

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

1977

CHAPTER 78

AN ACT to Correct Errors and Inconsistencies in Laws of Maine.

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

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

Whereas, it is vitally necessary to resolve such uncertainties and confusion to prevent any injustice or hardship on 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:

Sec. 1. 1 MRSA § 74, is enacted to read:

§ 74. Revision authorized

The following revisions to the laws of Maine are authorized:

1. References to Executive Council in public laws. Notwithstanding any other provision of law, after January 4, 1977, wherever in any public law, whether allocated to the Maine Revised Statutes or not, the words "Executive Council" and "council" used as an abbreviation for Executive Council, or any other reference to the Executive Council appear, the public laws shall read as if those words were not contained in that public law. This section shall not affect any application of any public law prior to January 4, 1977. The Director of Legislative Research may assist any republication of any public law after January 4, 1977, to ensure deletion of any reference in that public law to the Executive Council.

2. References to Executive Council in private and special laws. Notwithstanding any other provision of law, after January 4, 1977, wherever in any private and special law the words "Executive Council" and "council" used as an abbreviation for Executive Council, or any other reference to the Executive Council appear the private and special law shall read as if those words were not contained in that law. This section shall not affect any application of any private and special law prior to January 4, 1977. The Director of Legislative Research may assist any republication of any private and special law after January 4, 1977, to ensure deletion of any reference to the Executive Council.

Sec. 2. 3 MRSA § 402, sub-§ 4, last sentence, as enacted by PL 1975, c. 593, § 3, is repealed and the following enacted in its place:

“Investigating committee” shall include the Legislative Council when it exercises the authority granted under section 162, subsection 4, but shall not include the Commission on Governmental Ethics and Election Practices when it exercises the authority granted under Title 1, chapter 25.

Sec. 3. 4 MRSA § 567, as amended by PL 1975, c. 383, § 10 and by c. 408, § 26 is repealed and the following enacted in its place:

§ 567. No recording officer to be attorney or sue in own court nor draft nor aid in drafting paper to be recorded

No clerk, register or recording officer of any court of the State shall be attorney or counselor in any civil action or matter pending in such court; neither shall he commence actions to be entered therein, nor draft nor aid in drafting any document or paper which he is by law required to record, in full or in part, under a penalty of not more than \$100, to be recovered by indictment for the benefit of the State. Notwithstanding provisions of this section, clerks may aid litigants in the preparation of small claims filings. Nothing shall prevent the clerk from rendering assistance of a general nature to the bar or the public.

Sec. 3-A. 5 MRSA § 8-B, last sentence, as enacted by PL 1973, c. 603, § 2, is amended to read:

No charge shall be made for the provision of housing facilities when the state employee involved is required as a condition of his employment to reside in such housing facilities and when the state employee involved receives a salary less than the salary received by an employee at pay range ~~27~~ 23, merit service step E of the compensation plan for classified employees.

Sec. 4. 5 MRSA c. 341, 1st 3 lines, as enacted by PL 1975, c. 150, are repealed and the following enacted in their place:

PART 14

OCCUPATIONAL LICENSE DISQUALIFICATION

CHAPTER 341

OCCUPATIONAL LICENSE DISQUALIFICATION ON BASIS OF CRIMINAL RECORD

Sec. 5. 5 MRSA § 16, as enacted by PL 1975, c. 770, § 19, is repealed.

Sec. 6. 5 MRSA § 17 is enacted to read:

§ 17. Payroll deduction for Maine Warden Service Relief Association

The Commissioner of Finance and Administration is 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. 7. 5 MRSA § 138, 3rd ¶, last sentence, as last amended by PL 1973, c. 788, § 12, is further amended to read:

In performing services under any such contract or agreement, the contracting bank shall have all of the powers and duties prescribed for trust companies by Title 9 9-B, section ~~1093~~ 623.

Sec. 8. 5 MRSA § 139, 2nd ¶, last sentence, as enacted by PL 1973, c. 733, § 3, is amended to read:

In performing services under any such contract or agreement, the contracting bank shall have all of the powers and duties prescribed for trust companies by Title 9 9-B, section ~~1093~~ 623.

Sec. 9. 5 MRSA § 204, as amended by PL 1973, c. 567, § 20, is further amended to read:

§ 204. Biennial reports

The Attorney General shall, biennially, on the first day of December, make a report to the Governor ~~and Council~~ of the amount and kind of official business done by him and by the several district attorneys during the 2 years preceding, stating the number of persons prosecuted, their alleged offenses, the results and the punishments awarded, with any useful suggestions.

Sec. 10. 5 MRSA § 282, sub-§ 2, is amended to read:

2. **Financial planning.** To coordinate financial planning and programming activities of departments and agencies of the State Government for review and action by the Governor ~~and Council~~;

Sec. 11. 5 MRSA § 298, last sentence, as enacted by PL 1975, c. 470, § 2, is amended to read:

Such rules and regulations shall be promulgated within 60 days of ~~the effective date of this Act~~ October 1, 1975.

Sec. 12. 5 MRSA § 592, as repealed and replaced by PL 1975, c. 686, § 2 and as amended by PL 1975, c. 766, § 4 and c. 771, § 54, is repealed and the following enacted in its place:

§ 592. Powers and duties

The State Personnel Board shall review the personnel policies and personnel administration of the State and make such recommendations and render advice relative to the operation of the state's personnel administration, as they deem advisable, to the Commissioner of Personnel. A record of these recommendations and advice shall be maintained by the commissioner. Within a reasonable time after the filing of such recommendation or advice, the commissioner shall make a written response to the board and file a copy of that response with the Governor.

Sec. 13. 5 MRSA § 631, 2nd sentence, as amended by PL 1975, c. 766, § 4, is further amended to read:

After consultation with the Personnel Board, the Governor shall appoint ~~subject to the advice and consent of the Executive Council~~ the Commissioner

of Personnel, hereafter in this Part called "commissioner," who shall serve a term coterminous with that of the Governor or until his successor has been appointed and qualified.

Sec. 14. 5 MRSA § 1031, sub-§ 16, last sentence of first ¶, as enacted by PL 1973, c. 733, § 6, is amended to read:

In performing services under any such contract or agreement, the contracting bank shall have all of the powers and duties prescribed for trust companies by Title 9-B, section ~~4093~~ 623.

Sec. 15. 5 MRSA § 1121, sub-§ 4, ¶ B, as amended by PL 1975, c. 742, § 2 and by c. 771, § 62, is repealed and the following enacted in its place:

B. The retirement of any member in accordance with paragraph A may be requested either by the member or, except in the case of a member of a fire or police department, by the head of his department. Notwithstanding the foregoing, the service of any member who has attained the age of 60, and who desires to remain in service, may be continued for periods of one year, if approved by the Governor, for state employees, or by the executive body of the participating local district which employs the member, in accordance with such employment practices of the local district. Requests for extensions of service for state employees shall be filed with the appointing authority, who shall send it to the Commissioner of Personnel for review and comment, who shall then forward it to the Governor.

Sec. 16. 5 MRSA § 1507, sub-§ 1, as last amended by PL 1975, c. 756, § 1 and as repealed and replaced by PL 1975, c. 771, § 67, is repealed and the following enacted in its place:

1. Institutions. The Governor may allocate funds from such account, when need exists and only upon the written request of the Commissioner of Mental Health and Corrections and upon consultation with the State Budget Officer, to those institutions administered by the Department of Mental Health and Corrections where actual average population in a fiscal year exceeds the basic estimates of population upon which the budget was approved and where such relief cannot be absorbed within regular legislative appropriations.

Sec. 17. 5 MRSA § 2301, sub-§ 1, ¶¶ B and C are repealed.

Sec. 18. 5 MRSA § 2301, sub-§ 1, ¶ H, as enacted by PL 1973, c. 164, § 1, is amended to read:

H. All facilities licensed under Title 22, section ~~5-A~~ 7801.

Sec. 19. 5 MRSA § 2401, sub-§ 1, as last repealed and replaced by PL 1975, c. 771, § 85 and by c. 780, § 1, is repealed and the following enacted in its place:

1. Appointment of the Administrative Court Judge and Associate Administrative Court Judges. The Administrative Court Judge, as heretofore appointed, and Associate Administrative Court Judge shall be appointed by the Governor, subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature. Each shall hold office for a term of 7 years and until his successor has been appointed and qualified.

Sec. 20. 5 MRSA § 3302, sub-§ 2, as enacted by PL 1967, c. 533, § 1, is repealed.

Sec. 21. 5 MRSA § 3304, sub-§ 1, last sentence, as enacted by PL 1967, c. 533, § 1, is amended to read:

The director shall be paid a salary fixed by the Governor and Council.

Sec. 22. 5 MRSA § 3304, sub-§ 3, ¶ B, as enacted by PL 1967, c. 533, § 1, is amended to read:

B. Supervise and administer the affairs of the State Planning Office and advise the Governor and the Legislature and the State Planning Council with respect to matters affecting state, regional, and community planning generally and more specifically the extent to which the State should participate in such planning;

Sec. 23. 5 MRSA § 3304, sub-§ 3, ¶¶ C and D, as enacted by PL 1967, c. 533, § 1, are repealed.

Sec. 24. 5 MRSA § 3304, sub-§ 3, ¶ E, as enacted by PL 1967, c. 533, § 1, is amended to read:

E. Advise the Governor the State Planning Council and other officials of the State Government on all matters of statewide planning and consult with them in respect to planning matters and projects which affect the future plans of the State;

Sec. 25. 7 MRSA § 623, as enacted by PL 1975, c. 382, § 3, is amended to read:

§ 623. Prior liability

The enactment of this subchapter shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which shall already be in existence on the effective date of this Act October 1, 1975.

Sec. 26. 7 MRSA § 1703, 1st sentence, as last amended by PL 1973, c. 567, § 20, is further amended to read:

The several district attorneys shall prosecute all violations of chapters 201, ~~205~~ 207, 301, 303 and 305 which shall be brought to their notice or knowledge by any person making the complaint under oath.

Sec. 27. 7 MRSA § 1704 is amended to read:

§ 1704. Agents

The commissioner may employ skilled veterinarians and such other agents and employees as he may deem necessary to carry into effect chapters 201, ~~205~~ 207, 301, 303 and 305, subject to the Personnel Law.

Sec. 28. 7 MRSA § 1705 is amended to read:

§ 1705. Expenses

The actual and necessary traveling expenses of the commissioner and his employees, any and all expense of prevention, control and eradication of disease, destroying diseased animals and those exposed to disease, and paying for the same, and all other expenses necessary to properly carry out chapters 201, ~~205~~ 207, 301, 303 and 305 shall be paid out of such amounts as the Legislature may appropriate.

Sec. 29. 7 MRSA § 1751, 1st ¶, is amended to read:

As used in chapters 201, ~~205~~ 207, 301, 303 and 305, unless the context otherwise indicates, the following words shall have the following meanings:

Sec. 30. 7 MRSA § 1752, 1st sentence, is amended to read:

The commissioner shall make all needful rules and regulations which may in his judgment be deemed requisite to the full and due execution of chapters 201, ~~205~~ 207, 301, 303 and 305.

Sec. 31. 7 MRSA § 2952, 4th ¶, 2nd sentence, as repealed and replaced by PL 1975, c. 517, § 1, is amended to read:

Members of the commission shall be allowed actual traveling and other necessary expenses incurred in the performance of their duties and each member shall receive a per diem compensation for the time actually spent in the performance of his duties, ~~such~~ that compensation to be determined by the Governor ~~and Council~~.

Sec. 32. 10 MRSA Pt. 10, as enacted by PL 1971, c. 481, § 1 and as amended by PL 1971, c. 584, § 2, is repealed.

