

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

**SECOND REGULAR SESSION**

January 2, 1980 to April 3, 1980

AND AT THE

**THIRD SPECIAL SESSION**

May 22, 1980

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TITLE 3, SECTION 164, SUBSECTION 6.

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Sec. 1. 12 MRSA § 6074, sub-§ 3, as enacted by PL 1977, c. 661, § 5, is amended by adding at the end a new sentence to read:

**No filing fee may be required from a municipality applying for a special license for using a hydraulic dredge under section 6623.**

Sec. 2. 12 MRSA § 6074, sub-§ 5, as enacted by PL 1977, c. 661, § 5, is amended by adding at the end a new sentence to read:

**No license fee may be required from a municipality for a special license for using a hydraulic dredge under section 6623.**

Sec. 3. 12 MRSA § 6623, sub-§ 2, 3rd sentence, as repealed and replaced by PL 1977, c. 713, § 7, is amended to read:

**The Except for a dredge licensed to a municipality for transplanting under its conservation program, the dredge shall only be operated below low water.**

Sec. 4. 12 MRSA § 6623, sub-§ 3 is enacted to read:

**3. Department excepted. This section shall not apply to equipment operated by the department for transplanting under a conservation program or conducting research on shellfish.**

Effective July 3, 1980

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## CHAPTER 623

### H. P. 1683 — L. D. 1792

#### AN ACT Providing for Return of Patients to Mental Health Institutions.

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

Sec. 1. 15 MRSA § 104-B is enacted to read:

#### § 104-B. Failure of patient to return

**If any patient committed to the Department of Mental Health and Corrections for care and treatment under section 103 or 105 fails to return to the hospital from a community visit authorized under section 104 when requested to do so, by the superintendent or his designee of the institution in which he was placed, law enforcement personnel of the State or of any of its subdivisions may, upon request of the superintendent or his designee, assist in the return of the patient to the mental hospital.**

Sec. 2. 34 MRSA § 2378 is enacted to read:

§ 2378. Failure of patient to return

If any patient committed under section 2334 leaves the grounds of the mental hospital without authorization of the chief executive officer, or his designee, or refuses to return to the hospital from a community pass when requested to do so, law enforcement personnel of the State or of any of its subdivisions may, upon request of the chief executive officer of the mental hospital or of his designee, assist in the return of the patient to the mental hospital.

Effective July 3, 1980

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**CHAPTER 624**  
**H. P. 1665 — L. D. 1774**

**AN ACT to Permit Participating Local Districts of the Maine State Retirement System to Amend Retirement Benefits for Policemen and Fire Fighters Prospectively.**

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

**Sec. 1.** 5 MRSA § 1121, sub-§ 4, ¶ A, as amended by P&SL 1971, c. 179, § E, § 1, is further amended by adding at the end the following new paragraph:

Any participating local district electing these benefits may, by filing with the board of trustees a duly certified copy of its action, discontinue any such benefit as to members of a fire or a police department, including the chiefs thereof and sheriffs and deputy sheriffs hired after the effective date of the action only, and may thereupon substitute for the benefit any other benefit provided for by this chapter. Nothing in this paragraph may be construed to affect in any way the rights of public employees to collectively bargain for terms and conditions of employment.

**Sec. 2.** 5 MRSA § 1121, sub-§ 8, as last amended by PL 1975, c. 622, § 52, is further amended by adding at the end the following new sentence:

Any participating district which has selected a retirement provision under this subsection may, by filing with the board of trustees a duly certified copy of its action, discontinue any such benefit as to fire fighters, including the chief of a fire department, hired after the effective date of the action only, and may thereupon substitute for the benefit any other benefit provided for by this chapter, including any other benefit under this subsection. Nothing in this paragraph may be construed to affect in any way the rights of public employees to collectively bargain for terms and conditions of employment.

**Sec. 3.** 5 MRSA § 1121, sub-§ 9, as last amended by PL 1975, c. 622, § 53, is further amended by adding at the end the following new sentence: