

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Eighth Legislature

1917

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Chapter 140.

An Act to Amend Section Thirty-one of Chapter Sixty-eight of the Revised Statutes, Appropriating Moneys in the State Treasury Credited to Public Administrators' Fund.

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

R. S., c. 68, § 31, relating to funds paid into state treasury by public administrators. Section thirty-one of chapter sixty-eight of the revised statutes, is hereby amended by adding to said section the following words, 'and such principal is hereby appropriated to pay such lawful claims', so that as amended said section shall read as follows:

'Sec. 31. Authority for paying lawful claims. When there is, in the hands of such public administrator, an amount of money, more than is necessary for the payment of the deceased's debts and for other purposes of administration, he shall be required by the judge to deposit it with the treasurer of state, who shall receive it; the state shall be responsible for the principal thereof, for the benefit of those who may lawfully claim it; and the governor and council, on application and proof, may order the treasurer to pay it over, and such principal is hereby appropriated to pay such lawful claims.'

Approved March 30, 1917.

Chapter 141.

An Act to Provide for the Improvement and Certification of Seed Produced in the State.

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

Improvement and certification of seeds. Annual appropriation. The commissioner of agriculture is hereby authorized to expend the sum of three thousand dollars annually for the improvement and certification of seeds produced in the state, either for planting in the state or for shipping to other states or countries, by employing experts and suitable assistants and by paying such expenses therewith as the commissioner may approve.

Approved March 30, 1917.

Chapter 142.

An Act to Amend Sections One, Eight and Twelve of Chapter One Hundred Twenty-six of the Public Laws of Eighteen Hundred Forty-four, Relating to the Preservation of Salmon, Shad and Alewives in Georges River and Tributary Streams.

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

Sec. 1, P. L., 1844, c. 126, § 1, relating to election of fish wardens for preservation of salmon, shad and alewives in Georges river, supplemented.

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Section one of chapter one hundred twenty-six of the public laws of eighteen hundred forty-four is hereby amended by adding, at the end of said section, the following: 'The failure of any one or more of said towns to choose said fish warden, or wardens, or the failure of the selectmen of any one or more of said towns to appoint said fish warden, or wardens, shall not affect the legality of any fish warden or wardens, who are chosen or appointed, to act under the provisions of this chapter, and those chosen or appointed shall constitute the board of fish wardens hereinafter referred to and have full power and authority hereunder', so that said section as amended, shall read as follows:

'Sec. 1. Failure of any one town to choose or appoint not to affect legality of those chosen. The towns of Thomaston, St. George and Cushing, shall at their meeting for the choice of town officers in the months of March or April, annually, choose in each town by written ballot one person, and the town of Warren, shall in the same manner, choose two persons, to be called fish wardens; and in case of vacancy by death, resignation or neglect of the town to choose such fish wardens, then the selectmen of said town shall forthwith appoint such person to be fish warden; and each person so chosen or appointed, shall be sworn faithfully to discharge the duties required of him by this act. The failure of any one or more of said towns to choose said fish warden, or wardens, or the failure of the selectmen, of any one or more of said towns to appoint said fish warden, or wardens, shall not affect the legality of the appointment or acts of any fish warden or wardens, who are chosen or appointed, to act under the provisions of this chapter, and those chosen or appointed shall constitute the board of fish wardens hereinafter referred to and have full power and authority hereunder.'

Sec. 2, P. L., 1844, c. 126, § 8, amended. Section eight of chapter one hundred twenty-six of the public laws of eighteen hundred forty-four is hereby amended by prefixing to said section the following:

'No weir for the taking of salmon, shad and alewives, or either, shall extend into more than two feet of water, in depth, at ordinary low water, or occupy more than one-eighth of the channel, measured from the first margin of the channel marked and made bare at low water at the usual ebb of the tide,' so that said section as amended, shall read as follows:

'Sec. 8. Weirs, location and specifications. No weir for the taking of salmon, shad and alewives, or either, shall extend into more than two feet of water in depth, at ordinary low water, or occupy more than one-eighth of the channel, measured from the first margin of the channel marked and made bare at low water at the usual ebb of the tide. Every weir shall be provided with a gate or passage way at least three feet wide, and extending from the bottom or floor thereof to high water line, which gate or door shall be in the pound or apartment wherein said fish are secured and taken. And the said gate shall be left open without impediment to the passage of said fish, from sunrise on Saturday of each week, to sunrise on the succeeding Monday, between the first day of April and the fifteenth day of July, in each year; and any weir that shall be made without such gate or door, or if any such gate or door shall not be kept open as herein required,

the owner or occupant of such weir shall forfeit for each offence, ten dollars.'

Sec. 3, P. L., 1844, c. 126, § 12, amended. Section twelve of chapter one hundred twenty-six of the public laws of eighteen hundred forty-four is hereby amended by striking out all of said section and by substituting therefor the following section :

'Sec. 12. Complaints of violation; jurisdiction. All forfeitures prescribed by this act, exceeding twenty dollars, shall be recoverable by indictment in supreme judicial court, and all forfeitures not exceeding twenty dollars, shall be recoverable by complaint in behalf of the state, before a trial justice for the county of Knox, or the judge of the police court for the city of Rockland. And such justice or judge, is hereby empowered, on conviction, to impose penalties to an amount not exceeding the sum of twenty dollars, and in case any person convicted and sentenced by such justice, or judge, shall neglect or refuse to pay such penalty with cost of prosecution, the justice, or judge, by his mittimus, may cause said offender to be committed to the jail of the county, there to be detained, till discharged by order of law, reserving however to every person accused, the right to appeal to the supreme judicial court, on entering into recognizance as in other cases of appeal from trial justices, or said police court, in criminal suits. Complaints for any of the offences mentioned in this act, may be made by any fish warden, or deputy warden, or any other person, and all forfeitures and penalties recovered for any such offences, shall go to the use of the town in which the same was committed.

Approved March 31, 1917.

Chapter 143.

An Act to Make Uniform the Law of Warehouse Receipts.

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

The Issue of Warehouse Receipts.

Sec. 1. Persons who may issue receipts. Warehouse receipts may be issued by any warehouseman.

Sec. 2. Form of receipts. Essential terms. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms :

- (a) The location of the warehouse where the goods are stored,
- (b) The date of issue of the receipt,
- (c) The consecutive number of the receipt,
- (d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order,
- (e) The rate of storage charges,
- (f) A description of the goods or of the packages containing them,