Sec. 33. 10 MRSA § 802, as last amended by PL 1975, c. 770, § 54 and c. 771, § 118, is repealed and the following enacted in its place:

§ 802. —additions to

If from time to time in the opinion of the authority, the addition of moneys to the Industrial Building Mortgage Insurance Fund or the Recreational Project Mortgage Insurance Fund may be required to meet obligations, the authority shall in writing request the Governor to provide moneys in such amounts as may be necessary for the purpose. The Governor shall transfer to that fund sufficient moneys for the appropriate purpose from the State Contingent Account or from the proceeds of bonds to be issued as provided in this section. If bonds are to be issued, the Governor shall order the Treasurer of State to issue bonds in the amount requested, but not exceeding in the aggregate at any one time outstanding the amount set forth in the Constitution of Maine, Article IX, Section 14-A or 14-B, whichever is applicable, as it may be from time to time amended, except that bonds issued under Section 14-A shall not exceed in the aggregate at any one time outstanding the amount of \$40,000,000, and bonds issued under Section 14-B shall not exceed in the aggregate at any one time outstanding the amount of \$17,000,000. Such bonds shall mature serially or be made to run for such periods as the Governor may determine, but none of them shall run for a longer period than 20 years, and at such rates of interest and on such terms and conditions as the Governor shall determine. The bonds so issued shall be deemed a pledge of the faith and credit of the State.

Sec. 34. 10 MRSA § 1476, sub-§ 2, ¶ C, as enacted by PL 1975, c. 770, § 57, is amended to read:

C. He transfers ownership of a used motor vehicle which does not conform to the warranty imposed by section ~~1454~~ 1474, subsection 1; or

Sec. 35. 10 MRSA § 2203, as last repealed and replaced by PL 1971, c. 618, § 2, is amended to read:

§ 2203. Administration

The Board of Environmental Protection shall administer this chapter.

The Commissioner of Environmental Protection, hereafter in this chapter called "commissioner," shall employ, pursuant to the Personnel Law, such personnel as may be necessary to properly administer this chapter, including naming engineers and personnel experienced in land management and reclamation.

Sec. 36. 10 MRSA § 8001, as last repealed and replaced by PL 1975, c. 767, § 9, and as last amended by PL 1975, c. 770, § 58, and by PL 1975, c. 771, § 122, is repealed and the following enacted in its place:

§ 8001. Department; agencies within department

There is created and established the Department of Business Regulation to regulate financial institutions, insurance companies, commercial sports and grantors of consumer credit, to license professional and occupational trades and to award just compensation in land condemnations and in certain other claims against the State. The department shall be composed of the following bureaus, boards and commissions:

Board of Examiners on Speech Pathology and Audiology;

Bureau of Banking;

Bureau of Consumer Protection;

Bureau of Insurance;

Electricians' Examining Board;

Oil Burner Men's Licensing Board;

Maine State Boxing Commission;

Real Estate Commission;

State Board of Examiners of Psychologists;

State Claims Board; and

State Running Horse Racing Commission.

Sec. 37. 10 MRSA § 8002, first sentence, as repealed and replaced by PL 1975, c. 767, § 9, is amended to read:

The administrative head of the department shall be the Commissioner of Business Regulation, who shall be appointed by the Governor, ~~with the advice and consent of the Council, to serve a term coterminous with that of the Governor, subject to removal for cause by the Governor and Council~~ subject to review by the Joint Standing Committee on Business Legislation and to confirmation by the Legislature, and who shall serve during the pleasure of the Governor.

Sec. 38. 12 MRSA § 308, last ¶, as enacted by PL 1975, c. 542, is amended to read:

No provision of this ~~Act~~ chapter shall be construed as limiting the powers of the Bureau of Civil Emergency Preparedness under Title 37-A, sections 180 to 186.

Sec. 39. 12 MRSA § 552, sub-§ 1, ¶¶ D and E, as enacted by PL 1975, c. 339, § 6, are amended to read:

D. Transfer the responsibility for the management of particular portions of public lands, other than public reserved lands, within its jurisdiction to any other state agency upon such conditions and for such periods as the bureau may specify when such transfer is pursuant to a management plan and the transfer has received the written consent of the receiving agency, the Commissioner of Conservation and the Governor ~~and Executive Council~~; and

E. Accept the care, custody, control and responsibility for the management of public lands or interests in land from other state agencies with the written consent of the transferor agency, the Commissioner of Conservation and the Governor ~~and Executive Council~~. Nothing in this paragraph and paragraph D shall be construed to negate or affect obligations of the State undertaken in any existing lease, easement or other binding agreement or obligation of the State undertaken by the acceptance of any deed or other grant of an interest in real property.

Sec. 40. 12 MRSA § 1202, 1st sentence, as amended by PL 1965, c. 226, § 35, is further amended to read:

Any municipality adjoining any part of the Maine Forestry District may, by vote at any meeting of its inhabitants duly called and held, become a part of ~~said~~ the Forestry District and subject to all the provisions of this subchapter and subchapter ~~IV~~ and X.

Sec. 41. 12 MRSA § 1602 is amended to read:

§ 1602. Payment of expenses

All expenses incurred under this subchapter and ~~subchapters~~ subchapter II

~~and IV~~ shall be paid from the funds raised and created by the tax assessed under section 1601.

Sec. 42. 12 MRSA § 1603, as last amended by PL 1975, c. 623, § 1 and c. 771, § 138, 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 subchapter II and IV~~, is appropriated to pay the same, and the Governor 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 section 1607.

Sec. 43. 12 MRSA § 1651 is amended to read:

§ 1651. Penalties not substitutes for existing liabilities

None of the penalties imposed by section 511 and subchapters V, VII ~~VIII~~ and IX shall be considered as substitutes for or as repealing existing laws making persons guilty of acts of trespass or liable for civil damages to persons injured by such acts.

Sec. 44. 12 MRSA § 1901, first ¶ is amended to read:

Each word or term defined in this section has the meaning indicated in this section for the purposes of chapters 301 to ~~335~~ 337, unless a different meaning is plainly required by the context.

Sec. 45. 12 MRSA § 1901, sub-§ 1, as amended by PL 1965, c. 252, is further amended to read:

1. **Aliens.** All aliens shall be classified as nonresidents. Any alien who has resided in this State continuously for one year and in addition thereto is assessed and pays taxes on real estate in the municipality in which he resides or any alien who has resided in this State continuously for 5 years may purchase any resident license issued under chapters 301 to ~~335~~ 337.

Sec. 46. 12 MRSA § 1901, sub-§ 2 is amended to read:

2. **Citizens of United States.** Any citizen of the United States shall be eligible for any resident license required under chapters 301 to ~~335~~ 337, providing such person is domiciled in Maine with the intention to reside here, and who has resided in this State during the 3 months next prior to the date an application is filed for any license under chapters 301 to ~~335~~ 337.

Sec. 47. 12 MRSA § 1901, sub-§ 11, is repealed and the following enacted in its place:

11. **Jacklight.** "Jacklight" means any artificial light used while hunting, except lights used and permitted under rule and regulation regarding raccoons, under the authority of section 1960-A.

Sec. 48. 12 MRSA § 1951, first sentence, as repealed and replaced by PL 1975, c. 771, § 142, is amended to read:

The Commissioner of Inland Fisheries and Wildlife, hereafter in this Part called "commissioner," who shall be appointed by the Governor, subject to review by the Joint Standing Committee on Fisheries and Wildlife and to confirmation by the Legislature, and shall serve during the pleasure of the Governor.

Sec. 49. 12 MRSA § 1952, 1st ¶, last sentence, as amended by PL 1975, c. 497, § 2, is further amended to read:

The commissioner shall have an office at the State Capitol and adequate facilities for the transaction of the business of his department which shall be known as the Department of Inland Fisheries and Wildlife, in chapters 301 to ~~335~~ 337 designated as the "department."

Sec. 50. 12 MRSA § 1955, as amended by PL 1975, c. 152, c. 771, § 143 and c. 772, § 2, is repealed and the following enacted in its place:

§ 1955. Advisory council; appointment; expenses; meetings

An advisory council, as heretofore appointed by the Governor, shall consist of 7 members chosen in the following manner: One member to represent Oxford and York Counties; one member to represent Cumberland County; one member to represent Sagadahoc, Androscoggin and Franklin Counties; one member to represent Kennebec and Somerset Counties; one member to represent Hancock, Waldo, Knox and Lincoln Counties; one member to represent Piscataquis and Penobscot Counties and one member to represent Aroostook and Washington Counties. Appointment shall be for the terms of 6 years and until successors are appointed and qualified. Upon the death, resignation or removal from office of any person so appointed, the Governor shall appoint a member to serve for the unexpired term. The members of the advisory council shall receive \$25 per diem for their services, and the council shall be allowed actual expenses not to exceed \$2,000 for each fiscal year. The council shall render to the commissioner information and advice concerning the administration of the department. The council shall hold regular meetings with the commissioner or his deputy in December and May of each year, and special meetings at such other times and places within the State as would seem advisable. At the meeting held in May of each year, the council may elect one of its members as chairman and one as vice-chairman.

Sec. 51. 12 MRSA § 1956, 2nd sentence, as amended by PL 1975, c. 771, § 144, is further amended to read:

If the time of the emergency suspension of any part of chapters 301 to ~~335~~ 337 extends for a longer period than 30 days, the consent of the Governor must be obtained before such declaration of emergency becomes effective.

Sec. 52. 12 MRSA § 1959, 1st sentence, as amended by PL 1975, c. 771, § 145, is further amended to read:

The Governor on recommendation of the commissioner may sell and convey

on behalf of the State the interests of the State in property taken or acquired by purchase under chapters 301 to ~~335~~ 337 and deemed no longer necessary for the purposes hereof.

Sec. 53. 12 MRSA § 1960, last ¶, is amended to read:

Whoever violates any provision of this section or any rule or regulation issued under chapters 301 to ~~335~~ 337 shall be penalized under section 3060.

Sec. 54. 12 MRSA § 1960-A, last ¶, as enacted by PL 1971, c. 231, § 2, is amended to read:

Whoever violates any provisions of this section or any regulation issued under chapters 301 to ~~335~~ 337 shall be penalized under section 3060.

Sec. 55. 12 MRSA § 1961, 1st ¶, last sentence, is amended to read:

Whoever violates any provision of any rule or regulation of the commissioner promulgated by virtue of chapters 301 to ~~335~~ 337 shall be subject to the penalties provided in section 3060.

Sec. 56. 12 MRSA § 1962, as amended by PL 1971, c. 85, § 1, is further amended to read:

§ 1962. Defacement of notices

Whoever willfully mutilates, defaces or destroys any notice, rule or regulation of the commissioner, posted in conformity with chapters 301 to ~~335~~ 337, shall be subject to the penalties provided in section 3060.

Sec. 57. 12 MRSA § 1963, last 3 sentences, are amended to read:

This revision shall take the place of the Revised Statutes of 1964, Title 12, chapters 301 to ~~335~~ 337, and all Acts or parts of Acts amending ~~said~~ these chapters. It may be cited as "chapters 301 to ~~335~~ 337 of Title 12 of the Revised Statutes," and each revision shall replace the previous revision. The revision shall be printed in a pamphlet of the same sized pages as the laws of the State, and the printing and distribution thereof shall be the same as in the case of the biennial laws; except that the commissioner may issue as many extra copies of ~~the said~~ chapters 301 to ~~335~~ 337 in whatever size pamphlet seems best to him as he deems necessary or helpful to inform the people as to the fish and game laws.

Sec. 58. 12 MRSA § 2001, next to last ¶, last sentence, is amended to read:

They may serve all processes pertaining to the enforcement of any provision of chapters 301 to ~~335~~ 337.

Sec. 59. 12 MRSA § 2003, last sentence, is amended to read:

Wardens appointed under authority of chapters 301 to ~~335~~ 337 shall hold no other state, county or town office from which they receive compensation.

Sec. 60. 12 MRSA § 2004, 1st sentence, as last amended by PL 1971, c. 622, § 35, is further amended to read:

Any warden of the department making an arrest for any violation of any provision of chapters 301 to ~~335~~ 337, Title 17, chapter 80 and Title 38, chapter 1, subchapter VI, at a point more than 50 miles distant from the nearest District Court having jurisdiction, may accept the personal recognizances of the prisoner in the sum of not exceeding \$250 for his appearance before the nearest District Court on a specified date and a deposit in money to the amount of ~~said~~ that recognizance.

Sec. 61. 12 MRSA § 2101, 1st ¶, as amended by PL 1975, c. 516, § 4, is further amended to read:

No person shall, at any time, trap, hunt, pursue, shoot at or kill any wild animal or any game or other wild birds, except as the commissioner may otherwise direct pursuant to his authority in chapters 301 to ~~335~~ 337, and particularly as provided in section 1901, subsection 8 and section 2155, within the following described territories:

Sec. 62. 12 MRSA § 2107, as last amended by PL 1975, c. 516, § 5-A, is further amended to read:

§ 2107. Hunting or possessing firearms restricted

No person shall at any time hunt, trap, chase, catch, kill or destroy any wild birds or wild animals or have in his possession firearms of any description within the limits of any game sanctuary or closed territory, except as provided in chapters 301 to ~~335~~ 337, and particularly as provided in ~~sections~~ section 1901, subsection 7 and section 2155, and except that the commissioner is authorized to regulate the trapping of wild animals thereon and to use such means as may seem necessary to exterminate vermin of any description in all game sanctuaries and in any other localities where damage is being done.

Sec. 63. 12 MRSA § 2255, last sentence is amended to read:

Those persons who fish under a camp fishing license as provided in this section shall be subject to all the laws, rules and regulations of chapters 301 to ~~335~~ 337.

Sec. 64. 12 MRSA § 2302, 1st sentence, as amended by PL 1975, c. 516, § 9, is further amended to read:

On conviction of any person holding a license or licenses issued under chapters 301 to ~~335~~ 337 and Title 32, chapter 65, of the violation of any of the sections of ~~said~~ these chapters or of any rules or regulations of the commissioner, the commissioner may revoke any license or licenses held by such person for a period of not less than 3 months nor more than one year.

Sec. 65. 12 MRSA § 2302, 3rd ¶, as amended by PL 1973, c. 562, § 8, is further amended to read:

If, at the time of committing a violation of any of the provisions of chapters 301 to ~~335~~ 337 or Title 32, chapter 65, the offender shall not be the holder of a license or licenses to conduct the particular activity in which he was engaged at the time of such violation, the commissioner may not issue any license to ~~said~~ that person for the next calendar year following the date of final determination of any complaint or legal proceedings instituted as a result of the violation.

Sec. 66. 12 MRSA § 2302, 4th ¶, as amended by PL 1975, c. 562, § 8, is further amended to read:

A conviction of a 2nd violation of any of the provisions of chapters 301 to ~~335~~ 337 or Title 32, chapter 65 or a violation of any of the rules and regulations of the commissioner may require the commissioner to revoke the license or licenses of such offender for a period of 2 years.

Sec. 67. 12 MRSA § 2302, next to last ¶, as amended by PL 1965, c. 448, § 12, is further amended to read:

Clerks of the District Court and clerks of Superior Courts, upon conviction of any person for violation of any of the provisions of chapters 301 to ~~335~~ 337 or Title 32, chapter 65 shall immediately forward to the commissioner a transcript of the records of ~~said~~ the proceedings with a record of any appeal entered on any judgment or sentence of ~~said~~ that court.

Sec. 68. 12 MRSA § 2302, last ¶, as amended by PL 1969, c. 425, § 35, is further amended to read:

It shall be unlawful for any person to have in his possession any license issued under chapters 301 to ~~335~~ 337 or Title 32, chapter 65 which has been altered, tampered with or mutilated in any manner.

Sec. 69. 12 MRSA § 2303 is amended to read:

§ 2303. Expiration

All licenses and permits issued under chapters 301 to ~~335~~ 337 shall expire at midnight on December 31st of the calendar year in which the license or permit was issued, unless the license or permit specifically provides otherwise.

Sec. 70. 12 MRSA § 2352, 2nd sentence, as amended by PL 1967, c. 404, § 14, is further amended to read:

It shall not be deemed to be a violation of chapters 301 to ~~335~~ 337 to hunt, capture, kill, take, possess, transport, buy or sell any migratory game bird or part thereof at the times, in the manner and numbers, and by the means specifically permitted by regulations of the Federal Migratory Bird Treaty Act, Act of Congress approved July 3, 1918, as amended.

Sec. 71. 12 MRSA § 2355, sub-§ 2, ¶ A, as amended by PL 1965, c. 448, § 14, is further amended to read:

A. No person shall at any time in any manner move or transport any deer, or part thereof, unless open to view and there is securely attached thereto

the deer tag portion of the hunting license bearing the name and address of the person who killed ~~said~~ that deer and ~~said~~ that deer shall be accompanied by him while being moved or transported, except as otherwise provided in chapters 301 to ~~335~~ 337.

Sec. 72. 12 MRSA § 2358, as repealed and replaced by PL 1971, c. 231, § 7, is amended to read:

§ 2358. Hunting and trapping season

Except as provided in chapters 301 to ~~335~~ 337, there shall be a perpetual closed season on hunting or trapping any wild animal.

Sec. 73. 12 MRSA § 2401-B, sub-§ 16, ¶ E, as enacted by PL 1971, c. 409, § 2, is amended to read:

E. Use of license fees. All funds derived from the sale of licenses under chapters 301 to ~~335~~ 337 shall be used for the management, propagation and protection of all birds, animals, fish life, conservation education and other expenses incident to the administration of these functions.

Sec. 74. 12 MRSA § 2401-B, sub-§ 16, ¶ H, as amended by PL 1973, c. 562, § 16, is further amended to read:

H. Duplicates; fees. The commissioner may appoint agents who shall issue a duplicate license to any resident who has accidentally lost or destroyed any license issued to him under chapters 301 to ~~335~~ 337 upon payment of a fee of \$1, all of which shall be retained by the clerk or agent. All duplicates issued to residents shall be issued by the agent or clerk who issued the original license.

Sec. 75. 12 MRSA § 2455, 2nd ¶, 1st sentence, as last amended by PL 1973, c. 562, § 21 and c. 625, § 78, is further amended to read:

It shall be unlawful to hunt wild animals from ½ hour after sunset until ½ hour before sunrise of the following morning, except raccoons, as provided in chapters 301 to ~~335~~ 337.

Sec. 76. 12 MRSA § 2455, 3rd ¶, 1st sentence, as amended by PL 1971, c. 622, § 44, is further amended to read:

No person shall have in his possession at any time any wild bird or wild animal, or part thereof, taken in violation of this section, except as provided in chapters 301 to ~~335~~ 337.

Sec. 77. 12 MRSA § 2466, 2nd ¶, 1st sentence, as amended by PL 1973, c. 562, § 25, is further amended to read:

No person shall hunt, kill or have in his possession, living or dead, any wild bird, including turkeys, except as provided in chapters 301 to ~~335~~ 337.

Sec. 78. 12 MRSA § 2466, 3rd ¶, as amended by PL 1975, c. 516, § 19, is further amended to read:

The English or European house sparrow and the European starling are not included among the birds therein protected; nothing herein contained shall be deemed to make it unlawful for the owner or occupant of land to kill hawks or owls when in the act of destroying poultry; and for the purpose of chapters 301 to ~~335~~ 337 the partridge, grouse and pheasant, only, shall be considered game birds, and the following, only, shall be considered migratory game birds: Anatidae or waterfowl, including brant, wild ducks, geese and swans; gruidae or cranes, including little brown, sandhill and whooping cranes; rallidae or rails, including coots, gallinules, and sora and other rails; limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowlegs; columbidae or pigeons, including doves and wild pigeons.

Sec. 79. 12 MRSA § 2466-B, last ¶, as enacted by PL 1973, c. 240, is amended to read:

The commissioner shall revoke the falconry license of any person who is convicted of violating any of the provisions of chapters 301 to ~~335~~ 337.

Sec. 80. 12 MRSA § 2504 is amended to read:

§ 2504. Applicability of provisions

Except as provided in this chapter, the provisions of chapters 301 to ~~335~~ 337 relating to deer shall be applicable to the taking of deer with bow and arrow.

Sec. 81. 12 MRSA § 2556, 2nd ¶, 1st sentence, is amended to read:

Any person legally in possession of any fish may ship his daily limit of fish to his home by way of a common carrier, in accordance with chapters 301 to ~~335~~ 337.

Sec. 82. 12 MRSA § 2559, 1st sentence is amended to read:

The provisions of chapters 301 to ~~335~~ 337, so far as they relate to fish of all varieties and fishways, apply to fish and fishways down to tidewaters.

Sec. 83. 12 MRSA § 2602, as amended by PL 1969, c. 425, § 51, is further amended to read:

§ 2602. Duplicates; fees

The commissioner shall issue a duplicate license to any person, who has accidentally lost or destroyed any license issued to him under chapters 301 to ~~335~~ 337, upon payment of a fee of \$1.

Sec. 84. 12 MRSA § 2801, 3rd sentence, as last amended by PL 1975, c. 516, § 21, is further amended to read:

Any agent of the commissioner may buy or sell any whole or any part of any wild bird, wild animal or fish, for use as evidence in prosecution of a violation of chapters 301 to ~~335~~ 337.

Sec. 85. 12 MRSA § 2802, 1st, 2nd and 3rd ¶¶ are amended to read:

No person shall transport or offer for transportation, nor shall any person or carrier accept for transportation or transport, any game animal or bird, or parts thereof, except as provided in chapters 301 to 335 337.

Any resident may transport to his home any game which he has killed and which is legally in his possession, provided he shall have been properly licensed and has met all other requirements of chapters 301 to 335 337.

Any nonresident may transport or have transported to his home by a common carrier any game which he has killed and which is legally in his possession, provided he shall have been properly licensed and has met all other requirements of chapters 301 to 335 337.

Sec. 86. 12 MRSA § 2802, 5th ¶, is amended to read:

All game transported or offered for transportation shall be open to view, and accompanied by the person who killed ~~said~~ that game. Game transported for nonresidents by common carrier need not be accompanied by the owner if all other requirements of chapters 301 to 335 337 are met. Any carrier accepting any game for transportation shall be satisfied that the person presenting ~~said~~ that game for shipment is the person to whom the hunter's license offered for inspection was issued and shall securely affix any tags and such other identification and make such returns to the commissioner as may be required by chapters 301 to 335 337. Any wild bird or animal, or part thereof, found in possession of any person in violation of chapters 301 to 335 337 is subject to seizure and shall be seized and become the property of the State.

Sec. 87. 12 MRSA § 3051, sub-§ 1, as last repealed and replaced by PL 1971, c. 403, § 43, is amended to read:

1. **Authority of law enforcement officers.** Any officer authorized to enforce the provisions of chapters 301 to 335 337, if in uniform and if he has reason to believe that a violation of any of such provisions has occurred or is taking place, may at any time stop any motor vehicle, boat, vessel, airplane or conveyance of any kind for the purpose of arresting or questioning the operator or occupant thereof, or for the purpose of searching ~~said~~ that motor vehicle, boat, vessel, airplane or conveyance of any kind.

Sec. 88. 12 MRSA § 3053 is amended to read:

§ 3053. Jurisdiction

The District Court shall have original and concurrent jurisdiction with the Superior Court in all prosecutions under any provisions of chapters 301 to 335 337.

