

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1961

Sec. 150. Advertising signs on highways prohibited; jurisdiction; state police to remove signs.

Provided that the provisions hereof shall not apply to the state or to any political subdivision thereof or to signs erected or maintained with the approval of the commission solely for the purpose of safeguarding, facilitating or protecting travel along the highway; and provided further, that the commission may authorize the placing of directional signs of such design as it shall determine, not exceeding 48 inches in length and 9 inches in width to designate places of interest; to be posted without expense to the state at the junction of roads. Any person, firm or corporation, while working on, under, over or immediately adjacent to any highway, may erect temporary warning or directional signs or signals for the purpose of safeguarding or protecting its workmen and facilitating and protecting travel along the highway by the traveling public.

(1961, c. 119, § 1.)

Effect of amendment.—The 1961 amendment added the last sentence of the second paragraph.

As the first and third paragraphs of this section were not affected by the amendment, they are not set out.

Unauthorized Signs.

Sec. 151. Display of unauthorized signs, signals or markings.—No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or so interferes with the effectiveness of any official traffic-control device or any railroad sign or signal as to endanger the public, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information or promoting highway safety and of a type that cannot be mistaken for official signs. Any person, firm, corporation or political subdivision of the state, while working on, under, over or immediately adjacent to any highway may erect temporary warning or directional signs or signals for the purpose of safeguarding or protecting its workmen and facilitating and protecting travel along the highway by the traveling public.

(1961, c. 119, § 2.)

Effect of amendment.—The 1961 amendment added the last sentence of the first paragraph.

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

Chapter 24.

Aviation.

Sec. 1. Title.

Cross references.—See c. 91-A, §§ 123-132, re excise tax on aircraft. See c. 91-A, § 128, re payment of excise tax as pre-

requisite to registration under this chapter.

Sec. 4. Aeronautics commission; appointment; terms.—The aeronautics commission, as heretofore established, shall consist of 5 persons who shall be residents of the state and who shall be appointed by the governor, with the advice and consent of the council, one to serve for one year, 2 to serve for 2 years and 2 to serve for 3 years. One member of the commission shall be a commercial airport operator, one member shall be regularly employed in the aviation trades and 3 members shall be in no way connected with the aviation industry.

After the original appointments each member shall be appointed and serve for a term of 3 years and until his successor is duly appointed and qualified. Members to fill vacancies shall be appointed for the unexpired term and shall serve until their successors are appointed and qualified. The commission shall organize annually by electing from its membership a chairman. Each member of the commission shall receive as compensation for each day actually spent on the work of the commission the sum of \$20 and his actual and necessary expenses incurred in the performance of duties pertaining to his office. (R. S. c. 21. 1949, c. 389. 1959, c. 120.)

Effect of amendment.—The 1959 amendment rewrote this section, changing the terms of office.

Sec. 5. Duties.

The commission shall supervise and control all state airports and shall make such rules and regulations concerning the use of the said airports and their facilities as they deem necessary for the efficient management thereof and the development of aviation. The commission, with the consent of the governor and council, may lease facilities at state-owned airports on such terms as they direct.

The commission shall have the care and supervision of such planes as may be owned by the state for the use of its departments and agencies and shall provide adequate hanger facilities and be responsible for the maintenance, repair, upkeep and operation of such planes, and for that purpose the governor and council may authorize the advance of working capital from the unappropriated surplus of the general fund. The commission is authorized to charge said departments and agencies requisitioning planes amounts sufficient to reimburse the commission for operating expense of said planes. Planes owned or operated by the department of inland fisheries and game, the department of sea and shore fisheries or the forestry department are exempt and excluded from this paragraph. (R. S. c. 21. 1949, c. 389. 1957, c. 229. 1961, c. 347.)

Effect of amendments. — The 1957 amendment added the last sentence of the second paragraph.

The 1961 amendment, effective on its approval, June 8, 1961, added “the depart-

ment of sea and shore fisheries” in the last sentence of the last paragraph.

As the rest of the section was not changed by the amendments, only the second and last paragraphs are set out.

