

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

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

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provided in this section. After 24 hours from the time a person applies for general assistance, or immediately after a person receives notice that an approved application has been revoked, that person may request a hearing within 5 working days. A hearing shall be held by the municipality within 7 days following the receipt of a written request by the applicant for a fair hearing.

The hearing may be conducted by the municipal officers, a board of appeals created under Title 30, section 2411, or one or more persons appointed by the municipal officers to act as a fair hearing authority. In no event shall a hearing be held before the person or body responsible for the decision, act, failure to act or delay in action relating to the applicant.

The person requesting the hearing shall be afforded the right to confront and cross-examine any witnesses against him, present witnesses in his own behalf and be represented by counsel or other spokesman, and be advised of these rights in writing. The decision of such a hearing shall be based solely on evidence adduced at the hearing. The person requesting the hearing shall, within a reasonable time after the hearing, be furnished with a written decision detailing the reasons for that decision. Review of any action or failure to act under this chapter shall be pursuant to the Maine Rules of Civil Procedure, Rule 80-B.

Sec. 15. 30 MRSA § 5614 is repealed and the following enacted in its place:

§ 5614. Money for schools and general assistance programs

All plantations may raise and expend money for the support of schools and making and repairing schoolhouses as provided in Title 20, section 851, and for general assistance programs as provided in Title 22, chapter 1251, and for sums necessary for legal plantation expenses.

Sec. 16. Transitional provision. Any rule or regulation adopted by municipal officers pursuant to Title 22, section 4504, prior to the effective date of this Act shall remain in effect until superseded by ordinances adopted pursuant to this Act.

Effective October 24, 1977

CHAPTER 418

AN ACT to Transfer the Eminent Domain Power of the Penobscot Indian Housing Authority to the Tribal Governor and Council and to Require Referendum Approval of any action Relating to Eminent Domain.

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

22 MRSA §§ 4736-A and 4736-B are enacted to read:

§ 4736-A. Eminent domain power of the Penobscot Indian tribal governor and council

Title 30, section 4656, shall not apply to the Housing Authority of the Penobscot tribal reservation. The tribal governor and council of the Penobscot Indian reservation shall have the right to acquire, by the exercise of the power of eminent domain, any real property within the territorial boundaries of the reservation which they may deem necessary for the purposes set out in this chapter, after the adoption of a resolution declaring that the acquisition of the real property described therein is necessary for these purposes. The tribal governor and council shall exercise the power of eminent domain in the manner provided in Title 30, section 4807, but references in section 4807 to an authority shall mean the tribal governor and council, and references to an urban renewal project and a renewal project area and the like shall be inapplicable. Any real property acquired pursuant to this section, shall be transferred by the governor and council to the reservation authority to be used for the purposes set out in this chapter.

§ 4736-B. Referendum

No real property within the territorial boundaries of the reservation shall be acquired pursuant to section 4736-A, unless or until a majority of the members of the Penobscot tribal reservation eligible to vote under section 4792, voting in a referendum duly held, have voted in favor of the acquisition. The tribal governor and council shall determine the form and operation of the referendum vote and shall make all rules and regulations necessary to carry out the referendum.

Effective October 24, 1977

CHAPTER 419

AN ACT to Prevent the Display of Adult Magazines to Minors.

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

17 MRSA § 2906 is enacted to read:

§ 2906. Magazines containing obscene material on their covers
not to be displayed to minors

1. Prohibition. No book, magazine or newspaper containing obscene material on its cover and offered for sale shall be displayed in a location accessible to minors unless the cover of that book, magazine or newspaper is covered with an opaque material sufficient to prevent the obscene material from being visible.

2. Definitions. For purposes of this section, the following terms shall have the following meanings.

A. "Minor" means any person who has not attained his 18th birthday.