Sec. 89. 12 MRSA § 3055, as last repealed and replaced by PL 1975, c. 623, § 10, is amended to read:

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

The commissioner of Inland Fisheries and Wildlife shall have the same

authority concerning fines, fees, forfeitures and penalties authorized by chapter 301 to ~~335~~ 337 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.

Sec. 90. 12 MRSA § 3056, first sentence, as last repealed and replaced by PL 1975, c. 623, § 10, is amended to read:

In case of violation of any provision of chapters 301 to ~~335~~ 337 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~~ that 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~~ that corporation.

Sec. 91. 12 MRSA § 3057, as last repealed and replaced by PL 1975, c. 623, § 10, is amended to read:

§ 3057. Prosecution by district attorneys

Each district attorney shall prosecute all violations of chapters 301 to ~~335~~ 337 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.

Sec. 92. 12 MRSA § 3058, as last repealed and replaced by PL 1975, c. 623, § 10, is amended to read:

§ 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~~ 337 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.

Sec. 93. 12 MRSA § 3059, 1st sentence, as last repealed and replaced by PL 1975, c. 623, § 10, is amended to read:

The costs for imprisonment in a county jail for the violation of any provision of chapters 301 to ~~335~~ 337 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.

Sec. 94. 12 MRSA § 3060, 1st ¶, as last repealed and replaced by PL 1975, c. 623, § 11, is amended to read:

Whoever violates any of the provisions of chapters 301 to ~~335~~ 337 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. 95. 12 MRSA § 3060, sub-§ 1, as last amended by PL 1967, c. 404, § 43, is further amended to read:

1. **Beaver.** Whoever violates any provision of chapters 301 to ~~335~~ 337 relating to beaver, except setting any trap within 25 feet of any beaver house, or setting any trap within 10 feet of any beaver dam or the provision which prohibits setting a trap within 4 feet of a beaver trap which has already been set by another trapper, shall be punished by a fine of not less than \$50 and costs and \$50 additional for each beaver or skin involved, or by imprisonment for not more than 90 days, or by both.

Sec. 96. 12 MRSA § 3060, sub-§ 3 is amended to read:

3. **When specific fine cannot be suspended.** Wherever any particular violation of any section of chapters 301 to ~~335~~ 337 carries a specific fine which cannot be suspended, this section shall not apply.

Sec. 97. 12 MRSA § 3060, sub-§ 4, as enacted by PL 1973, c. 26, is amended to read:

4. **Lack of license.** Whoever is convicted of not having a license issued under chapters 301 to ~~335~~ 337 shall be punished by a fine of not less than \$20, plus the cost of a license fee for such activity.

Sec. 98. 12 MRSA § 3061, 1st and 2nd sentences, as last repealed and replaced by PL 1975, c. 623, § 12, are amended to read:

All fines, penalties, officers' costs and all other moneys recovered by the court under any provision of chapters 301 to ~~335~~ 337 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, shall accrue to the Treasurer of State. All officers' fees taxed against a respondent, if any, under any provision of chapters 301 to ~~335~~ 337 and Title 7, chapter 707 and Title 7, sections 3455 and 3602 and Title 32, chapter 65, which are not paid or recovered from the respondent, shall not be assumed or paid by the county where the offense was committed.

Sec. 99. 12 MRSA § 3101, 1st and 2nd sentences, as last repealed and replaced by PL 1975, c. 623, § 13, are amended to read:

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~~ 337 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~~ 337 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~~ 337 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~~ 337 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. 100. 12 MRSA § 3101, 3rd ¶, 2nd and 4th sentences, as last repealed and replaced by PL 1975, c. 623, § 14, are amended to read:

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~~ 337 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~~ 337 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. 101. 12 MRSA § 3101, first ¶ under the caption "FORM OF LIBEL," as last repealed and replaced by PL 1975, c. 623, § 15, is amended to read:

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~~ 337 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. 102. 12 MRSA § 3102, 2nd sentence, as last amended by PL 1973, c. 739, § 17, is further amended to read:

The failure of any person or officer to perform any act, duty or obligation enjoined upon him by chapters 301 to ~~335~~ 337 and Title 7, chapter 707 and Title 7, section 3602 and Title 32, chapter 65, shall be deemed a violation thereof.

Sec. 103. 12 MRSA § 3153, as last amended by PL 1973, c. 739, § 18, is further amended to read:

§ 3153. Participant in violation compelled to testify

In any prosecution under chapters 301 to ~~335~~ 337 and Title 7, chapter 707 and Title 7, section 3602 and Title 32, chapter 65, any participant in a violation thereof, when so requested by the ~~county~~ district attorney, commissioner or other officer instituting the prosecution, may be compelled to testify as a witness against any other person charged with violating the same, but his evidence so given shall not be used against himself in any prosecution for such violation.

Sec. 104. 12 MRSA § 3502, sub-§ 2, as repealed and replaced by PL 1973, c. 513, § 5 and as amended by PL 1975, c. 771, § 147, is repealed and the following enacted in its place:

2. Biennial report. The commissioner shall make a report to the Governor and the Legislature every 2 years and may include such recommendations for changes and amendments in the existing laws and licensing procedures as are warranted by investigations and research.

A. The commissioner shall in the report cover the period ending on June 30th of each even-numbered year.

B. He shall file the report with the Governor within 6 months of the end of the period which it covers.

Sec. 105. 12 MRSA § 3752, sub-§ 2, 1st ¶, as last amended by PL 1973, c. 513, § 22, is further amended to read:

2. Length of period of suspension. On conviction of a violation of any provision of chapters 401 to ~~417~~ 419, except as provided in subsection 1, or any regulation pertaining to ~~sea and shore fisheries~~ marine resources, or any private and special law enforced by this department, or any provisions under Title ~~17~~ 17-A, sections ~~2952~~ 752 and ~~2953~~ 753 enforced by this department, the commissioner may suspend any and all of the offender's licenses and permits, and his right to obtain any and all such licenses and permits issued by the Commissioner of Marine Resources as follows.

Sec. 106. 12 MRSA § 4505, sub-§ 1, as repealed and replaced by PL 1971, c. 439, § 10, is amended to read:

1. Service on foreign corporations. If the corporation is a foreign corporation, it may be served on the corporation's registered agent appointed under Title 13-A, section ~~1213~~ 1212; or upon the Secretary of State, as provided in Title 13-A, section ~~1218~~ 1217, under the conditions set out in Title 13-A, sections 1213 and 1214; or in any other manner permitted by statute or rule of court for the service of civil summons upon a foreign corporation.

Sec. 107. 12 MRSA § 5011, 2nd sentence, as amended by PL 1975, c. 771, § 156, is further amended to read:

The Department of Conservation shall consist of a Commissioner of Conservation, hereafter in this Part called "commissioner," appointed by the

Governor and who shall be subject to review by the Joint Standing Committee on Natural Resources and to confirmation by the Legislature, to serve at the pleasure of the Governor; and the following as heretofore created and established are incorporated into the Department of Conservation:

Sec. 108. 13 MRSA § 903, last sentence, as repealed and replaced by PL 1975, c. 487, § 3 and as last amended by PL 1975, c. 635, § 1 and c. 770, § 73, is repealed and the following enacted in its place:

No fee shall be required by the Attorney General but the Secretary of State shall receive for filing such certificate or amendment thereto, a fee of \$5 in advance and registers of deeds shall receive for recording such certificate or amendment thereto, the fee of \$8.

Sec. 109. 13 MRSA § 3169, as last amended by PL 1971, c. 544, § 42, is further amended to read:

§ 3169. Administration of ministerial and school funds

The ministerial and school funds now held in trust by any town or by a corporation existing under section 3162 may be turned over to the Treasurer of State to be administered in accordance with the terms and provisions of such trust and which shall be invested by him in the same manner as provided for investments in securities enumerated in ~~Title 9, sections 621 to 637~~ Title 9-B, sections 551 to 555. Such town or corporation thereupon shall be relieved of any further duties or liabilities for such funds, provided such town, acting under an appropriate article in the warrant at any annual town meeting, shall vote to cause such funds to be entrusted to the Treasurer of State.

Sec. 110. 13 MRSA § 4001, sub-§ 5, as enacted by PL 1973, c. 286, is amended to read:

5. Institution. "Institution" means an incorporated or unincorporated organization organized and operated exclusively for educational purposes and subject to Title 20, sections ~~2201, 2202 to 2204~~ 2204-A.

Sec. 111. 14 MRSA § 157, as last repealed by PL 1977, c. 2, § 1, is re-enacted to read:

§ 157. Government agencies

In all civil actions arising out of the use, ownership or operation of a motor vehicle against the State of Maine or any political subdivision thereof or any quasi-municipal corporation, the defense of sovereign immunity is abolished during the period a policy of insurance is effective covering the liability of such governmental agency. The insurer of said government or governmental agency shall be estopped from asserting, as a defense to any claim covered by said policy, that such governmental agency is immune from liability on the ground that it is a governmental agency. The amount of damages in any such case shall not exceed the limits of coverage specified in the policy, and the courts shall abate any verdict in any such action to the extent that it exceeds such policy limit.

Sec. 111-A. Effective date. Section 111 of this Act shall remain in effect until July 1, 1977.

Sec. 112. 14 MRSA § 6661, as enacted by PL 1971, c. 577, is amended to read:

§ 6661. Application

Sections 6659 and 6660 shall apply only in built-up areas as defined in Title 29, section 1252, ~~subsection 3-A~~ **subsection 3, paragraph A** in such cities and towns whose population exceeds 5,000 according to the last Federal Decennial Census.

Sec. 113. 14 MRSA § 8105, sub-§ 2, as enacted by PL 1977, c. 2, § 2, is repealed and the following enacted in its place:

2. Costs. Court costs, interest and all other costs which a court may assess shall be included within the damage limit specified by this section.

Sec. 114. 14 MRSA § 8106, sub-§ 1, as enacted by PL 1977, c. 2, § 2, is amended to read:

§ 8106. Jurisdiction of the court

1. Original jurisdiction. The Superior ~~Courts~~ **Court** shall have original jurisdiction over all claims permitted under this chapter and not settled in accordance with section 8109.

Sec. 115. 14 MRSA § 8109, sub-§ 1, first sentence, as enacted by PL 1977, c. 2, § 2, is amended to read:

The State shall have authority to settle claims filed against ~~the State~~ it pursuant to section 8104 in accordance with the following procedures.

Sec. 116. 14 MRSA § 8109, sub-§ 2, as enacted by PL 1977, c. 2, § 2, is amended to read:

2. Procedures for political subdivisions. Any political subdivision may settle claims filed against it pursuant to section 8104 in accordance with procedures duly promulgated by its governing body.

Sec. 117. 15 MRSA § 2161-A, as last repealed by PL 1975, c. 763, § 1 and as amended by PL 1975, c. 771, § 159, is repealed.

Sec. 118. 17-A MRSA § 1, sub-§ 2, as enacted by PL 1975, c. 499, § 1 and as amended by PL 1975, c. 649, § 1, c. 699, § 1 and c. 740, § 10, is repealed and the following enacted in its place:

2. Except as provided in section 4-A, this code shall become effective May 1, 1976, and it shall apply only to crimes committed subsequent to its effective date. Prosecution for crimes repealed by this code, which are committed prior to the effective date shall be governed by the prior law which is continued in effect for that purpose as if this code were not in force; provided that in any such prosecution the court may, with the consent of the defendant, impose sentence under the provisions of the code. In such cases, the sentencing authority of the court is determined by the application of section 4-A,

subsection 3, to the prior law. For purposes of this section, a crime was committed subsequent to the effective date if all of the elements of the crime occurred on or after that date; a crime was not committed subsequent to the effective date if any element thereof occurred prior to that date, or if the evidence may reasonably be interpreted to establish that any element may have occurred prior to that date.

