of contracts entered into pursuant to this subsection.

Sec. 10. 30 MRSA § 4162, sub-§ 4, ¶ D, as last amended by PL 1975, c. 623, § 46-A, is further 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; and sell storehouses and other structures and fixtures surplus to the needs of the bureau;

Sec. 11. 34 MRSA § 1, 4th ¶, as enacted by PL 1975, c. 755, § 6, is amended by inserting before the first sentence the following new sentences:

The commissioner, subject to the approval of the Governor, shall appoint and set the salaries for the associate commissioners and for the Warden of the Maine State Prison. The appointments shall be for indeterminate terms and until successors are appointed and qualified or during the pleasure of the commissioner.

Sec. 12. 34 MRSA § 2062, as last repealed and replaced by PL 1975, c. 747, § 2, is repealed.

Sec. 13. **Effective date.** Section 12 of this Act shall become effective 90 days after adjournment of the Legislature.

Sec. 14. P & SL 1975, c. 78, § 18, amended. That part of P & SL 1975, c. 78, § 18 under the caption "PUBLIC PROTECTION — DEPARTMENT OF MILITARY, CIVIL EMERGENCY PREPAREDNESS, AND VETERANS' SERVICES" is amended by adding a new paragraph at the end of "Services to Veterans" to read as follows:

Any unexpended balance in excess of \$60,782 remaining June 30, 1976 shall lapse.

Sec. 15. PL 1975, c. 481, § 6 is repealed.

Sec. 16. **Authorization for sale of surplus property.**

The Director of the Bureau of Public Lands, Department of Conservation, is authorized to lease, sell or otherwise convey the interest of the State in a certain parcel of land located in the City of Bangor, County of Penobscot and described as follows:

Beginning at the southeast corner of land of P. Rudnicki on the north line of the Interstate 95 right of way; thence northerly along said Rudnicki's land 485 feet, more or less, to a point on the southerly line of land of B. Wolstein; thence easterly 857 feet, more or less, along said Wolstein's land to the northwesterly right of way line of Interstate 95; thence southwesterly along said Interstate 95 right of way line 997 feet, more or less, to the point of beginning, upon such terms and conditions as he deems reasonable; provided, however, that the said director shall have no authority to convey drainage rights of Interstate 95 and that the conveyance is subject to approval by the Governor and Executive Council. The director shall cause notice to be published of the availability of said parcel of land in a newspaper of general circulation in the area in advance of any sale thereof.

Sec. 17. **Authorization to dispose of Vickery-Hill Building and surrounding land.** The Director of the Bureau of Public Improvements is authorized

to sell, subject to the approval of the Governor and Council, by quitclaim deed all right, title and interest of the State in a certain lot or parcel of land with the buildings thereon situated in the City of Augusta in Vickery Square so called and bounded and described as follows:

Beginning at the corner formed by the intersection of the southerly side of Court Street with the easterly side of Chapel Street;

thence easterly by the side of Court Street 239.7 feet to an iron pin in the northwesterly corner of lot numbered 6 shown on a plan of Vickery Square made by Henry F. Hill in February and March, 1930, and duly recorded in the Kennebec Registry of Deeds in Plan Book 9, Page 36;

thence southerly and along the westerly side line of lot numbered 6, 92 feet to an iron pin in lot numbered 7 of said plan;

thence westerly and parallel with the northerly side line of Weston Street 7.4 feet to an iron pin in the northeasterly corner of lot 8 shown on said plan;

thence from said point continuing westerly and along the northerly side line of said lot numbered 8 to a point which marks the northwesterly corner of that portion of lot numbered 8 which was conveyed by Needlecraft Publishing Company to Joseph P. Williams by deed dated December 4, 1940, and recorded in said Registry in Book 770, Page 197;

thence from said point southerly and along the westerly side line of land conveyed in said deed to said Williams, which line is easterly of and parallel to the westerly side line of lot 8 shown on said plan and 2 feet westerly of the dwelling house then on said land, to the northerly side of Weston Street;

thence westerly by the northerly side of Weston Street to the easterly side of Chapel Street;

thence northerly by the easterly side of Chapel Street to the point or place of beginning for an amount determined by the director to be fair market value. The director shall cause notice to be published of the availability of the said building and surrounding land in a newspaper of general circulation in the area in advance of any sale thereof.

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

Effective May 3, 1976

CHAPTER 778

AN ACT Relating to a Cost-of-Living Adjustment for State Retirees.

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