

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundred and First Legislature

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'Sec. 10-A. Negligent interference, removal or destruction of monuments. Whoever negligently disturbs, removes or destroys any lawfully established transit point, reference point, stake, plug, hub, guard-stake, bench mark, pipe, iron, concrete post, stone post or other monument of any railroad, highway, public utility or other engineering location or survey or any such monument marking the bounds of public or private property shall be liable to the person injured in a civil action for the amount of damage done, which shall be measured by the cost of replacing such monument, including necessary engineering services.'

Sec. 2. R. S., c. 131, § 20, amended. Section 20 of chapter 131 of the Revised Statutes, as amended by section 455 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'Sec. 20. Interference, removal or destruction of transit points, etc. Whoever willfully or maliciously disturbs, removes or destroys any lawfully established transit point, reference point, stake, plug, hub, guard-stake, bench mark, pipe, iron, concrete post, stone post or other monument of any railroad, highway, public utility or other engineering location or survey or any such monument marking the bounds of public or private property shall be punished by a fine of not more than ~~\$25~~ \$100 or by imprisonment for not more than 30 days; and in addition thereto shall be liable in a civil action for the amount of damage done, which shall be measured by the costs of replacing such monument, including necessary engineering services.'

Effective September 21, 1963

Chapter 221

AN ACT to Revise Certain Motor Vehicle Laws.

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

Sec. 1. R. S., c. 22, § 16, sub-§ V, repealed. Subsection V of section 16 of chapter 22 of the Revised Statutes is repealed as follows:

~~'V. Motorcycle side cars \$5 each'~~

Sec. 2. R. S., c. 22, § 26, amended. The next to the last sentence of section 26 of chapter 22 of the Revised Statutes is amended to read as follows:

'Extra registration plates shall be furnished to replace lost or mutilated plates for ~~75c~~ \$1 each.'

Sec. 3. R. S., c. 22, § 26-A, amended. Section 26-A of chapter 22 of the Revised Statutes, as enacted by section 5 of chapter 200 of the public laws of 1955 and as amended, is further amended by adding at the end a new sentence to read as follows:

'Replacement registration plates shall be furnished to replace lost or mutilated plates for \$1 each.'

Sec. 4. R. S., c. 22, § 30, amended. The last sentence of section 30 of chapter 22 of the Revised Statutes is amended to read as follows:

'For every plate in addition to the 3 originally furnished to the manufacturer or dealer in motorcycles, to replace lost or mutilated plates, ~~50e~~ \$1 shall be charged.'

Sec. 5. R. S., c. 22, § 30-A, amended. The last sentence of section 30-A of chapter 22 of the Revised Statutes, as enacted by section 2 of chapter 156 of the public laws of 1959, is amended to read as follows:

'For every plate in addition to the 2 originally furnished to the manufacturer of or dealer in boat trailers, to replace lost or mutilated plates, ~~75e~~ \$1 shall be charged.'

Sec. 6. R. S., c. 22, § 31-A, amended. The first sentence of section 31-A of chapter 22 of the Revised Statutes, as enacted by section 8 of chapter 76 and as amended by section 26 of chapter 429, both of the public laws of 1957, is further amended to read as follows:

'A manufacturer or dealer or holder of a transit registration certificate or boat trailer registration certificate may, upon the sale or exchange of a motor vehicle or boat trailer, attach to rear plate holder of such motor vehicle or boat trailer a temporary registration plate, and the purchaser of such motor vehicle or boat trailer may operate the same for a period not to exceed 10 consecutive days thereafter without payment of a regular fee.'

Sec. 7. R. S., c. 22, § 41, amended. The 2nd sentence of section 41 of chapter 22 of the Revised Statutes is amended to read as follows:

'Every such motor vehicle shall have brakes adjusted so as to stop 2-wheel brake vehicles at a speed of 20 miles per hour within a distance of 45 feet and 4-wheel brake vehicles within 30 feet and, ~~in addition thereto, shall have a hand brake sufficient to hold the vehicle while out of gear on a 10% grade.~~

Sec. 8. R. S., c. 22, § 41, amended. Section 41 of chapter 22 of the Revised Statutes, as amended, is further amended by adding after the 2nd sentence, the following new sentences to read as follows:

'Every such vehicle and combination of vehicles, except motorcycles and motor-driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical

brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.'

Sec. 9. R. S., c. 22, § 60, amended. The 4th sentence of section 60 of chapter 22 of the Revised Statutes, as amended by section 49 of chapter 405 of the public laws of 1955, is further amended to read as follows:

'Before the license is granted, an applicant shall be required to pass such physical examination and such examination by actual demonstration or otherwise as to his qualifications to operate a motor vehicle as the said Secretary of State shall require ~~provided said~~. Said Secretary of State may waive such examination in the case of applicants who have been duly licensed by this State to operate a motor vehicle during any one of the 3 preceding calendar years without a lapse of 3 years since date of expiration of last license or who have been duly licensed by this State and who have been, on or after December 7, 1941, members of the armed forces of the United States, ~~and no~~. No license shall be issued until the said Secretary of State is satisfied that the applicant is a proper person to receive it.'

Sec. 10. R. S., c. 22, § 60, amended. The 8th sentence of section 60 of chapter 22 of the Revised Statutes, as enacted by section 1 of chapter 181 of the public laws of 1955, is amended to read as follows:

'Any person who is at least 15 years of age and has completed a course in driver education as provided in section 60-A may apply to the Secretary of State for an instruction permit.'

Sec. 11. R. S., c. 22, § 66, amended. The last paragraph of section 66 of chapter 22 of the Revised Statutes, as enacted by chapter 50 of the public laws of 1959, is amended to read as follows:

'This section shall not apply to a substitute or occasional driver who is not regularly employed as a school bus operator and who does not operate a school bus more than 10 days in any school year.'

Sec. 12. R. S., c. 22, § 89, amended. Section 89 of chapter 22 of the Revised Statutes, as amended, is further amended by adding after the first paragraph a new paragraph to read as follows:

'Every driver of a motor vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the cross walk on the near side of the intersection or, in the event there is no cross walk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.'

Sec. 13. R. S., c. 22, § 152, amended. The first sentence of section 152 of chapter 22 of the Revised Statutes is amended to read as follows:

'Every person operating a motor vehicle upon passing any sign provided for in ~~sections 90 and 91~~ of chapter 23, sections 90 and 91, which is located more than 100 feet from a grade crossing shall, upon reaching a distance of 100 feet from the nearest rail of such crossing, forthwith reduce the speed of the vehicle to a reasonable and proper rate, observe in each direction and shall proceed cautiously over the crossing.'

Sec. 14. R. S., c. 22, § 159-A, amended. Section 159-A of chapter 22 of the Revised Statutes, as enacted by chapter 51 of the public laws of 1961, is amended to read as follows:

'**Sec. 159-A. Unlawful use of license or instruction permit.** It is a misdemeanor for any person:

I. Display. To display or cause to be displayed or have in his possession any revoked, suspended, mutilated, fictitious or fraudulently altered operator's license or instruction permit;

II. Loan. To lend his operator's license or instruction permit to any other person or knowingly permit the use thereof by another;

III. Representation. To display or represent as one's own any operator's license or instruction permit not issued to him; or

IV. Use. To permit any unlawful use of an operator's license or instruction permit issued to him.'

Effective September 21, 1963

Chapter 222

AN ACT Relating to Indian Tribal Elections.

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

Sec. 1. R. S., c. 25, § 370, amended. Section 370 of chapter 25 of the Revised Statutes, as amended, is further amended by adding after the 3rd sentence the following new sentence:

'Only certified members of the tribe who are 21 years of age or older shall be eligible to vote.'

Sec. 2. R. S., c. 25, § 371, amended. Section 371 of chapter 25 of the Revised Statutes, as amended, is further amended by adding after the 2nd sentence the following new sentence:

'Only certified members of the tribe who are 21 years of age or older shall be eligible to vote.'

Effective September 21, 1963