

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

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Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
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Chapter 12.

State Civil Defense and Public Safety Council.

Sec. 3. Definitions.

"Political subdivision" includes counties, cities, towns, villages, townships, districts, authorities and other public corporations and entities whether organized and existing under charter or general law. (1949, c. 298. 1951, c. 273, § 2. 1961, c. 171, § 2.)

Effect of amendment.—The 1961 amendment rewrote the last paragraph.

As the rest of the section was not affected by the amendment, it is not set out.

Sec. 4. State civil defense and public safety agency.—Whenever it is deemed advisable by the governor, there shall be created within the executive branch of the state government a department of civil defense and public safety, as heretofore established and hereinafter in this chapter called the "civil defense and public safety agency," and a director of civil defense and public safety, hereinafter in this chapter called the "director," who shall be the head thereof. The director shall be appointed by the governor with the advice and consent of the council and he shall hold office during the pleasure of the governor and council. He shall receive such compensation as shall be fixed by the governor and council and shall hold no other state office.

The director may employ such technical, clerical, stenographic, administrative and operative assistants and other personnel, subject to the provisions of the personnel law, and make such expenditures on approval of the governor and council, as may be necessary to carry out the purposes of this chapter.

(1949, c. 298. 1951, c. 273, § 3. 1959, c. 48.)

Effect of amendment.—Prior to the 1959 amendment the provisions of the first paragraph as to appointment, term and compensation of the director applied also to necessary "administrative and operative assistants" now included the second paragraph.

As the rest of the section was not changed by the amendment, only the first two paragraphs are set out.

Effective date.—The 1959 act amending this section became effective on its approval, March 12, 1959.

Sec. 4-A. Rules and regulations.—The director shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations to carry out this chapter.

Such rules and regulations shall become effective when approved in writing by the governor and council and when a certified copy thereof has been filed with the secretary of state. Any person aggrieved by any such rule or regulation, or any act or order of the director in enforcing any such rule or regulation, may appeal by filing in the superior court a complaint within 30 days, and the court shall fix a time and place of hearing and cause notice thereof to be given to the director and, after the hearing, the court may affirm or reverse the rule, regulation, act or order of the director and the decision of the court shall be final. (1955, c. 435, § 1-A. 1961, c. 317, § 1.)

Effect of amendment.—The 1961 amendment deleted "the provisions of" formerly preceding "this chapter" at the end of the first paragraph of this section, deleted "or the reasonableness of same" formerly preceding "or any act" in the second sentence of the second paragraph, substituted "by filing in" for "to a justice

of," substituted "a complaint within 30 days, and the court" for "by presenting to him a petition therefor in term time or vacation and he," deleted "which may be in the chambers or in vacation" formerly preceding "and cause notice," and substituted "court" for "justice" in two places in such sentence.

Sec. 7. Eminent domain and compensation.

Any owner of property of which possession has been taken under this section to whom no award has been made or who is dissatisfied with the amount awarded him as compensation may bring an action in the superior court in the county in which he lives or has a usual place of business or in the county of Kennebec to have the amount to which he is entitled by way of damages determined. The plaintiff may bring such action within 6 years after the date when possession of the property was taken under this section, except that if the owner of the property is in the military service of the United States at any time during which he should otherwise have brought his action, he may bring the same within 6 years after his discharge from the said military service. The plaintiff and the state shall severally have the right to have such damages assessed by a jury.

In the event, by reason of the death of the owner of property seized under this section, he is unable to bring or to continue the action provided for, the action may be brought or continued by his executor or administrator, as the case may be. (1951, c. 273, § 5. 1961, c. 317, § 2.)

Effect of amendment.—The 1961 amendment rewrote the last two paragraphs of this section, which formerly provided for a petitioner to file a petition or make a claim.

As the rest of the section was not affected by the amendment, it is not set out.

Sec. 8. Mobile reserve battalions.