Sec. 119. 18 MRSA § 3628, 4th sentence, as amended by PL 1971, c. 544, § 57, is further amended to read:

Any placement, if in a boarding care facility, children's home, child placing agency or day care facility which is licensed pursuant to Title 22, section 7801, or if in a facility described in Title 22, ~~sections 5~~ section 1811 ~~3797~~ or Title 30, chapter 215, subchapter V, article 2, shall only be made if such facility is properly licensed.

Sec. 120. 18 MRSA § 3646, 3rd sentence, as enacted by PL 1973, c. 631, § 1, is amended to read:

Any placement, if in a facility described in Title 22, ~~sections 5 and~~ section 1811, shall be made only if such facility is duly licensed.

Sec. 121. 20 MRSA § 1-A, 3rd sentence, as repealed and replaced by PL 1975, c. 771, § 166, is amended to read:

The department shall consist of a Commissioner of Educational and Cultural Services, hereafter in this Title called "commissioner," who shall be appointed by the Governor after consultation with the State Board of Education as established and subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature to serve at the pleasure of the Governor.

Sec. 122. 20 MRSA § 1-B, sub-§ 2, as enacted by PL 1971, c. 610, § 3, is amended to read:

2. **Arts and Humanities Bureau.** The Arts and Humanities Bureau which shall be under the direction of a director who shall be qualified by training or by experience and shall be appointed by the Maine State Commission on the Arts and Humanities with the approval of the commissioner to serve for an indefinite term, subject to removal for cause. The compensation of the director shall be fixed by the Governor ~~and Council~~; and

Sec. 123. 20 MRSA § 1-B, sub-§ 3, first sentence, as enacted by PL 1971, c. 610, § 3, is amended to read:

The Maine State Library Bureau, which shall be known as the Maine State Library and which shall be under the direction of a director who shall be qualified by training or by experience in library work and who shall be known as the State Librarian, appointed by the commissioner with the advice and consent of the Governor ~~and Council~~ to serve for an indefinite term, subject to removal for cause.

Sec. 124. 20 MRSA § 218, sub-§ 3 is amended to read:

3. Investments as savings banks. Invested according to the law governing the investment of the funds of savings banks in Title 9, chapter ~~57~~ 55.

A. For the purpose of this section, the words "deposits of a bank" or their equivalent, as used in Title 9, chapter ~~57~~ 55, mean the total assets of the reserve fund, trust fund or other permanent fund being invested, but the limitation concerning the maximum amount which may be invested in a security or type of security under Title 9, chapter ~~57~~ 55 applies only to an investment in that security or type of security which exceeds \$2,000.

Sec. 125. 20 MRSA § 222, 22nd ¶, as last amended by PL 1973, c. 788, § 72, is further amended to read:

When a School Administrative District dissolves, the general-purpose aid for the individual municipalities shall be computed in accordance with chapter ~~570~~ 512-A.

Sec. 126. 20 MRSA § 223, as last amended by PL 1975, c. 510, § 8, is further amended to read:

§ 223. Regulations

Subject to this chapter and sections 1901, 1902, 3456, 3457 to 3460 and ~~3711~~ 3742 to ~~3716~~ 3753, the State Board of Education may make such reasonable regulations as it may find necessary for carrying out the purposes, provisions and intent of these sections.

Sec. 127. 20 MRSA § 225, sub-§ 2, ¶ G, first sentence, as amended by PL 1975, c. 746, § 5-A, as repealed and replaced by PL 1975, c. 761, § 2 and as repealed by PL 1975, c. 768, § 1, is repealed and the following enacted in its place:

The voting at meetings held in towns shall be held and conducted in accordance with Title 30, sections 2061 to 2065, even though the town has not accepted the provisions of sections 2061 and 2062, provided that the facsimile signature of the clerk referred to in section 2061, subsection 5, paragraph F, shall be that of the chairman of the board of directors and provided that if a district meeting is called to be held simultaneously with a general election or primary election the voting in towns shall be held and conducted in accordance with Title 21, except that the duties of the Secretary of State shall be performed by the district directors.

Sec. 128. 20 MRSA § 306, last ¶, first sentence, as enacted by PL 1973, c. 202, § 1, is amended to read:

When a school building of the district is supplied by a water supply operated by the district and which serves only the school building or buildings under the control of the school directors, such a water supply shall not be considered a public water supply under Title 22, sections ~~2434 and 2435~~ 2651 and 2652.

Sec. 129. 20 MRSA § 353, last ¶, first sentence, as enacted by PL 1973, c. 202, § 2, is amended to read:

When a school building of the district is supplied by a water supply operated by the district and which serves only the school building or buildings under the control of the trustees, such a water supply shall not be considered a public water supply under Title 22, sections ~~2434 and 2435~~ 2651 and 2652.

Sec. 130. 20 MRSA § 473, sub-§ 14, 1st sentence, as enacted by PL 1973, c. 202, § 3, is amended to read:

When a school building controlled by the committee is supplied by a water supply operated by the committee and which serves only the school building or buildings under the control of the committee, such a water supply shall not be considered a public water supply under Title 22, sections ~~2434 and 2435~~ 2651 and 2652.

Sec. 131. 20 MRSA § 856, sub-§ 4, as last repealed and replaced by PL 1975, c. 746, § 12, is amended to read:

4. Intent. It is the intent of this section that such co-occupancy shall be used for housing on an emergency basis. Leases shall be signed for a period not to exceed 10 years and must be approved by the commissioner before the agreement is signed to qualify for reimbursement under ~~section 3713~~ chapter 512-A.

Sec. 132. 20 MRSA § 1286, first ¶, as amended by PL 1971, c. 223, § 7, is further amended to read:

The course of study in secondary schools shall be approved by the Commissioner of ~~Education~~ Educational and Cultural Services.

Sec. 133. 20 MRSA § 1346, as last amended by PL 1973, c. 788, § 75, is further amended to read:

§ 1346. Audit

Every academy, eligible to receive tuition payments from municipalities which are eligible for state subsidy aid under chapter ~~510~~ 512-A, shall on or before September 1st of each year furnish to the State Auditor satisfactory proof that the books, accounts, financial documents and reports to the commissioner of ~~said~~ that institution for the fiscal year preceding have been examined and found to be in a satisfactory and accurate condition with proper vouchers on file, ~~said~~ the audit to be made by the State Department of Audit or by individuals or firms recognized as competent auditors by training and experience or by qualified public accountants.

Sec. 134. 20 MRSA § 2356-A, sub-§ 5, as last repealed and replaced by PL 1975, c. 513, § 4 and as amended by PL 1975, c. 623, §§ 23 and 24, is repealed and the following enacted in its place:

5. Advisory committees. There shall be an advisory committee responsible for coordinating vocational education in any vocational education center operating as of 1972. Membership on the advisory committee shall consist of the superintendent of schools of the participating high schools or his representative and one board member chosen from each school committee or board of directors by its membership. The advisory committee shall meet on a

quarterly basis. This committee will be responsible for preparing and submitting an annual report on the vocational or satellite centers, or both, to the State Board of Education and each town served by the vocational and satellite centers.

Sec. 135. 20 MRSA § 2356-B, sub-§ 2, first sentence, as repealed and replaced by PL 1975, c. 513, § 6, is amended to read:

The cost of instruction as defined in ~~section 3712~~ chapter 512-A in approved technical and vocational classes maintained on the secondary level through grade 12 shall be reimbursed.

Sec. 136. 20 MRSA § 2356-G, sub-§ 6, 3rd ¶, last sentence, as repealed and replaced by PL 1975, c. 513, § 10, is amended to read:

Initial costs for starting new vocational education programs may be financed by a local tax outside the uniform tax and outside of any additional appropriations now authorized in ~~section 3713~~ 3748, subsection 4.

Sec. 137. 20 MRSA § 3452, first ¶, as last amended by PL 1973, c. 788, § 80, is further amended to read:

For the purposes of this chapter, chapters 207, 209, 211 and ~~510~~ 512-A, and sections 522, 851, 1292, 2356-A to 2356-H and 3457 to 3460, the following terms are defined.

Sec. 138. 20 MRSA § 3454, first sentence, as last amended by PL 1973, c. 788, § 81, is further amended to read:

Whenever the information required for the purposes of this chapter, chapters 207, 209, 211 and ~~510~~ 512-A, and sections 522, 1292 and 3457 is not available because of the failure of the administrative unit, through its officers, to make the returns required by law, or because of the loss or destruction of the school records of an administrative unit, the commissioner may use as a basis for apportionment numbers on which the apportionment for said administrative unit was made for the preceding year less 10%.

Sec. 139. 20 MRSA § 3457, Table II, first ¶, last sentence, as amended by PL 1973, c. 571, § 52-B, is repealed and the following enacted in its place:

It is the intention of the Legislature, as expressed in section 3742, that 50% of the cost of construction shall be paid from a uniform property tax assessed against all the municipalities in the State and that 50% of the cost of construction shall be paid from nonproperty tax revenues.

Sec. 140. 20 MRSA § 3457, 7th ¶, first sentence, as repealed and replaced by PL 1971, c. 500, § 2, is repealed and the following enacted in its place:

The per pupil valuation of each municipality shall be determined by dividing the latest state valuation by the average number of resident pupils in the latest calendar year.

Sec. 141. 20 MRSA § 3713, sub-§ 11, 2nd ¶, as repealed by PL 1975, c. 660, § 4 and as amended by PL 1975, c. 746, § 23, is repealed.

Sec. 142. 20 MRSA § 3752, as enacted by PL 1975, c. 738, § 3 and by c. 746, § 24-Y, is repealed and the following enacted in its place:

§ 3752. School budgets

All administrative units shall set forth the school budget to include the state and local allocation, maintenance of effort and additional expenditures within the limitations of the statute. A detailed budget document shall be available to the legislative body which has responsibility for final budget approval and to any person residing within the geographical area administered by the administrative unit submitting the budget at least 7 days before the initial meeting of the legislative body to consider the budget document. The budget document shall contain a summary of anticipated revenues and estimated school expenditures for the fiscal year. School budgets in all school administrative units must be adopted on or before June 1st in each year.

The format of the school budget may be determined in accordance with section 226, subsection 3 or section 362.

In a town or city where the responsibility for final adoption of the school budget is vested by municipal charter in a town or city council, the school budget format may be changed through amendment of the charter under the home rule procedures prescribed in Title 30, sections 1911 to 1920.

Where the final budget authority is vested in a town meeting operating under the general enabling procedures of Title 30, the format of the school budget may be determined by the town meeting or under the procedures prescribed in Title 30, section 2053 or 2061.

Where community school district trustees are responsible for final adoption of a school budget, the school budget format may be determined by a warrant issued by the school district trustees specifying that the municipal officers of the municipalities within the community school district shall place the article on a secret ballot to be voted on at an election conducted in accordance with Title 30, sections 2061 to 2065. It shall be the duty of the board of trustees to prepare and furnish the required number of ballots for carrying out the election, including absentee ballots. An article specifying the budget format may be placed upon the next warrant issued or ballot printed by a majority of the board of trustees or on the written petition of 10% of the number of votes cast in the last gubernatorial election in each municipality comprising the district.

Any change in budget format shall be voted upon at least 90 days prior to the budget year for which such change is to be effective.

The budget format shall be that prescribed by a majority vote of the school directors or school committee until such time as 20% of the registered voters vote on an appropriate warrant article prescribing the school budget format.

To summarize the action taken on the school budget, for purposes of determining state and local cost sharing, the articles prescribed in chapter 512-A shall also be voted upon.

Notwithstanding any other provisions of public or private statutes, a special budget meeting to reconsider the actions taken by the legislative body

responsible for budget adoption in any administrative unit or to consider additional appropriations may be called under the following conditions and by following the procedures set forth below.

