AN ACT to Make Additional Corrections of Errors and Inconsistencies in the 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 § 12, last sentence is amended to read:

If compensation for land is not agreed upon, the estate may be taken for the intended purpose by payment of a fair compensation, to be ascertained and determined in the same manner as and by proceedings similar to those provided for ascertaining damages in locating highways, in Title 23, chapters 201 to § 207.
Sec. 134. 38 MRSA § 342, sub-§ 1, 2nd sentence, as enacted by PL 1971, c. 618, § 8, is repealed as follows:

He shall have the right to vote only in the case of a tie vote

Sec. 135. 38 MRSA § 395, as enacted by PL 1977, c. 123, § 2, is repealed and the following enacted in its place:

§ 395. Violations

Each day of violation shall be considered a separate offense. A finding that any such violation has occurred shall be prima facie evidence that the activity was performed or caused to be performed by the owner of the property upon which, or immediately adjacent to which, the violation is found to have occurred.

Sec. 136. 38 MRSA § 397, as enacted by PL 1977, c. 123, § 2, is repealed.

Sec. 137. 38 MRSA § 422, as last amended by PL 1975, c. 388, §§ 3 and 4, is repealed.

Sec. 138. 38 MRSA § 451-A, sub-§ 6, ¶ B, as enacted by PL 1975, c. 700, § 2, is amended to read:

B. Has been used as his dwelling place either year round or seasonally prior to the effective date of this Act March 30, 1976; and

Sec. 139. 38 MRSA § 451-A, sub-§ 6, ¶ C, sub-¶ (3), as enacted by PL 1975, c. 700, § 2, is amended to read:

(3) the discharge will not differ in kind or be greater in quantity from that which occurred prior to the effective date of this Act March 30, 1976, on a year round basis or seasonally;

Sec. 140. PL 1975, c. 741, § 35 is repealed.

Sec. 141. P & SL 1941, c. 69, § 20, 1st sentence, as enacted by P & SL 1941, c. 133, is amended to read:

The provisions of the Revised Statutes and amendment thereto shall apply to criminal acts and civil violations committed on the turnpike.

Sec. 142. P & SL 1949, c. 75, ARTICLE XIV, § 2, 3rd sentence, is amended to read:

The 2nd commissioner from the State of Maine shall be a Legislator and mem-

Sec. 143. P & SL 1949, c. 89, is amended to read:

Sec. 1. Number of trustees. Such of the provisions of the charter of the Bangor Theological Seminary, formerly the Maine Charity School, as relate
District Number Eighty-Three (Two), consisting of that part of the City of Bangor described as follows: Beginning in the Bangor-Hampden town line at its intersection with U.S. Route 202; thence westerly along the Bangor-Hampden town line to the Bangor-Herman town line; thence northerly along the Bangor-Herman town line to the center line of Union Street; thence southeasterly in the center line of Union Street to the Interstate Route 95; thence easterly in the center line of Interstate 95 to the center of the Kenduskeag Stream; thence southerly along the center of the Kenduskeag Stream to the center line of Valley Avenue near Nelson Street at the boundary line of District Number Eighty-Three (One); thence generally southwesterly along the boundary line of District Number Eighty-Three (One) to the point of beginning, 1 Representative;

Sec. 150. Resolves, 1977, c. 10, District Number Eighty-Three (Three), is repealed and the following enacted in its place:

District Number Eighty-Three (Three), consisting of that part of the City of Bangor described as follows: Beginning in the Bangor-Herman town line at the center line of Union Street; thence southeasterly in the center line of Union Street to the center line of Interstate Route 95; thence northeasterly in the center line of Interstate Route 95 to the center line of Kenduskeag Avenue; thence northwesterly in the center line of Kenduskeag Avenue to the southeasterly corner of a lot of land now or formerly owned by Husson College, said lot being designated as lot No. 9 on a plan entitled “Husson College Land,” dated June 16, 1975, recorded in Map File No. 467, Penobscot Registry of Deeds; thence generally easterly along the southerly boundary of said lot No. 9 to the northeast corner of said lot; thence generally northerly along the easterly boundary of said lot and lots No. 8, 7 and 5 on said plan to the center line of a 70’ right-of-way located on the northerly boundary of said lot No. 5; thence along the center line of said right-of-way to the center line of Broadway; thence northerly in the center line of Broadway to the center line of Hudson Road; thence northerly and westerly in the center line of Hudson Road to the Bangor-Glenburn town line; thence westerly along the Bangor-Glenburn town line to the Bangor-Herman town line; thence southerly in the Bangor-Herman town line to the point of beginning, 1 Representative;

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

STATEMENT OF FACT

The intent of this new draft is to provide, in addition to chapter 78 of the public laws of 1977 passed earlier this session, a second errors and inconsistencies bill which is designed to make supplemental changes and be the final and over-riding bill of the first regular session.