Police sections of such mobile reserve battalions shall have the power to make arrests of persons found in violation of any state law or any provisions of this chapter or any rules or regulations promulgated thereunder in times of emergency necessary to carry out the provisions of section 6 of this chapter; and the same power of arrest is vested in such police sections of mobile reserve battalions of other states, foreign countries or their political subdivisions while on active duty within the borders of this state.

(1955, c. 435, § 1.)

Effect of amendment.—The 1955 amendment inserted in the third paragraph the words "in times of emergency necessary to carry out the provisions of section 6 of

this chapter." As the rest of the section was not changed by the amendment, only the third paragraph is set out.

Sec. 9. Local organization for civil defense and public safety.—Each political subdivision of this state is authorized to establish and shall establish a local organization for civil defense and public safety in accordance with the state civil defense and public safety plan and program. Each local organization for civil defense and public safety shall have a director who shall be appointed by the executive officer or governing body of the political subdivision, and who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense and public safety, subject to the direction and control of such executive officer or governing body. Any director so appointed may be removed by the appointing body for incompetence, misconduct, neglect of duty, disloyalty or subversive activity. The director may also remove any of his appointees for incompetence, misconduct, neglect of duty, disloyalty or subversive activity. Each local organization for civil defense and public safety shall perform civil defense and public safety functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of section 10.

Duly appointed law enforcement officers of local, state and sheriffs organizations are empowered to enforce any of the provisions of this chapter or any rules or regulations promulgated thereunder in times of an emergency or during authorized alerts including partial or full mobilization necessary to carry out the pro-

visions of section 6 It shall be unlawful for any individual to fail or refuse to comply with any just or reasonable order relative to the above from any such duly appointed law enforcement officer. Such failure to comply with such order shall constitute a misdemeanor.

Duly appointed civil defense and public safety law enforcement officers of local, state and sheriffs organizations shall have power to make arrests of persons found in violation of any provisions of this chapter or any rules and regulations promulgated thereunder in times of emergency necessary to carry out the provisions of section 6 of this chapter. (1949, c. 298. 1955, c. 435, § 2.)

Effect of amendment.—The 1955 amendment deleted the words “and directed” formerly appearing after the word “authorized” in the first sentence of the first paragraph and inserted the words “and shall establish” in the same sentence. It also inserted the third and fourth sentences of the first paragraph, and added the second and third paragraphs.

Sec. 12. Appropriations and authority to accept services, gifts, grants and loans; state director authorized to convey equipment, etc.

The state director, for purposes of civil defense and public safety and subject to the approval of the governor, may convey equipment, supplies, materials or funds by way of sale, lease or grant to any political subdivision of the state, such conveyance to be subject to the terms of the offer and the rules and regulations, if any, imposed by the state. (1949, c. 298. 1955, c. 435, § 3.)

Effect of amendment.—The 1955 amendment 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. 13. Utilization of existing services and facilities.—In carrying out the provisions of this chapter, the governor and the executive officers or governing bodies of the political subdivisions of the state are directed and shall utilize the services and facilities of existing departments, offices and agencies of the state and all the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed and shall cooperate with and extend such services and facilities to the governor and to the civil defense and public safety organizations of this state upon request. (1949, c. 298. 1955 c. 435. § 4.)

Effect of amendment.—The 1955 amendment substituted “and shall” for “to” after the word “directed” in lines three and six. It also substituted “all” for “of” before the words “the political subdivisions,” and “this” for “the” before the word “state” near the end of the section.

Sec. 19-A. Penalty.—Every officer of a political subdivision of this state who, having administrative responsibilities under the provisions of this chapter, willfully violates any of the provisions of this chapter shall be punished by a fine of \$20. (1955, c. 435, § 5.)

Chapter 14.

The Military Law.

Emergency Powers of Governor.

Sec. 2. Active service national guard or other authorized state military or naval forces.

In the event of an emergency so imminent as to require immediate action the senior officer of a command may, upon request in writing of the mayor of a city or the selectmen of a town, order out for the defense or protection of the community the forces under his command, or any part thereof, and immediately