Sec. 13. Registration certificates. — The commission is empowered to issue registration certificates for airmen, aircraft, landing areas, manufacturers or dealers and air carriers and establish the requirements for the terms, conditions and limitations of such certificates. A state registration certificate for airmen, aircraft, manufacturers or dealers and air carriers shall not be effective until in actual possession of the applicant and, except for manufacturer or dealer registration, shall always be carried on the person of the operator or occupant, or in some easily accessible place in or about the aircraft. A dealer registration certificate shall be displayed at a permanent place of business and a tag issued under the registration shall be carried in the aircraft. A state registration certificate for airmen, aircraft, manufacturers or dealers and air carriers shall remain in force until the 1st day of January next following the date of its issue, except that on and after December 25th of each calendar year it shall be lawful to use and display in aircraft, the aircraft and air carrier registration certificate or dealer tag issued for the next succeeding year. Aircraft registrations issued in any calendar year shall be valid for use and display until March 1st of the next calendar year, or until sooner suspended, revoked or cancelled. A state registration certificate of aircraft shall not be transferable.

II. Aircraft.

A. No aircraft shall be registered under this section until the excise tax

or personal property tax has been paid in accordance with chapter 91-A, sections 124 and 126. (1951, c. 16, § 2. 1959, c. 308, § 4)

IV. Exemptions.

B. an aircraft registered under the laws of a foreign country and not engaged in air commerce within the state; (1955, c. 161)

C. an aircraft not engaged in air commerce within the state which is owned by a nonresident and registered in another state, or otherwise qualified therein; (1953, c. 59. 1955, c. 161)

F. an individual piloting any aircraft registered under the laws of a foreign country and not engaged in air commerce within the state; (1955, c. 161)

G. a nonresident not engaged in air commerce and piloting aircraft in this state who is registered in another state, or otherwise qualified therein; (1953, c. 58. 1955, c. 161)

VI. Dealer registration certificates; application; fee. Every manufacturer or dealer in new or used aircraft may, instead of registering each aircraft owned or controlled by him, make application upon a blank provided by the commission for a dealer registration. The commission, if satisfied that the applicant maintains a permanent place of business in the state where said applicant will be principally engaged in the business of manufacturing, buying and selling of aircraft and is also satisfied with the other facts stated in the application, shall issue a certificate of registration. Such certificate of registration shall contain the name, place of residence and business of the applicant and the general distinguishing number assigned to him and made in such form as the commission may determine, and all aircraft owned or controlled by such applicant shall be regarded as registered under such general distinguishing number until sold, exchanged or operated for hire. To be eligible for the renewal of such aircraft dealer registration, the applicant must maintain in said state a permanent place of business where said applicant is principally engaged in the business of buying and selling aircraft. The annual fee for every such certificate of registration shall be \$15. The commission shall furnish applicant with 3 dealer aircraft tags free of cost, and upon payment of \$5 per tag additional dealer tags shall be furnished. On application for registration, or for additional tags applied for during the period between the 1st day of September and the 31st day of December in any year $\frac{1}{2}$ of the registration fee shall be charged. [1957, c. 116, § 2]. (R. S. c. 21. 1949, c. 389. 1951, c. 16, §§ 1, 2; c. 17, § 2; c. 264, § 5. 1953, cc. 57, 58, 59. 1955, c. 161. 1957, c. 116, §§ 1, 2. 1959, c. 308, § 4.)

Effect of amendments. — The 1955 amendment added the words "and not engaged in the air commerce within the state" at the end of paragraphs B and F, and the words "or otherwise qualified therein" at the end of paragraphs C and G, of subsection IV.

The 1957 amendment inserted in the first paragraph of this section all of the provisions relative to manufacturers and

dealers and added subsection VI.

The 1959 amendment added paragraph A to subsection II of this section.

As only the first paragraph of the section, paragraphs B, C, F and G of subsection IV, and paragraph A of subsection II and subsection VI were changed or added by the amendments, the rest of the section is not set out.

Sec. 20. Airport construction fund.

II. State aid. The commission with the consent of the governor and council may, from the amount appropriated to aid in the construction, extension and improvement of state or municipal airports, known as the "Airport Construction Fund," grant to cities and towns separately and cities and towns jointly with one another or with counties an amount not to exceed 50% of the total cost of the construction, extension or improvement of such airport or airports. (1955, c. 372)

Effect of amendment.—The 1955 amendment deleted “25%” in line five of subsection II and inserted in place thereof “an amount not to exceed 50%.” The amendment also deleted from the end of

the subsection the words “or any lesser per cent of said costs.” As the rest of the section was not changed, only subsection II is set out.

Chapter 24-A.

Control of Missiles and Rockets.

Sec. 1. Definitions.—Each word or term defined in this section has the meaning indicated in this section for the purposes of this chapter, unless a different meaning is plainly required by the context:

I. Airport. “Airport” means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, any appurtenant areas which are used or intended for use, for airport buildings, other airport facilities, rights of way, together with all airport buildings, wharfs and facilities thereon.

II. Commission. “Commission” means the Maine aeronautics commission.

III. Explosive or propellant. “Explosive” or “propellant” means any solid, liquid or gaseous substance capable of any chemical reaction releasing energy or pressure.

IV. Missile or rocket. “Missile” or “rocket” means any projectile capable of hurling or projecting itself off the ground and into the air by means of the thrust produced by the expulsion of gases produced by the internal combustion of flammable or explosive materials.

V. Operational range. “Operational range” means any area of land and air space on, over and in which any missile, rocket or similar device is to be launched and operated.

VI. Person. “Person” means any individual, firm, copartnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

VII. Ramp. “Ramp” means any structure, platform, base or device to be used for the positioning, location or aiming of any missile, rocket or similar device to be launched, fired or otherwise projected into the air above the ground.

VIII. Site or launching site. “Site” or “launching site” means any place in this state to be used for the launching or operation of a missile, rocket or similar device.

IX. State or this state. “State” or “this state” means the state of Maine. (1961, c. 253.)

Sec. 2. Approval of ramp.—Any person who intends to launch, fire or operate any missile, rocket or similar device in this state using any explosive, fire, heat or other propellant whatsoever shall, prior to such launching or operation of such missile, rocket or similar device, make application to the commission for approval of the ramp, launching site or sites and operational range to be used for the launching or operation of any such missile, rocket or similar device. (1961, c. 253.)

Sec. 3. Approval to fire.—Any person who intends to arm, load, fire or to launch or operate any missile, rocket or similar device using any explosive, fire, heat, chemical or other propellant whatsoever shall make application to the commission for approval to arm, load, fire or to launch or operate any such missile, rocket or similar device, prior thereto and no person shall launch or operate any

such missile, rocket or device unless or until the commission has approved such application. (1961, c. 253.)

Sec. 4. Form of application. — Application for approval of any ramp, launching site or sites and approval of the launching, operation and the operational range pursuant to sections 2 and 3 shall be made upon such forms as may be provided by the commission from time to time. (1961, c. 253.)

Sec. 5. Protection of public.—The commission, prior to approval or disapproval of any application submitted in accordance with section 4 shall give due consideration to and require the reasonable protection of the public and general safety of aeronautics in this state. (1961, c. 253.)

Sec. 6. Exemptions.—This chapter shall not apply to any appropriately authorized fireworks display conducted by professional or otherwise appropriately qualified persons or personnel and approved by the insurance commissioner nor shall this chapter apply to the launching or operation of any missile, rocket or similar device by the United States government, or its appropriately authorized designee. The exemptions authorized do not include contractors or subcontractors of the United States government. (1961, c. 253.)

Sec. 7. Toys or amusement devices.—This chapter shall not apply to any missile, rocket or similar device commercially manufactured for retail sale as a toy, recreational or amusement device, provided that such toy, recreational or amusement device be incapable of operating at an altitude in excess of 300 feet above the ground and provided that any such missile, rocket or similar device exempted under this chapter shall not be operated within 3 miles of the boundary of any public use airport. (1961, c. 253.)

Sec. 8. Rules and regulations.—The commission may adopt and promulgate rules and regulations and issue orders in the manner prescribed under chapter 24 as necessary in order for it to carry out this chapter. (1961, c. 253.)

Sec. 9. Penalty.—Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$250 or by imprisonment for not more than 6 months, or by both. (1961, c. 253.)

Chapter 25.

Department of Health and Welfare.

Sections 93 to 105-B. Tuberculosis.
Sections 105-C to 105-D. State Sanatoriums.
Sections 126-A to 126-G. Tattooing.
Section 140-A. Disposition of Eyes After Death.
Sections 167-169. Persons Suffering from Opiates and Alcoholics.
Sections 195 to 205-A. Funeral Directors and Embalmers.
Sections 213-230. Hairdressing and Beauty Culture.
Sections 230-A to 230-P. Barbers and Barber Shops.
Sections 274-A to 275. Solicitation of Charitable Funds.
Sections 319-A to 319-T. Aid to the Disabled.
Section 319-U. Medical Care for Recipients of Public Assistance.
Sections 319-V to 319-Y. Medical Care and Services Program.
Section 378. Office of Vital Statistics.
Sections 378-A to 403. Registration of Vital Statistics.