1. Reconsideration or additional appropriations. Meetings to reconsider action or to ask for additional appropriations must be called within 30 days of the regular budget meeting.

2. Special budget meeting. A special budget meeting may be called by the board of directors in a School Administrative District or by the board of trustees in a community school district.

3. Procedure for calling a special budget meeting. A special budget meeting must be called, within 15 days, by the board of directors in a School Administrative District or the board of trustees in community school districts whenever 10% of the voters voting in the last gubernatorial election in the member towns of the district have signed a petition for such a meeting specifying the article or articles to be acted upon at the special budget meeting.

4. Who may call a special budget meeting. A special budget meeting may be called by the school committee in a municipality which is responsible for the operation of its schools or may be called by using the petition procedures set forth in Title 30.

5. Invalidation of actions of a special budget meeting. Whenever a special budget meeting is called to reconsider action taken at a regular budget meeting or to consider additional appropriations, the actions of the meeting shall be invalid if the recorded vote is less than the vote recorded at the regular budget meeting on the appropriation articles.

6. Recording of "yes" or "no" votes. The moderators of each regular or special meeting where appropriations are approved shall require the clerk or secretary to record the number of "yes" votes and the number of "no" votes on each article considered at the meeting.

7. Municipalities. In municipalities where the council approves the school budget, reconsideration or additional appropriations may be initiated using the same procedures as outlined above. Council action shall be governed by the rules set forth in the charter.

8. Line item transfers. Meetings required by school committees or school directors for the purpose of transferring funds from one category or line item to another must be posted for voter or council action within 15 days of the date of the request.

Sec. 143. 21 MRSA § 491, as repealed and replaced by PL 1975, c. 752, § 3 and as amended by PL 1975, c. 770, § 88, is repealed and the following enacted in its place:

§ 491. Nomination authorized

The nomination of a candidate, other than by a party, for any federal, state or county office must be made by nomination petition. A person may file as a candidate for any federal, state or county office either by primary

election or nomination petition, but not by both.

1. Limitation. A person may not file, whether by primary election or nomination petition, as a candidate for more than one federal, state or county office at any election.

Sec. 144. 21 MRSA § 925, sub-§ 1, last sentence, as last amended by PL 1975, c. 771, § 192-B, is further amended to read:

If the challenged ballot affects the result of an election, its validity ~~must~~ shall be determined by the Governor subject to the right of appeal provided in section 1212, except where final determination of the election of a candidate is governed by the State or Federal Constitution or under ~~Title 4~~ chapter 36.

Sec. 145. 22 MRSA § 1, 3rd ¶, last sentence, as last amended by PL 1975, c. 755, § 4, is further amended to read:

Deputy commissioners shall be appointed by the commissioner, with the advice and consent of the Governor ~~and Executive Council~~, and shall serve at the pleasure of the commissioner.

Sec. 146. 22 MRSA § 1823, as enacted by PL 1973, c. 145, § 6, is amended to read:

§ 1823. Treatment of minors

Any hospital licensed under this chapter which provides facilities to a minor in connection with the treatment of ~~such~~ that minor for venereal disease or abuse of drugs is under no obligation to obtain the consent of ~~said~~ that minor's parent or guardian or to inform ~~such~~ that parent or guardian of the provision of such facilities so long as such facilities have been provided at the direction of the person or persons referred to in Title 32, sections ~~2606~~ 2595, 3292, 3817 or 4185-A. ~~Provided, however, that such~~ Such hospital shall notify and obtain the consent of ~~said~~ that minor's parent or guardian if ~~such~~ that hospitalization continues for more than 16 hours.

Sec. 147. 22 MRSA § 2203 is repealed.

Sec. 148. 22 MRSA § 2501, 2nd sentence, as enacted by PL 1975, c. 496, § 3, is amended to read:

A license shall not be required from dormitories of charitable, educational or philanthropic institutions, fraternity and sorority houses affiliated with educational institutions, or from private homes used in emergencies for the accommodation of persons attending conventions, fairs or similar public gatherings, nor from temporary eating and lodging places for the same, nor from railroad dining or buffet cars, nor from construction camps, nor from boarding houses and camps conducted in connection with wood cutting and logging operations, nor from any boarding ~~homes for the aged, blind or other persons over 16 years of age which are licensed under section 5, nor from any homes which board children exclusively and care facilities or children's homes which are licensed under section~~ ~~3707~~ 7801.

Sec. 149. 22 MRSA § 3105, 2nd sentence, is amended to read:

Such rehabilitation work shall be in cooperation with vocational education, as provided by Title 20, ~~chapters~~ chapter 307 ~~and 407~~ in the Department of ~~Education~~ Educational and Cultural Services.

Sec. 150. 22 MRSA § 3857, 1st ¶, as enacted by PL 1975, c. 167, § 2, is amended to read:

Whoever knowingly and willfully violates this chapter by failing to file a report as required by section 3853, shall, if that child has been subject to child abuse or neglect which results in a conviction of any person under any section of Title ~~17~~ 17-A or under Title 19, section 218, be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500.

Sec. 151. 22 MRSA § 5112, sub-§ 2, last ¶, 1st sentence, as enacted by PL 1975, c. 530, is amended to read:

In order to serve as advocate and ombudsman for older people, the committee shall have the power to enter onto the premises of any residential facility licensed according to sections ~~5~~ 1817 and 7801 in order to investigate complaints concerning ~~such~~ those facilities.

Sec. 152. 22 MRSA § 5313, sub-§ 2, as enacted by PL 1973, c. 793, § 12, is repealed.

Sec. 153. 22 MRSA § 7103, sub-§ 4, 1st sentence, as last amended by PL 1975, c. 204, § 1, is further amended to read:

“Approved treatment facility” means a public or private alcohol treatment facility meeting the standards promulgated by the office pursuant to section 7115, subsection 1, and approved under section 7115, subsection 3, and licensed pursuant to section ~~5-A~~ 7801 or pursuant to other applicable provisions of Maine law.

Sec. 154. 22 MRSA § 7106, sub-§ 9, 4th sentence, as enacted by PL 1973, c. 566, § 1, is amended to read:

Such contracts shall be executed only with agencies that meet the standards for treatment promulgated by the office under section 7115, subsection 1, and approved under section 7115, subsection 3, and licensed pursuant to section ~~5-A~~ 7801 or other applicable provisions of law.

Sec. 155. 22 MRSA § 7106, sub-§ 11, 1st sentence, as enacted by PL 1973, c. 566, § 1, is amended to read:

Establish operating and treatment standards, inspect and issue a certificate of approval for any drug abuse treatment facility or program, including residential treatment centers, which meet the standards promulgated under section 7115, subsection 1, and licensed pursuant to section ~~5-A~~ 7801 and other applicable provisions of law.

Sec. 156. 22 MRSA § 7107, last sentence, as enacted by PL 1973, c. 566, § 1, is amended to read:

The Maine Commission on Drug Abuse, as heretofore established by Title 5, chapter 317, as amended, and the advisory councils on alcoholism, as heretofore established in the department and by section ~~1352~~ 1367, as amended, shall, by this ~~Act~~ chapter and implementation of it, be reconstituted and unified into a single unit.

Sec. 157. ~~23~~ **MRSA § 156**, next to last ¶, last sentence, as amended by PL 1975, c. 771, § 245, is further amended to read:

If the party or parties named in the award refuse to accept it and appeal therefrom to the Superior Court, the department, upon notice from the ~~Damage~~ State Claims Board, shall forward to the State Claims Board a check in the amount of the award payable to the clerk of courts for the county where the land is situated for the use of the party or parties named in the award which the State Claims Board shall forthwith file with ~~said~~ that clerk together with an attested copy of its award.

Sec. 158. ~~24-A~~ **MRSA § 2307**, as last amended by PL 1969, c. 177, § 35 and by c. 402, § 6, is repealed and the following enacted in its place:

§ 2307. Limitation of disapproval power

No manual of classifications, rules, rating plans, or any modification of any of the foregoing which establishes standards for measuring variations in hazards or expense provisions, or both, and which has been filed pursuant to section 2304, shall be disapproved if the rates produced meet the requirements of this chapter and chapter 23.

Sec. 159. ~~25~~ **MRSA § 1549**, as last amended by PL 1975, c. 771, § 264 and as repealed and replaced by c. 763, § 9, is repealed and the following enacted in its place:

§ 1549. Request for fingerprints; fee

The State Police, the sheriffs and the chiefs of police in each of the cities and towns shall have the authority to take or cause to be taken, and upon payment of a \$1 fee, shall take or cause to be taken, the fingerprints or palm prints, or fingerprints and palm prints, of any person who shall request that his fingerprints or palm prints, or fingerprints and palm prints, be taken.

Such fingerprints and palm prints shall be taken on a form provided by the requesting person, or if the person does not provide a form, upon the Noncriminal Fingerprint Record. Fingerprints or palm prints taken pursuant to this section, or copies thereof, shall not be retained by the taker or forwarded to the State Bureau of Identification.

Sec. 160. ~~25~~ **MRSA § 1941**, 2nd sentence, as amended by PL 1973, c. 460, § 19, is further amended to read:

The appointive members shall be appointed by the Governor ~~with the advice and consent of the Council~~ from persons representing the following interests: 2 members from the passenger tramway industry, one of whom shall operate a rope tow, and in making such appointments consideration shall be given to recommendations made by members of the industry; one member to

represent the public at large; and one member to represent insurance companies which engage in insuring passenger tramway operations, and in appointing such member consideration shall be given to recommendations made by such insurance companies.

Sec. 161. 25 MRSA § 2452, last ¶, first sentence, as enacted by PL 1975, c. 491, § 3, is amended to read:

Existing boarding homes or other existing buildings licensed pursuant to Title 22, ~~section 5~~ subtitle 6, having more than 6 boarders, shall comply with any rules and regulations for residential-custodial care facilities required by the State Fire Marshal's Office, except that such existing facilities of not more than 2 stories in height shall not be required to be fire resistive, protected or unprotected noncombustible, protected wood frame or heavy timber construction.

Sec. 162. 25 MRSA § 2901, as amended by PL 1975, c. 771, § 268, is further amended to read:

§ 2901. Department; commissioner

There is hereby created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement responsibilities of the State of Maine, to consist of the Commissioner of Public Safety, hereafter in this chapter called "commissioner," who shall be appointed by the Governor, subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following as heretofore created and established: The Bureau of State Police, the Bureau of Liquor Enforcement, the Office of the State Fire Marshal and the Maine Criminal Justice Academy.

Sec. 163. 26 MRSA § 569, as enacted by PL 1969, c. 454 and as last amended by PL 1975, c. 293, § 4, is further amended to read:

§ 569. Rules and regulations

The rules and regulations formulated under this chapter may supplement, but shall in no manner supersede, the rules and regulations duly promulgated by the Board of Boiler Rules ~~the Board of Construction Safety Rules and Regulations~~ and the Board of Elevator Rules and Regulations, whose rule making authority is clearly set forth in sections 173 ~~373~~ and 432, respectively, and the rules and regulations duly promulgated by the Department of Human Services under the laws administered by that department. Before any rules or regulations are adopted, a public hearing shall be held, suitable notification to be published in at least 3 newspapers throughout the State.

Sec. 164. 26 MRSA § 968, sub-§ 7, first sentence, as last amended by PL 1975, c. 697, § 7 and by c. 771, § 283, is repealed and the following enacted in its place:

The board shall annually, on or before the first day of July, make a report to the Governor.

