

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-eighth and Eighty-ninth
Legislatures

OF THE

STATE OF MAINE

From April 24, 1937 to April 21, 1939

AND

MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
Resolves of the Legislature approved June 28, 1820,
March 18, 1840, March 16, 1842 and Acts approved
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

power as sheriff in executing criminal warrants; fees and costs. When the removal of a pauper to the town of his alleged settlement is sought, under section 31 or section 32, and the person to whom the order of the overseers is directed requests him to go with him in obedience thereto, and he refuses to go, or resists the service of such order, the person to whom it is directed may make complaint in writing, by him signed, of the facts aforesaid, to any judge of a municipal court or trial justice within the county where said pauper is then domiciled. Said magistrate shall thereupon, by proper order or process, cause said pauper to be brought forthwith before him by any officer to whom the same is directed, to answer said complaint and show cause why he should not be so removed. The complaint may be amended at any time before judgment thereon according to the facts. The complainant and the pauper shall both be heard, and if upon such hearing the magistrate finds that the town to which it is proposed to remove such pauper is liable for his maintenance and support, he shall issue his order, under his hand and seal, commanding the person to whom it is directed to take said pauper and transport him to the town aforesaid, and deliver him to the custody of the overseers of the poor thereof. In such a hearing the written order of the overseers of the poor of the town of settlement requesting the removal of the pauper shall be accepted by the magistrate as prima facie evidence that the settlement of the pauper is in the town requesting the removal and thereupon the burden of proof shall be upon the pauper to deny said settlement. The person to whom said last named order is directed shall have all the authority to execute the same according to the precept thereof, that the sheriff or his deputy has in executing warrants in criminal proceedings. In the foregoing proceedings, the fees and costs shall be the same as for like services in criminal cases, and shall be paid by the town seeking to remove such pauper of settlement.'

Approved March 16, 1939.

Chapter 83

AN ACT to Amend the Fair Trade Act.

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

P. L., 1937, c. 204, § 1, amended. Section 1 of chapter 204 of the public laws of 1937 is hereby amended to read as follows:

'Sec. 1. Certain contracts not invalid. A. No contract, relating to the sale or resale of a commodity which bears, or the label or content of which bears, or the vending equipment from which said commodity is sold

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to consumers bears, the trade-mark, brand or name of the producer or owner of such commodity, and which is in fair and open competition with commodities of the same general class produced by others, shall be deemed in violation of any law of the state by reason of any of the following provisions which may be contained in such contract:

(1) That the buyer will not resell such commodity at less than the minimum price stipulated by the vendor.

(2) That the producer or vendee of a commodity require upon the sale of such commodity to another, that such purchaser agree that he will not, in turn, resell such commodity at less than the minimum price stipulated by such producer or vendee.

B. Such provisions in any contract shall be deemed to contain or imply conditions that such commodity may be resold without reference to such agreement in the following cases:

(1) In closing out the owner's stock for the purpose of discontinuing delivery of any such commodity; provided, however, that such stock is first offered to the manufacturer of such stock at the original invoice price, at least 10 days before such stock shall be offered for sale to the public.

(2) When the goods are damaged or deteriorated in quality, and notice is given to the public thereof.

(3) When any officer is acting under the orders of any court.'

Approved March 17, 1939.

Chapter 84

AN ACT Relating to Assessment and Collection of Taxes.

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

Sec. 1. R. S., c. 13, § 32, amended. Section 32 of chapter 13 of the revised statutes is hereby repealed and the following is enacted in place thereof:

'Sec. 32. Omitted assessments and reassessments of taxes. When any polls or estates liable to taxation have been omitted from assessment within 5 years from the last assessment date the assessors for the time being may by a supplement to the invoice and valuation and the list of assessments, assess such polls and estates their proportion of such tax, according to the principles on which the assessment was made, certifying that they were