

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
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shall support the paupers therein, in the same manner that towns now do, and the expenses therefor shall not be chargeable to the state. (R. S. c. 82, § 25. 1955, c. 87.)

Effect of amendment.—The 1955 amendment, which became effective on its approval, March 18, 1955, substituted “\$250,000” for “\$100,000.”

Chapter 96.

Forests. Parks. Ways. Sewers and Drains. Fences.

Section 1-A. State-Owned Lands.

State-Owned Lands.

Sec. 1-A. Profits from state-owned lands.—In towns where the state owns land as the result of acquisition of such land through the use of federal aid funds under the Pittman-Robertson Federal Aid to Wildlife Act and upon which natural products are sold or leased, 50% of the net profits received by the state from the sale or lease of such natural products shall be paid by the state to the town wherein such land is located. (1955, c. 405, § 43.)

Public Parks, Squares, Playgrounds and Shade Trees.

Sec. 5. Land taken for parks, squares, public libraries and playgrounds.—Any city or town upon petition in writing signed by at least 30 of its taxpaying citizens, directed to the municipal officers, describing the land to be taken as hereinafter provided, and the names of the owners thereof so far as they are known, may, at a meeting of such town or the city government, direct such municipal officers to take suitable lands for public parks, squares, playgrounds, buildings for municipal purposes or a public library building; and thereupon such officers may take such land for such purposes, but not without consent of the owner if at the time of filing such petition with such officers or in the office of the clerk of such town or city such land is occupied by a dwelling house wherein the owner or his family reside. When land is taken under the provisions of this section for a public park, the fee of such land may be taken and compensation assessed and paid accordingly. Land in any town so taken for a public park may by authority of a majority vote at a town meeting be transferred and conveyed to the federal government so as to become a part of a national park. Nothing herein shall be held to deprive the former landowners from proceeding to restrain the use of such land for other than public park purposes. (R. S. c. 84, § 5. 1955, c. 216.)

Effect of amendment.—Prior to the 1955 amendment this section applied only to cities and towns containing more than 1,000 inhabitants.

Liability for Repair of Ways and for Injuries.

Sec. 87. Repealed by Public Laws 1955, c. 424, § 6.

Sec. 89. Persons injured by highway defects; damages; notice.

Applied in *Verreault v. Lewiston*, 150 Me. 67, 104 A. (2d) 538.

Sec. 92. Slippery sidewalk no cause of action.

This section is not unconstitutional as denying equal protection of the laws, in violation of § 1 of the fourteenth amendment to the constitution of the United States, and the guaranties under § 1 of art. 1 of the constitution of Maine. *Verreault v. Lewiston*, 150 Me. 67, 104 A. (2d) 538.

Exemption is unrestricted and absolute.—Whatever may be the character of a ridge of ice or snow in a roadway, as

distinguished from a sidewalk, as a defect therein, if the same be created by act of those having charge of the streets and allowed to remain therein, this section relieves a municipality from liability to an action for damages to any person on foot, on account of snow or ice, on any sidewalk or cross-walk. This exemption is unrestricted, is absolute and there is no ex-

ception contained therein or thereto. Verreault v. Lewiston, 150 Me. 67, 104 A. (2d) 538.

And cannot be avoided even if snow or ice constitutes public nuisance.—The effect of this section cannot be avoided even if the snow or ice on a sidewalk constitutes a public nuisance. Verreault v. Lewiston, 150 Me. 67, 104 A. (2d) 538.

Chapter 97.

Fire Departments and Fire Prevention.

Investigation of Fire Hazards and Causes of Fire.

Sec. 29. Insurance commissioner may incur expense for administration of fire preventive laws; director of state fire prevention; state fire inspectors.—The insurance commissioner may incur such expense and appoint a director of state fire prevention and such state fire inspectors, subject to provisions of the personnel law, as may be necessary to carry out the provisions of all fire preventive and investigative laws, rules and regulations which he is by law empowered to administer. He may also incur reasonable expenses in educating the public in fire prevention and protection. The director of state fire prevention and state fire inspectors appointed under the provisions of this section shall carry out those functions which the commissioner may direct. State supervising fire inspectors shall have the same powers and duties throughout the several counties of the state as sheriffs have in their respective counties relating to fire prevention, arson and other burnings. Their power and duties shall include the duty to inquire into and arrest for violations of any of the provisions of this chapter, and to arrest for impersonation of or interference with fire inspectors. Every fire insurance company or association which does business or collects premiums or assessments in the state shall pay to the state tax assessor on the 1st day of May, annually, in addition to the taxes now imposed by law to be paid by such companies or associations, $\frac{1}{2}$ of 1% of the gross direct premiums for fire risks written in the state during the preceding calendar year, less the amount of all direct return premiums thereon and all dividends paid to policyholders on direct fire premiums during said calendar year. The state tax assessor shall pay over all receipts from such tax to the treasurer of state daily. Said funds shall be used solely to defray the expenses incurred by the insurance commissioner in administering all fire preventive and investigative laws, rules and regulations and in educating the public in fire safety and are appropriated for such purposes. (1955, c. 166.)

Effect of amendment.—The 1955 amendment inserted the fourth and fifth sentences in the first paragraph. As the sec-

ond paragraph was not changed by the amendment, it is not set out.

Fire Prevention.

Sec. 36. Repealed by Public Laws 1955, c. 406, § 3.

Cross reference.—See c. 36, § 94-A, for present provisions re kindling fires on land of another.

Sec. 43-A. Transportation of explosives.—As a condition to the granting of a permit or license to transport explosives, the insurance commissioner may require that the vehicle used in transportation of explosives may be accom-