

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,
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

CHAP. 272

Sec. 2. R. S., c. 73, § 11, amended. Section 11 of chapter 73 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 11. New trial within 3 years, when granted. Within 3 years after judgment on a libel for divorce, a new trial may be granted as to the divorce when the parties have not cohabited, nor either contracted a new marriage since the former trial. ~~The court may at any time alter, amend or suspend a decree for alimony or specific sum when it appears that justice requires.~~

Approved April 20, 1939.

Chapter 272

AN ACT Relating to the State Police.

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

Sec. 1. R. S., c. 29, § 126, amended. The 1st sentence of section 126 of chapter 29 of the revised statutes, as amended, is hereby further amended to read as follows:

'The governor and council shall determine the salary of the chief. ~~and~~ The compensation of the other members of the state police shall be determined as follows:

On appointment as a patrolman, the member shall receive a salary of \$20 per week, for his probation period of 6 months, at the end of which time he shall receive a salary of \$25 per week for the next 6 months; during his 2nd year of service, he shall receive a salary of \$28 per week; during the next 6 years he shall receive a salary of \$32 a week; and thereafter, he shall receive an annual increase of \$1.50 per week until his pay shall reach the sum of \$35 per week.

On appointment as a sergeant, the member shall receive a salary of \$36 per week. Annually each sergeant shall receive an increase in salary of \$26 per year until his pay shall reach the sum of \$38 per week.

On appointment as a lieutenant, the member shall receive a salary of \$40 per week. Annually each lieutenant shall receive an increase in salary of \$1 per week until his pay shall reach the sum of \$45 per week.

On appointment as a captain, the member shall receive a salary of \$47 per week. Annually each captain shall receive an increase in salary of \$1 per week until his pay shall reach the sum of \$53 per week.'

Sec. 2. Saving clause. No part of this act shall be construed to reduce

the present compensation of any member of the state police, but each and every commissioned and noncommissioned officer shall receive the minimum salary as specified by this act, upon approval of the act. Each and every patrolman with less than 8 years' service, now receiving \$32 per week, shall continue to receive \$32 per week until he has had 8 years of service, at which time he shall receive the annual increase in salary of \$1.50 per week, until his pay shall reach the sum of \$35 per week.

Approved April 20, 1939.

Chapter 273

AN ACT Relating to Penalty for Operating Motor Vehicle While under the Influence of Intoxicating Liquor or Drug.

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

R. S., c. 29, § 88, amended. The 1st paragraph of section 88 of chapter 29 of the revised statutes is hereby amended to read as follows:

'Whoever shall operate or attempt to operate a motor vehicle upon any way, or in any other place when intoxicated or at all under the influence of intoxicating liquor or drugs, upon conviction, shall be punished by a fine of not less than \$100 nor more than \$1000 or by imprisonment for not less than 30 days nor more than 11 months, or by both such fine and imprisonment. Any person convicted of a 2nd or subsequent offense shall be punished by imprisonment for not less than 3 nor more than 11 months, and in addition thereto, the court may impose a fine as above provided. Evidence that there was, at that time, 7/100%, or less, by weight of alcohol in his blood, is prima facie evidence that the defendant was not under the influence of intoxicating liquor within the meaning of this act. Evidence that there was, at that time, from 7/100% to 15/100% by weight of alcohol in his blood is relevant evidence but it is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor within the meaning of this act. Evidence that there was, at the time, 15/100%, or more, by weight of alcohol in his blood, is prima facie evidence that the defendant was under the influence of intoxicating liquor within the meaning of this act. The failure of a person accused of this offense to have tests made to determine the weight of alcohol in his blood shall not be admissible in evidence against him.'

Approved April 20, 1939.