

# MAINE STATE LEGISLATURE

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(Emergency)  
New Draft of: S. P. 692, L. D. 2132  
SECOND REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 2199**

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S. P. 748

In Senate, March 15, 1978

Reported by Senator Curtis, of Penobscot, from the Committee on Judiciary and printed under Joint Rules No. 2.

MAY M. ROSS, Secretary

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

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**AN ACT to Make Additional Corrections of Errors and Inconsistencies in the Laws  
of Maine.**

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**Emergency peramble.** 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 create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary such uncertainties and confusion be resolved in order to prevent any injustice or hardship on the citizens 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Sec. 1. 1 MRSA § 23 is repealed.

Sec. 2. 1 MRSA § 28, is repealed.

Sec. 3. 1 MRSA § 202, is repealed and the following enacted in its place:

**§ 202. Removal, injury, neglect or refusal to deliver up state seal**

Whoever intentionally removes the seal of the State of Maine from the office or custody of the Secretary of State at Augusta, or intentionally secretes, defaces, injures or destroys it, or, having the same in his possession or under his control, intentionally neglects or refuses to deliver it to the Secretary of State upon demand therefor, shall be guilty of a Class C crime.

Sec. 4. 1 MRSA § 203 is repealed and the following enacted in its place:

**§ 203. Use of state seal in any place but office of Secretary of State**

Whoever intentionally uses the seal of the State of Maine, or takes any impression therefrom, for any purpose, in any other place than the office of the Secretary of State at Augusta, or intentionally issues, or receives and acts under any commission, record, document, parchment, instrument or paper bearing the impression of the seal, knowing the same has not been sealed in the office of the Secretary of State at Augusta, shall be guilty of a Class D crime.

Sec. 5. 1 MRSA § 204, last sentence is repealed and the following enacted in its place:

Whoever violates any of the provisions of this section shall be guilty of a Class E crime.

Sec. 6. 1 MRSA § 252-A, last ¶, as enacted by PL 1973, c. 262, § 1, is repealed and the following enacted in its place:

Flying the United States flag in any manner in violation of the Federal United States Flag Code or in violation of this section is a Class E crime.

Sec. 7. 1 MRSA § 253, last ¶, is repealed and the following enacted in its place:

Any violation of this section shall be a civil violation for which a forfeiture not to exceed \$50 may be adjudged.

Sec. 8. 1 MRSA § 254, last ¶ is repealed and the following enacted in its place:

Any violation of this section shall be a Class E crime.

Sec. 9. 1 MRSA § 402, sub-§ 3, ¶¶ C and D, as enacted by PL 1975, c. 758, are amended to read:

C. Records, working papers and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the biennium in which the proposal or report is prepared; ~~and~~

D. Material prepared for and used specifically and exclusively in preparation for negotiations, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives; and

Sec. 10. 1. MRSA § 452, as repealed and replaced by PL 1969, c. 318, § 1, is repealed and the following enacted in its place:

**§ 452. Removal, secretion, mutilation or refusal to return state documents**

Whoever intentionally removes any book, record, document or instrument belonging to or kept in any state office, except books and documents kept and deposited in the State Library, or intentionally secretes, alters, mutilates, defaces or destroys any such book, record, document or instrument, or, having any such book, record, document or instrument in his possession, or under his control, intentionally fails or refuses to return the same to that state office, or to deliver the same to the person in lawful charge of the office where the same was kept or deposited, shall be guilty of a Class D crime.

Sec. 11. 1 MRSA § 521, sub-§ 2, as enacted by PL 1975, c. 360, is amended to read:

2. **Dissemination.** A copy of every executive order shall be filed with the Legislative Council, the Law and Legislative Reference Library and every County law library in this State within one week after the Governor has issued that order.

Sec. 12. 1 MRSA § 1019, 1st sentence, as enacted by PL 1975, c. 621, § 1, is repealed and the following enacted in its place:

**The intentional filing of a false statement shall be a Class E crime.**

Sec. 13. 1 MRSA § 1020, as enacted by PL 1975, c. 621, § 1, is repealed and the following enacted in its place:

**§ 1020. Penalty for false accusations**

Any person who files a false charge of a conflict of interest with the commission or any member of the commission, which he does not believe to be true, or whoever induces another to file a false charge of a conflict of interest, which he does not believe to be true, shall be guilty of a Class E crime.

Sec. 14. 1 MRSA c. 29, as enacted by PL 1977, c. 490, § 2, is repealed.

Sec. 15. 1 MRSA c. 31 is enacted to read: