

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

REVISED STATUTES

OF THE

STATE OF MAINE

1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

Place in Pocket of Corresponding
Volume of Main Set

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1959

REVISED STATUTES OF MAINE

1959 Cumulative Supplement

VOLUME I

Chapter 1.

Sovereignty and Jurisdiction.

Eminent Domain. Flags. State Paper, etc.

Section 24-A. Purchase by State.

Sections 24-B to 26-D. State Seal, Motto, Flag and Other Emblems.

Sections 36 to 41. Freedom of Access to Public Records and Proceedings.

Sovereignty and Jurisdiction.

Sec. 1-A. Jurisdiction over offshore waters and submerged land.—

The jurisdiction of this state shall extend to and over, and be exercisable with respect to, waters offshore from the coasts of this state as follows:

I. The marginal sea to its outermost limits as said limits may from time to time be defined or recognized by the United States of America by international treaty or otherwise;

II. The high seas to whatever extent jurisdiction therein may be claimed by the United States of America, or to whatever extent may be recognized by the usages and customs of international law or by any agreement, international or otherwise, to which the United States of America or this state may be party;

III. All submerged lands, including the subsurface thereof, lying under said aforementioned waters. (1959, c. 197.)

Sec. 1-B. Ownership of offshore waters and submerged land.—The ownership of the waters and submerged lands enumerated or described in section 1-A shall be in this state unless it shall be, with respect to any given parcel or area, in any other person or entity by virtue of a valid and effective instrument of conveyance or by operation of law. (1959, c. 197.)

Sec. 1-C. Certain jurisdiction and ownership unimpaired.—Nothing contained in sections 1-A to 1-D shall be construed to limit or restrict in any way:

I. The jurisdiction of this state over any person or with respect to any subject within or without the state which jurisdiction is exercisable by reason of citizenship, residence or for any other reason recognized by law;

II. Jurisdiction or ownership of or over any other waters or lands thereunder, within or forming part of the boundaries of this state. Nor shall anything in sections 1-A to 1-D be construed to impair the exercise of legislative jurisdiction by the United States of America over any area to which such jurisdiction has been validly ceded by this state and which remains in the ownership of the United States of America. (1959, c. 197.)

Sec. 1-D. Existing jurisdiction or ownership not waived. — Nothing in sections 1-A to 1-D shall alter the geographic area to which any statute of this state applies if such statute specifies such area precisely in miles or by some

other numerical designation of distance or position. However, nothing in any such statute or in sections 1-A to 1-D shall be construed as a waiver or relinquishment of jurisdiction or ownership by this state over or in any area to which such jurisdiction or ownership extends by virtue of sections 1-A to 1-D or any other provision or rule of law. (1959, c. 197.)

Sec. 4. Standard time.

At 2 o'clock ante-meridian of the last Sunday in April of each year, the standard time in this state shall be advanced one hour, and at 2 o'clock ante-meridian of the last Sunday in October of each year the standard time in this state, by the retarding of one hour, shall be made to coincide with the mean astronomical time of the degree of longitude governing the zone wherein the state is situated, the standard official time of which is described as United States Eastern Standard Time, so that between the last Sunday of April at 2 o'clock ante-meridian and the last Sunday in October at 2 o'clock ante-meridian in each year the standard time in this state shall be one hour in advance of the United States Eastern Standard Time and said time shall be known as "Eastern Daylight Time." (R. S. c. 1, § 4. 1955, c. 403, § 1.)

Effect of amendment.—The 1955 amendment, which became effective on its approval, May 20, 1955, added the above paragraph at the end of this section. As

the rest of the section was not changed, only the paragraph added by the amendment is set out.

Sec. 4-A. Transfer of legislative jurisdiction.—

I. In order to acquire all, or any measure of, legislative jurisdiction of the kind involved in article 1, section 8, clause 17 of the constitution of the United States over any land or other area; or in order to relinquish such legislative jurisdiction, or any measure thereof, which may be vested in the United States; the United States acting through a duly authorized department, agency or officer, shall file a notice of intention to acquire or relinquish such legislative jurisdiction, hereinafter called notice, together with a sufficient number of duly authenticated copies thereof to meet the recording requirements of subsection III, with the governor. The notice shall contain a description adequate to permit accurate identification of the boundaries of the land or other area for which the change in jurisdictional status is sought and a precise statement of the measure of legislative jurisdiction sought to be transferred. Immediately upon receipt of the notice, the governor shall furnish the attorney general with a copy thereof and shall request his comments and recommendations thereon.

II. The governor shall transmit said notice together with his comments and recommendations, if any, and the comments and recommendations of the attorney general, if any, to the next session of the legislature which shall be constitutionally competent to consider the same. Unless prior to the expiration of the legislative session to which said notice is transmitted as provided herein, the legislature has adopted an act approving the transfer of legislative jurisdiction as proposed in said notice, the said transfer shall not be effective.

III. The governor shall cause a duly authenticated copy of the notice and act to be recorded in the registry of deeds of the county where the land or other area affected by the transfer of jurisdiction is situated, and upon such recordation the transfer of jurisdiction shall take effect. If the land or other area shall be situated in more than one county, a duly authenticated copy of the notice and act shall be recorded in the registry of deeds of each such county.

IV. The governor shall cause copies of all documents recorded pursuant to sections 4-A to 4-C to be filed with the secretary of state. (1959, c. 213, § 1.)

Sec. 4-B. Compliance with certain conditions necessary for valid transfer.—In no event shall any transfer of legislative jurisdiction between the United States and this state take effect nor shall the governor transmit any no-

tion proposing such a transfer pursuant to section 4-A, subsection II, unless under the applicable laws of the United States:

I. The United States of America has acquired title to such land by purchase, condemnation or otherwise.

II. This state shall have jurisdiction to tax private persons, private transactions and private property, real and personal, resident, occurring or situated within such land or other area to the same extent that this state has jurisdiction to tax such persons, transactions and property resident, occurring or situated generally within this state.

III. Any civil or criminal process, lawfully issued by competent authority of this state or any of its subdivisions, may be served and executed within such land or other area to the same extent and with the same effect as such process may be served and executed generally within this state; provided only that the service and execution of such process within land or other areas over which the federal government exercises jurisdiction shall be subject to such rules and regulations issued by authorized officers of the federal government, or of any department, independent establishment or agency thereof, as may be reasonably necessary to prevent interference with the carrying out of federal functions.

IV. This state shall exercise over such land or other area the same legislative jurisdiction which it exercises over land or other areas generally within this state, except that the United States shall not be required to forego such measure of exclusive legislative jurisdiction as may be vested in or retained by it over such land or other area pursuant to sections 4-A to 4-C, and without prejudice to the right of the United States to assert and exercise such concurrent legislative jurisdiction as may be vested in or retained by it over such land or other area. (1959, c. 213, § 1.)

Sec. 4-C. Legislative jurisdiction transferred by operation of law unimpaired.—Nothing in sections 4-A to 4-C shall be construed to prevent or impair any transfer of legislative jurisdiction to this state occurring by operation of law. (1959, c. 213, § 1.)

Sec. 10. Repealed by Public Laws 1959, c. 213, § 2.

Sec. 16. Report of county commissioners filed with superior court; petition for new trial.—The commissioners shall file in the office of the clerk of the superior court a report of their doings, which shall be conclusive upon the parties, unless one of them within 30 days files in court his petition for a new trial, which after due notice to the opposite party may for due cause be granted, to be had in said court. (R. S. c. 1, § 19; 1959, c. 317, § 1.)

Effect of amendment.—The 1959 amendment struck out the words “after the next term of the court”, formerly appearing after the word “days” and before the word “files” in this section.

Effective date and applicability of Public Laws 1959, c. 317.—Section 420, chapter 317, Public Laws 1959, provides as follows: “This act shall become effective December 1, 1959. It shall apply to all

actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail.”

Purchase by State.

Sec. 24-A. Purchase of real estate by state.—Whenever it determines that the public exigencies require it, the governor and council may purchase or may take by eminent domain real estate in Augusta within an area bounded on the west by a straight line; beginning at the southern terminus of Western Avenue Place; thence extending southerly to Capitol Street; thence easterly on the

northerly side of Capitol Street to a point approximately 132 feet westerly of the intersection of Federal Street and Capitol Street; thence southerly approximately 800 feet; thence easterly approximately 475 feet to the centerline of Sewall Street; thence southerly to the intersection of Glenwood Street and Sewall Street; thence easterly to the intersection of Glenwood Street and State Street; thence northerly approximately 150 feet to the intersection of State Street and Britt Road; thence southerly along Britt Road to its intersection with the railroad right of way; thence northerly along the railroad right of way to the south side of Capitol Street; thence continuing northerly 270 feet along the railroad right of way; thence westerly approximately 118 feet to Gage Street; thence northerly along Gage Street approximately 340 feet; thence westerly on a straight line parallel to Child Street and crossing State Street to Higgins Street; thence along Higgins Street to its intersection with Grove Street; thence southerly along Grove Street approximately 70 feet to the intersection of Grove Street and Wade Street; thence westerly approximately 400 feet in a straight line along Wade Street extended to Sewall Street; thence southerly along Sewall Street approximately 90 feet to the northerly line of Wade Street; thence westerly and parallel with Capitol Street to the point of beginning at the southerly terminus of Western Avenue Place. (1957, c. 329, § 1; 1959, c. 251, § 1.)

Effect of amendment.—The 1959 amendment rewrote this section.

State Seal, Motto, Flag and Other Emblems.

Sec. 24-B. State seal. — The seal of the state shall be a shield, argent, charged with a pine tree (*Americana*, *quinis ex uno folliculo setis*) with a moose deer (*cervus alces*), at the foot of it, recumbent; supporters: on dexter side, a husbandman, resting on a scythe; on sinister side, a seaman, resting on an anchor.

In the foreground, representing sea and land, and under the shield, shall be the name of the state in large Roman capitals, to wit:

MAINE.

The whole shall be surrounded by a crest, the North Star. The motto, in small Roman capitals, shall be in a label interposed between the shield and crest, viz.:—*DIRIGO*. (Resolves, 1820, c. 4; 1959, c. 363, § 1.)

Sec. 24-C. State motto.—The state motto shall be “*Dirigo*” (I direct or I guide). (Resolves, 1820, c. 4; 1959, c. 363, § 1.)

Sec. 26-A. State tree.—The official tree of the state shall be the white pine tree. (Resolves, 1945, c. 8; 1959, c. 363, § 2.)

Sec. 26-B. State bird.—The state bird shall be the chickadee. (Resolves, 1927, c. 111; 1959, c. 363, § 2.)

Sec. 26-C. State song.—The official song of the state shall be the song entitled “*State of Maine Song*,” words and music by Roger Vinton Snow. (Resolves, 1937, c. 39; 1959, c. 363, § 2.)

Sec. 26-D. State flower. — The floral emblem for the state, in the national garland of flowers, shall be the pine cone and tassel. (Resolves, 1895, c. 3; 1959, c. 363, § 2.)

Freedom of Access to Public Records and Proceedings.

Sec. 36. Declaration of public policy; open meetings.—The legislature finds and declares that public proceedings exist to aid in the conduct of the people’s business. It is the intent of the legislature that their actions be taken openly and that their deliberations be conducted openly. (1959, c. 219.)

Sec. 37. Definition of public proceedings.—The term “public proceedings” as used in sections 36 to 41 shall mean the transactions of any functions affecting any or all citizens of the state by any administrative or legislative body of the state, or of any of its counties or municipalities, or of any other political subdivision of the state, which body is composed of 3 or more members, with which function it is charged under any statute or under any rule or regulation of such administrative or legislative body or agency. (1959, c. 219.)

Sec. 38. Meetings to be open to the public.—All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of these bodies or agencies, and any minutes of such meetings as are required by law shall be promptly recorded and open to public inspection, except as otherwise specifically provided by statute. (1959, c. 219.)

Sec. 39. Executive sessions.—Nothing contained in sections 36 to 41 shall be construed to prevent these bodies or agencies from holding executive sessions, subject to the following conditions: that such sessions shall not be used to defeat the purposes of sections 36 to 41; that no ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action shall be finally approved at such executive sessions; that such executive sessions may be called only by a majority vote of the members of such bodies or agencies. The conditions of this section shall not apply to executive sessions of committees of the Maine legislature. (1959, c. 219.)

Sec. 40. Minutes and records available for public inspection.—Every citizen of this state shall, during the regular business or meeting hours of all such bodies or agencies, and on the regular business premises of all such bodies or agencies, have the right to inspect all public records, including any minutes of meetings of such bodies or agencies as are required by law, and to make memoranda abstracts or photographic or photostatic copies of the records or minutes so inspected, except as otherwise specifically provided by statute. (1959, c. 219.)

Sec. 41. Violation.—A violation of any of the provisions of sections 36 to 41 or the wrongful exclusion of any person or persons from any meetings for which provision is made shall be punishable by a fine of not more than \$500 or by imprisonment for less than one year. Nothing contained in sections 36 to 41 shall be construed as abridging the right of any citizen or citizens to appeal to a court of this state for the enforcement of the rights provided for in said sections. (1959, c. 219.)

Chapter 3.

Citizenship. Qualifications and Registration of Voters. Sex No Bar to Hold Office. Residence of Husband and Wife.

Qualification of Voters.

Sec. 2. Qualifications of voters.—Every citizen who had the right to vote on the 4th day of January, 1893 and every citizen, excepting paupers and persons under guardianship, who, not being prevented by physical disability from so doing, is able to read the constitution of the state in the English language in such manner as to show that he is neither prompted nor reciting from memory, and to write his name, and who is 21 years of age or upwards, and shall have his residence established in this state for the term of 6 months and in the municipality in which he is a resident for 3 months next preceding any state, city or town election, shall have the right to vote at every such election in the municipal-