Sec. 165. 26 MRSA § 1027, sub-§ 2, ¶ C, sub-¶ (1), as enacted by PL 1975, c. 603, § 1, is amended to read:

(1) A work stoppage, slowdown or strike ~~except as provided in section 1026;~~

Sec. 166. 29 MRSA § 193, first sentence, as last repealed and replaced by PL 1973, c. 2, is amended to read:

The Secretary of State shall, upon payment of the fees required in sections 109 and 242, subsection 1, paragraph A and application therefor, by Maine Members of the United States Senate, Maine Members of the United States House of Representatives ~~Members of the Executive Council~~, Members of the Legislature, Representatives of the Indian Tribes at the Legislature, President of the Senate, Speaker of the House, Secretary of the Senate and Clerk of the House, issue one pair of specially designed number plates for one designated motor vehicle owned or controlled by each of the officials named.

Sec. 167. 29 MRSA § 355, sub-§ 6, as enacted by PL 1975, c. 546, § 2, is amended to read:

6. A copy of any warranty and of the disclosure statement pursuant to Title 10, section ~~1454~~ 1474 received by and issued by the dealer in connection with the sale of the motor vehicle.

Sec. 168. 29 MRSA § 2019, as last repealed and replaced by PL 1975, c. 510, § 41 and as amended by PL 1975, c. 430, § 47 and c. 746, §§ 26 and 27 is repealed and the following enacted in its place:

§ 2019. Overtaking and passing school buses

1. Receiving or discharging passengers. All school bus operators shall activate the system of flashing red lights at least 100 feet before any stop is made to receive or discharge its passengers and these lights shall be continually displayed until after the bus has received or discharged its passengers.

2. Stopping. The operator of a vehicle on a way, upon meeting or overtaking a school bus from either direction which has stopped, with its red lights flashing, on the way to receive or discharge school children, shall stop that vehicle before reaching that school bus and that operator shall not proceed until that school bus resumes motion or until signaled by the school bus operator to proceed.

3. Separated roadways. The operator of a vehicle on a way with roadways separate by curbing or other similar physical barrier need not stop upon meeting or passing a school bus which is stopped, with its red lights flashing, traveling in a lane separated by the barrier from the lane that operator is traveling in, or when upon a limited access highway and the school bus is stopped in a loading zone, which is part of or adjacent to that highway and where pedestrians are not permitted to cross the roadway.

4. Use of flashing red lights restricted. A school bus operator shall not use the system of red flashing lights on a school bus for any purpose other than controlling traffic in connection with the stopping of that bus for the purpose of receiving or discharging school children.

5. Penalty. Any operator who fails to comply with this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by

a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 90 days, or by both.

Sec. 169. 30 MRSA § 105-J, as enacted by PL 1973, c. 149, § 1 and as amended by PL 1975, c. 761, § 61 and c. 770, § 162, is repealed and the following enacted in its place:

§ 105-J. Creation of Oxford County Commissioner Districts

Oxford County shall be divided into the 3 following districts:

Commissioner District number 1, consisting of the municipalities and unorganized townships of Albany Township, Andover, Andover West Surplus Township, Bachelors Grant Township, Bethel, Brownfield, Denmark, Fryeburg, Gilead, Grafton Township, Hanover, Hiram, Lovell, Mason Township, Milton Township, Newry, Norway, Porter, Riley Township, Stoneham, Stow, Sweden, Upton, Waterford;

Commissioner District number 2, consisting of the municipalities and unorganized townships of Adamstown Township, Andover North Surplus Township, Bowmantown Township, C Surplus Township, Lincoln Plantation, Lower Cupsuptic Township, Lynchtown Township, Magalloway Plantation, Oxbow Township, Parkerstown Township, Parmachenee Township, Richardson Town Township, Township C, Upper Cupsuptic Township, Byron, Mexico, Roxbury, Rumford;

Commissioner District number 3, consisting of the municipalities of Buckfield, Canton, Dixfield, Greenwood, Hartford, Hebron, Oxford, Paris, Peru, Sumner, West Paris and Woodstock.

Members of the board of commissioners shall be residents of the Commissioner District for which they are elected and shall be elected by the residents of that district.

Sec. 170. 30 MRSA § 347, 1st sentence, as enacted by PL 1973, c. 289, § 1, is amended to read:

There is created and established a County Records Board to consist of 5 members; Four persons to be appointed by the Governor ~~with advice and consent of the Council~~ for a term of 3 years; one of whom shall be a county commissioner; one of whom shall be a register of deeds; one of whom shall be a register of probate; and one of whom shall be experienced in real estate title examinations; and a 5th person who shall be the State Archivist and shall serve as chairman.

Sec. 171. 30 MRSA § 905, next to last sentence, as amended by PL 1975, c. 771, § 317, is further amended to read:

The clerk of courts of his county shall certify such sheriff's name to the Governor and the Attorney General.

Sec. 172. 30 MRSA § 1983, sub-§ 4, as enacted by PL 1969, c. 382, § 5, is amended to read:

4. Transfer. Where a regional planning commission has been established

under chapter 239, subchapter ~~†~~ **I-A**, the member municipalities, by appropriate action, may provide for the transfer of all assets, liabilities, rights and obligations of the commission to the council and for the dissolution of the commission.

Sec. 173. 30 MRSA § 2061, sub-§ 5, ¶ I is amended to read:

I. Instruction cards containing the substance of Title 21, sections 861 to 863, 891, 892, 921, 923 and 1579, subsections 4, 7, 8, 13, 14, 15 and 17 to ~~22~~ 21, to guide voters in obtaining and marking ballots and to inform them of penalties for improper conduct must be printed.

Sec. 174. 30 MRSA § 4169, sub-§ 3, 3rd sentence, as enacted by PL 1975, c. 339, § 12, is amended to read:

So much of the funds raised from income designated in subsection 3 and paid into the treasury as may be necessary to pay for the purchase of real property to be held and managed as public reserved lands is appropriated to pay the same, and the director, with the prior approval of the Commissioner of Conservation and the Governor ~~and Executive Council~~, shall authorize the State Controller to draw his warrant therefor at any time.

Sec. 175. 30 MRSA § 4964, 2nd sentence, as enacted by PL 1975, c. 623, § 47-B, is amended to read:

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

Sec. 176. 31 MRSA § 180, sub-§ 2, as enacted by PL 1969, c. 324, § 1, is amended to read:

2. **Limited partnership.** A limited partnership formed under any statute of this State prior to the adoption of this chapter, until or unless it becomes a limited partnership under this chapter shall continue to be governed by sections 51 to 60, as they were prior to October 1, 1969, except that such partnership shall not be renewed unless so provided in the original agreement.

Sec. 177. 32 MRSA § 151, last ¶, as last repealed and replaced by PL 1975, c. 770, § 180 and as amended by PL 1975, c. 771, § 332, is repealed and the following enacted in its place:

The board shall be composed of 5 practicing architects, or 4 practicing architects and one professor of architecture and one representative of the public, who shall be appointed by the Governor. The term of office of each present member of the board shall expire as now provided. The successors to the first 3 terms of office to expire shall be appointed for 2-year terms, thereafter all members shall be appointed for 3-year terms. All board members shall serve until their successors are duly appointed and qualified. Each member of the board shall receive a certificate of his appointment from the Governor.

Sec. 178. 32 MRSA § 1658-I, sub-§ 1, ¶ D, as repealed and replaced by PL 1975, c. 463, § 3, is amended to read:

D. Has obtained a trainee permit pursuant to section ~~1658-I~~ 1658-J and has received training in the practice of fitting and dealing in hearing aids under the direct supervision of a licensee for at least a 30-day period.

Sec. 179. 32 MRSA § 2153, sub-§ 10, is amended to read:

10. **Report.** Make an annual report to the Governor and Council for each fiscal year showing its receipts and disbursements and giving a full account of its activities during the previous 12-month period.

Sec. 180. 32 MRSA § 2851, 1st ¶, as last repealed and replaced by PL 1975, c. 770, § 185 and as amended by PL 1975, c. 771, § 385, is repealed and the following enacted in its place:

A Board of Commissioners of the Profession of Pharmacy, as heretofore established and in this chapter called the "board," shall consist of 5 pharmacists all of whom shall be residents of this State and actually engaged in the practice of their profession, and one representative of the public, who shall be appointed and may be removed for cause by the Governor. The public representative commissioner shall hold office for 5 years from the first day of December of the year in which he is appointed or until his successor is appointed and qualified. The terms of office of the pharmacist commissioners shall be so arranged that one pharmacist member of that board shall be appointed annually as the terms of the present members expire, to hold office for 5 years from the first day of December in each year or until his successor is appointed and qualified. Vacancies shall be filled by appointment for the unexpired term. No pharmacist shall be appointed to serve as a commissioner unless he has had at least 10 years' experience in the practice of pharmacy as a registered pharmacist prior to his appointment. At least 3 commissioners serving on the board shall possess a degree in pharmacy from an accredited college of pharmacy. The board shall have power:

Sec. 181. 32 MRSA § 3270-A, last ¶, as enacted by PL 1973, c. 514, § 2, is amended to read:

When the delegated activities are part of the practice of optometry as defined in chapter 35 34-A, then the person to whom such activities are delegated shall possess a valid license to practice optometry in Maine, or otherwise shall perform only as a technician within the established office of a physician, and otherwise acting solely on the order of and under the responsibility of a physician skilled in the treatment of eyes as designated by the proper professional board, and without assuming evaluation or interpretation of examination findings by prescribing corrective procedures to preserve, restore or improve vision.

Sec. 182. 32 MRSA § 3302, 2nd sentence, as repealed and replaced by PL 1973, c. 521, § 6, is amended to read:

No license is required for any activity for which a permit is not required under Title 30, section 3223.

Sec. 183. 32 MRSA § 3804-A, as last amended by PL 1975, c. 740, § 131 and by c. 744, § 1, is repealed and the following enacted in its place:

§ 3804-A. Construction

Nothing in this chapter shall be construed to confer on any person licensed under this chapter any of the power and authority of sheriffs or police officers, except in cases of criminal homicide in the first or 2nd degree and class A, B and C offenses and offenses under Title 17, section 3104 and Title 17-A, chapter 15, sections 351 to 362 and chapter 39, sections 951 to 958.

Sec. 184. 32 MRSA § 3806, 1st and last paragraphs, as last amended by PL 1975, c. 744, §§ 3 and 4 and c. 771, §§ 365 and 366 are repealed and the following enacted in their places:

The Commissioner of Public Safety may grant to an applicant complying with section 3805 a license to engage in the private detective business or a license to engage in the business of watch, guard or patrol agency, provided that no such license shall be granted to any person who has been convicted in any state of the United States of a felony.

The Commissioner of Public Safety may annually renew and may at any time for cause, after notice and hearing, revoke any such license. An application for a renewal shall be on a form furnished by the Chief of the State Police and the information contained in that application shall be reviewed by the chief for continued compliance with the provisions of section 3805 before that application is submitted to the Commissioner of Public Safety.

Sec. 185. 32 MRSA § 4102-A, as last amended by PL 1975, c. 767, § 64 and by c. 770, § 188, is repealed and the following enacted in its place:

§ 4102-A. Temporary license in case of death

In the event of the death of a licensed broker, who is the sole proprietor of a real estate business, the commission shall, upon application by his legal representative, issue, without examination, a temporary license to that legal representative, or to an individual designated by him and approved by the commission and the payment of the prescribed fee of \$15, which shall authorize that temporary licensee to continue to transact that business for a period not to exceed one year from the date of death subject to all other provisions of sections 4001 to 4119, except that such temporary license shall not be renewed.

Sec. 186. 32 MRSA § 4110, as repealed and replaced by PL 1975, c. 767, § 72 and as amended by c. 770, § 189, is repealed and the following enacted in its place:

§ 4110. Examination

The commission shall require each applicant for a first-time broker's license or a first-time salesman's license or any applicant for a renewal of his broker's or salesman's license who has permitted his license to lapse for more than 2 years since the expiration of the last previous license issued to him to appear in person at such time and place as the commission shall designate for that purpose for a written examination as to his qualifications to act as a broker or salesman and the commission shall collect a fee of \$40 in the case of a broker and \$35 in the case of a salesman. Such fee shall cover the cost of processing the application and providing the examination. If the applicant is approved, the license fee shall be the same as the renewal fee, except the fee shall be $\frac{1}{2}$ if the unexpired license term is less than one year. Such fee shall entitle any applicant for a license to take the examination which is next given by the commission without additional charge should the applicant fail to pass the first examination and the fee for a broker's license shall be reduced by \$5 for each 6 months remaining on an applicant's unexpired salesman's license. The commission shall retain the fee irrespective of whether or not the examination is taken or passed. After an applicant has failed his examination twice, he shall be required to refile as an original applicant, pay the above fee and wait at least 6 months before taking another examination.

Sec. 187. 32 MRSA § 4864, sub-§ 9, as enacted by PL 1975, c. 477, § 4, is repealed and the following enacted in its place:

9. Cruelty to animals. The performance of any inhumane or cruel act, as established by the board in accordance with Title 17, chapter 43 and Title 17-A, section 510, in the treatment or care of any animal;

Sec. 188. 32 MRSA § 4907, first ¶, as last repealed and replaced by PL 1975, c. 760, § 8 and as amended by PL 1975, c. 771, § 370, is repealed and the following enacted in its place:

The State Board of Certification for Geologists and Soil Scientists is created and shall administer this chapter and its office shall be within the Department of Conservation. The board shall consist of 7 members, 5 of whom shall be appointed by the Governor from the following categories: One academic geologist; one independent consultant or salaried geologist; one independent consultant or salaried soil scientist; one other soil scientist and a representative of the public. The 6th and 7th members shall be the State Soil Scientist with the Maine Soil and Water Conservation Commission, ex officio, and the State Geologist or his designee, who shall be a geologist employed in State Government, ex officio. No person, except the representative of the public, shall be eligible for appointment to the board unless certified under this chapter.

Sec. 189. 32 MRSA § 4907, sub-§ 2, as last repealed and replaced by PL 1975, c. 760, § 9 and as amended by PL 1975, c. 771, § 371, is repealed and the following enacted in its place:

2. Term. The term of office shall be 5 years, except for the members of the initial board, whose terms shall be 5 years, 4 years, 3 years and 2 years. As a member's term expires, he shall be replaced by a person of such background that the nature of the board shall remain as defined above. Vacancies occurring prior to the expiration of the specified term shall be filled by appointment for the unexpired term. No person shall serve as a member of the board for more than 2 consecutive terms. A board member shall hold office until the expiration of the term for which he has been appointed and until his successor has been appointed and qualified. A board member may be removed for cause by the Governor.

Sec. 190. 33 MRSA § 1218, as enacted by PL 1975, c. 509, § 13, is amended to read:

§ 1218. Fraudulent registration

Any person who knowingly registers a coastal island, not being the true owner of such that island, with the intent of fraudulently obtaining an interest in such that island, or with the purpose of deceiving the State as to ownership of such that island or to otherwise deceive, deprive, obtain or misrepresent ownership of such that island shall be punished in accordance with the provisions of Title 17, section 1603-A, fraud against the State guilty of a Class D crime.

Sec. 191. 34 MRSA § 526, 1st sentence, as repealed and replaced by PL 1975, c. 755, § 8, is amended to read:

The commissioner shall, with the advice of the Correctional Advisory Commission, appoint and set the salary, subject to the approval of the Governor and Council, for a Director of Corrections who shall be a person with training and experience in correctional administration or who has had satisfactory experience in the direction of work of a comparable nature.

Sec. 192. 34 MRSA § 529, last ¶, as enacted by PL 1975, c. 492, § 2, is repealed and the following enacted in its place:

Any person so transferred shall be subject to the general rules and regulations pertaining to persons at the institution or facility, or in the program to which he is transferred, except that the term of his original sentence or commitment shall remain the same, unless altered by the court, and that person shall become eligible for release and discharge as provided in Title 17-A, section 1254.

Sec. 193. 34 MRSA § 552, last sentence, as repealed and replaced by PL 1971, c. 397, § 1, is amended to read:

The warden shall cause a record to be kept of all punishments imposed upon inmates at the State Prison as provided in section 709 531 and rules and regulations of the State Prison; ~~such~~ that record shall set forth the reasons for the imposition of such punishments.

Sec. 194. 34 MRSA § 751, last sentence, as repealed and replaced by PL 1969, c. 505, is amended to read:

An inmate who escapes from the State Prison Minimum Security Unit or from land leased by the Warden of the State Prison, under this section, wherever located, shall be guilty of an escape as if ~~such~~ that escape were from the confines of the State Prison and shall be punished in accordance with ~~section 710~~ Title 17-A, section 755.

Sec. 195. 34 MRSA § 2002, 1st sentence, as repealed and replaced by PL 1975, c. 755, § 9, is amended to read:

The commissioner shall, with the advice of the Committee on Mental Health, appoint and set the salary, subject to the approval of the Governor and Council, for a Director of Mental Health who shall be a person with training and experience in mental health program administration or who has had satisfactory experience in the direction of work of a comparable nature.

Sec. 196. 34 MRSA § 2062, as repealed and replaced by PL 1975, c. 747, § 2, as repealed by PL 1975, c. 777, § 12 and as repealed and replaced by PL 1975, c. 755, § 10, is repealed and the following enacted in its place:

§ 2062. Director; duties

The commissioner shall, with the advice of the Committee on the Problems of the Mentally Retarded, appoint and set the salary, subject to the approval of the Governor, for a Director of Mental Retardation who shall be a person with training and experience in mental retardation program administration or who has had satisfactory experience in the direction of work of a comparable nature. The appointment shall be for an indeterminate term and until a successor is appointed and qualified or during the pleasure

of the commissioner. It shall be the duty of the Director of Mental Retardation to carry out the purposes of the bureau.

Sec. 197. 34 MRSA § 2066, sub-§ 1, as enacted by PL 1975, c. 747, § 3, is amended to read:

1. **Incapacitated person.** The term "~~incapacitated~~ incapacitated person" means any person who is impaired by reason of mental retardation to the extent that he lacks sufficient understanding or capacity to make, communicate or implement responsible decisions concerning his person or property.

Sec. 198. 35 MRSA § 314, 2nd sentence, as enacted by PL 1975, c. 548, is amended to read:

These regulations shall apply generally to all such utilities within the commission's jurisdiction and shall provide for adequate written notice by such utility to the residential customer that his utility bill has not been paid, and a notice of his prospective termination or disconnection and his right, prior to disconnection, to enter into reasonable installment payment arrangements with such utility company; to settle any dispute concerning the proposed disconnection at an informal hearing with such utility company; and to appeal the results of such utility company's decision to the Public ~~Utility~~ Utilities Commission.

Sec. 199. 35 MRSA § 3322, first sentence, as enacted by PL 1975, c. 541, is amended to read:

The Public Utilities Commission shall adopt, within 30 days following ~~the effective date of this Act~~ October 1, 1975, rules and regulations relating to the use and installation of radar devices in the vessels referred to in section 3321.

Sec. 200. 36 MRSA § 2624, 7th sentence, as amended by PL 1971, c. 549, is further amended to read:

When net railway operating income for the preceding year is less than 5¾% of investment in railway property used in transportation service, less depreciation and plus cash, including temporary cash investments and special deposits, and material and supplies, as reported by the railroad in its annual report to the Public Utilities Commission, the tax payable shall be diminished by a sum which added to said net railway operating income would equal 5¾% of the investment as aforesaid; except that in any event the tax payable shall not be diminished below a minimum amount equal to ~~1% of the gross transportation receipts for the year 1971 and equal to 9/10 of 1% of the gross transportation receipts for the year 1972 and equal to 1/4 of 1% of the gross transportation receipts for each succeeding year.~~

Sec. 201. 37-A MRSA § 202, as enacted by PL 1971, c. 580, § 1, is repealed and the following enacted in its place:

§ 202. Armed vessels to protect the coast

When the Governor deems it necessary to protect the coast of the State from invasion, the Governor may procure, equip, officer and man, such armed vessels as the Governor thinks expedient, to cruise along the coast of the

State for the purpose of protecting the inhabitants thereof; and fix the relative rank and compensation of the officers, and the number and compensation of seamen employed.

Sec. 202. 38 MRSA § 341, last sentence, as repealed and replaced by PL 1975, c. 771, § 418, is amended to read:

The department shall consist of the Board of Environmental Protection, which is the successor of the Environmental Improvement Commission and of a Commissioner of Environmental Protection, hereafter in this Title called "commissioner," who shall be appointed by the Governor, subject to review by the Joint Standing Committee on Natural Resources and to confirmation by the Legislature and who shall serve at the pleasure of the Governor.

Sec. 203. 38 MRSA § 560, sub-§ 1, last sentence, as enacted by PL 1975, c. 578, is amended to read:

The purpose of regulations adopted by the board shall be to protect the coastal waters, tidal flats, beaches and lands adjoining the waters of the State from damage by the intentional or accidental discharge of oil, other pollutants as defined in ~~Title 38~~ section 361-A or air contaminants as defined in ~~Title 38~~ section 582 or explosion from the accumulation of gases aboard such vessels and to prohibit interference with the harvesting of marine resources, aesthetic and recreational uses of such waters.

Sec. 204. 38 MRSA § 560, sub-§ 3, first sentence, as enacted by PL 1975, c. 578, is amended to read:

The Board of Environmental Protection shall, within 90 days after ~~the effective date of this Act~~ **October 1, 1975**, adopt regulations limiting or, to the extent the board determines necessary, prohibiting the anchorage in Maine coastal waters, estuaries or rivers under the jurisdiction of the State of Maine, of vessels designed or used to carry oil as cargo.

Sec. 205. 38 MRSA § 560, sub-§ 5, as enacted by PL 1975, c. 578, is amended to read:

5. Exemption. The board may by regulation exempt certain activities not inconsistent with the purposes of this ~~Act~~ section.

Sec. 206. 38 MRSA § 560, sub-§ 9, as enacted by PL 1975, c. 578, is amended to read:

9. Penalty. Any person having a vessel at anchorage in Maine waters without having applied for or having been granted a license as provided in this section shall be subject to penalties provided in ~~Title 38~~ sections 453 and 454.

Sec. 207. 38 MRSA § 582, sub-§ 6-A, as enacted by PL 1973, c. 438, § 2, is repealed as follows:

6-A. Commissioner. "Commissioner" means the Commissioner of Environmental Protection.

Sec. 208. 38 MRSA § 1303, sub-§ 2, as enacted by PL 1973, c. 387, is repealed as follows:

2. Commissioner. "Commissioner" means the Commissioner of the Department of Environmental Protection.

Sec. 209. PL 1975, c. 499, § 72, as enacted by PL 1975, c. 623, § 83 and as repealed and replaced by PL 1975, c. 649, § 2, c. 699, § 2 and by c. 740, § 138, is repealed and the following enacted in its place:

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

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

Effective April 14, 1977

CHAPTER 79

AN ACT Concerning Membership on Municipal Charter Commissions.

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

Whereas, the importance of the home rule powers granted to the municipalities in the Constitution of the State of Maine is well recognized; and

Whereas, one important aspect of this power is the implementing language in the statutes providing methods to revise the municipality's charters; and

Whereas, because of this language some municipalities cannot have a balanced representation from each ward or voting district on a charter commission; and

Whereas, the Legislature feels that municipalities should have greater options in determining the membership of a charter commission; and

Whereas, further delay in creating charter commissions to revise or amend municipal charters which are outdated is unnecessary and would frustrate local government operations; 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: