

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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vacation shall set a time and place for hearing and give notice thereof in the same manner as hereinbefore provided for a hearing, before the municipal officers. The decision of said justice shall be communicated within 10 days after the date of hearing to the appellant and to the municipal officers of the town in which the proposed wharf, weir or trap is to be located; and this decision shall be binding in said municipal officers, who shall issue a license, if so directed by the decision of said justice, within 3 days after said decision has been communicated to them. If said appeal is sustained by said justice in whole or in part, the appellant shall have his costs against the appellee. If the appeal is not so sustained, the appellee shall have his costs against the appellant. If any owner to whom a license has been issued, or his heirs or assigns, fails to remove all stakes and brush within a period of 1 year after the termination of the license, as provided in the following section, any person can remove the same without charge against said owner, his heirs or assigns.

In the case of islands not within the jurisdiction of any town all powers of municipal officers to issue licenses to build weirs are conferred upon the owner or owners of such islands. If said owner or owners are unable to agree as to the issuance of a license they shall submit the question of such issuance to the commissioner of sea and shore fisheries, who shall, after a hearing at which all parties may be represented, decide as to the issuance of such license. (R. S. c. 86, § 7. 1955, c. 227.)

Effect of amendment.—The 1955 amendment substituted in the third sentence the words “with sureties, in the sum of \$500” for the words “without sureties, in the sum of \$100.”

Chapter 100.

Miscellaneous Provisions Relating to Towns.

Section 71-A. Drive-In Theaters.
 Sections 79-A to 79-D. Closing-Out Sale.

Dogs.

Sec. 9. Lists of all dogs; returns.

If any city or town fails to remit to the treasurer of state on or before October 15 of each year a sum of money equal to the licenses required by sections 9 to 28, inclusive, on all dogs living on the 15th day of June preceding, such deficiency shall be collected in the manner provided by section 13 of chapter 18. (R. S. c. 88, § 8. 1955, c. 135.)

Effect of amendment.—The 1955 amendment substituted in the last paragraph of the section the words “collected in the manner provided by section 13 of chapter 18” for the words “added to the state tax of such delinquent city or town for the following year.” As the rest of the section was not changed by the amendment, only the last paragraph is set out.

Sec. 10. Dog licenses; fee; suitable tag; duties of animal husbandry expert; kennels.—On or before the 1st day of April of each year, the owner or keeper of any dog 6 months old or over shall apply to the city or town clerk either orally or in writing for a license for each such dog owned or kept by him. Such application shall state the breed, sex, color and markings of such dogs and the name and address of the last previous owner.

A fee of \$1.15 shall be paid the city or town clerk for each license issued on male dogs, and a fee of \$5.15 shall be paid for all female dogs capable of bearing young. All female dogs shall be considered capable of producing young unless a certificate issued by the commissioner of agriculture and signed by a licensed veterinarian, or previous license record, is presented from a licensed veterinarian

stating that such female was made incapable of bearing young by spaying by him. When such certificate accompanies the application, a fee of \$1.15 shall then be paid on such spayed females. In addition to the amount paid for license and tag, each applicant shall pay the city or town clerk 25¢ for the recording and making a return to the commissioner of agriculture.

Such licenses shall be made in triplicate, the original copy shall be mailed to the commissioner of agriculture, 1 copy given to the person applying for the license and 1 copy retained by the city or town clerk.

A suitable tag showing the year such license is issued and bearing such other data as the commissioner of agriculture may prescribe shall be given with each license and must be securely attached to a leather or metal collar which must be worn at all times by the dog for which the license was issued and it shall be unlawful for any person to remove such tag or to place either collar or tag on any dog not described or for which the license was not issued.

Returns from clerks of cities, towns and plantations showing all licenses issued by them together with a correct report showing the total number of dogs in "both sexes" found by the city or town assessors and the number of dogs killed shall be made to the commissioner of agriculture not later than the 1st day of July each year.

All license blanks and tags shall be furnished by the commissioner of agriculture. The representatives of the department of agriculture in charge of animal husbandry shall be known as the animal husbandry specialist and the assistant animal husbandry specialist, and shall devote their time to the carrying out of the provisions of the dog licensing laws and the adjustment of claims for damages to livestock by dogs and wild animals, and to the promotion of animal husbandry within the state. The expense of furnishing the above-mentioned blanks and tags, and the necessary clerk hire and travel, and the salary of the animal husbandry specialist and the assistant animal husbandry specialist shall be paid from the funds received from the licensing of dogs; provided, however, that money is hereby appropriated out of the dog license receipts for the purposes of this section.

Any person becoming the owner or keeper of a dog after the 1st day of April, not duly licensed as herein required, shall, within 10 days after he becomes the owner or keeper of said dog, cause said dog to be described and licensed as provided above.

Every owner or keeper of dogs, kept for breeding, hunting, show, field trials and exhibition purposes, may receive annually a special kennel license authorizing him to keep said dogs for said purpose, provided he keeps said dogs within a proper enclosure; and provided further, that such special kennel license shall permit such owner, keeper or authorized agent to transport under control and supervision said dogs to and from places of hunting or exhibition within or without the state. When the number of dogs so kept does not exceed 10, the fee for such license shall be \$9.90, and in addition 25¢ for each such license as a fee for recording and making the return required by law; when the number of dogs so kept exceeds 10, the fee for such license shall be \$19.90, and in addition 25¢ for each such license as a fee for recording and making the return required by law, and no fees shall be required for the dogs of such owner or keeper under the age of 6 months. Dogs covered by kennel license shall be furnished suitable kennel tags as prescribed by the commissioner of agriculture or his agent. (R. S. c. 88, § 9. 1945, c. 183, §§ 1, 2, 3; c. 209. 1949, c. 261. 1955, c. 433 § 2; c. 444.)

Effect of amendments. — The first 1955 amendment substituted "\$1.15" for "90¢" in the first and third sentences of the second paragraph and "\$5.15" for "\$4.90" in the first sentence of the second paragraph. The second 1955 amendment inserted in the first sentence of the last paragraph the words "hunting, show, field trials and exhibition" and the words "hunting or."

The second amendment also substituted in the last sentence of the last paragraph the words "furnished suitable kennel tags as prescribed by the commissioner of agriculture or his agent" for the words "exempted from the provisions of this section requiring registration, numbering and collaring."

Sec. 11. Dog kennels.—The commissioner of agriculture, or his authorized agent, may at any time, enter any kennel, shelters or buildings used for the purpose of housing dogs and excepting any domicile and excepting any building used for human habitation heretofore recognized as not subject to search without warrant, and make examination and conduct any recognized test of the existence of any contagious or infectious disease or condition, and may quarantine such place, kennel or shelter in person or by registered mail and maintain such quarantine as long as the commissioner or his agent may deem necessary. Any kennel, shelter or place where dogs are housed or confined, shall be maintained in a sanitary and humane manner and any records required by law shall be properly kept and available to the commissioner or his agent upon request.

Any person, firm or corporation violating any quarantine or maintaining dogs in an insanitary or inhumane condition, or not keeping records required by law shall be punished by a fine of not more than \$100 for each offense. (1949, c. 314. 1955, c. 234.)

Effect of amendment.—The 1955 amendment rewrote this section.

Sec. 14. Unlicensed dogs; warrants; disposal.—The municipal officers of each city, town or plantation shall annually within 10 days from the 1st day of June issue a warrant, returnable in the 1st day of July following, to one or more police officers or constables, directing him or them to proceed forthwith to enter complaint and summons to court the owner or keeper of any unlicensed dog. The said police officer or constable may, before entering such complaint and obtaining said summons, call on the owner or keeper of said dog and demand that he conform with the law and pay the license fees due, and if the owner pays such license fees, he shall pay in addition thereto the officer's fee of \$2, which the officer shall retain and make return and pay over to the city or town clerk the license fees received by him.

(1955, c. 274.)

Effect of amendment.—The 1955 amendment added the second sentence of the first paragraph. As the second paragraph was not changed, it is not set out.

Sec. 19. Damages to poultry by dogs or wild animals.—Whenever any properly enclosed poultry owned by a resident of this state is killed or injured by dogs, skunks, foxes, weasels, mink or coons, such owner may make complaint thereof to the mayor of the city or to one of the municipal officers of the town or plantation where such damage was done, within 24 hours after he has knowledge of the same. Thereupon the municipal officers shall investigate the complaint and, if satisfied that the said damage was committed by dogs or wild animals within the limits of their city, town or plantation, they shall estimate the damage thereof according to the actual value of such poultry and make returns of their findings together with the estimated damage, in triplicate. The original shall be signed by the investigator, and this and the duplicate, together with a bill from the claimant, shall be mailed to the commissioner of agriculture or his duly authorized agent within 15 days from the date of investigation, and the triplicate shall be kept by the town clerk as his record.

(1955, c. 136.)

Effect of amendment.—The 1955 amendment substituted the word "signed" for the words "sworn to" in the third sentence of the first paragraph. It also eliminated in the same sentence a requirement that the bill of the claimant be sworn to. As the rest of the section was not changed by the amendment, only the first paragraph is set out.

Sec. 27. Persons buying or selling dogs to keep record.—All persons or kennels engaged in buying or selling dogs must keep record of from whom bought and to whom sold, which record shall be open to inspection by local police

officers, humane agents, or the commissioner of agriculture or his agent. (1949, c. 279. 1955, c. 235.)

Effect of amendment.—The 1955 amendment made this section applicable to the commissioner of agriculture or his agent.

Drive-In Theaters.

Sec. 71-A. Traffic officer at drive-in theaters.—Anyone operating a drive-in theater, being an owner, lessee or tenant, shall employ a uniformed police officer or constable to direct traffic to any main highway from the theater. Said police officer or constable shall be stationed at the point where the theater exit or driveway connects with the main highway at the time the theater program shall be concluded and shall remain at that point for such time as motor vehicles are leaving the theater. Any person violating the provisions of this section shall be punished by a fine of not more than \$100, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. (1955, c. 388.)

Closing-Out Sales.

Sec. 79-A. License required to conduct closing-out sales, and requirements for obtaining.—No person or persons shall offer for sale a stock of goods, wares or merchandise under the designation of "closing-out sale," "going out of business sale," "discontinuance of business sale," "entire stock must go," "must sell to the bare walls," or other designation which states, directly or by implication, an intent by such person or persons to dispose of the entire stock of goods with a view to permanently terminating further business after such disposal is complete, unless such person or persons shall have first complied with the following requirements:

I. That such person or persons shall, before the beginning of such disposal sale, obtain, from the municipal officers of the city or town in which such sale shall be conducted, a license to conduct such sale. To obtain such license the applicant shall pay to the said municipal officers a fee of \$25 and shall file with said municipal officers, in writing and under oath, a complete inventory of all items to be included in such sale. Such license shall be valid and effective for a period of 60 days from date of issuance, unless revoked as hereinafter provided, and the validity of such license may be extended for a period of 60 additional days if the licensee shall furnish to the said municipal officers an affidavit to the effect that all goods, wares or merchandise listed in the above-mentioned inventory have not been disposed of within the original 60-day period.

II. That such person or persons shall affirm, in writing and under oath, to the said municipal officers that no merchandise shall be included in the stock offered for sale unless said merchandise shall have been in or at the place of business wherein or whereat such sale is to be conducted at the time of the opening of the sale.

III. Upon compliance with the requirements of this section, the municipal officers shall issue the license forthwith. (1955, c. 207, § 1.)

Sec. 79-B. Violations and penalties therefor.—Any licensee under the foregoing conditions, who shall in any way fail to comply with those conditions, or any person or persons who shall conduct such a disposal sale without first having obtained such license, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days, or by both such fine and imprisonment, and each day on which a sale is conducted in violation of any of these provisions shall constitute a separate offense. (1955, c. 207, § 1.)

Sec. 79-C. Powers of municipal officers to revoke license.—The afore-said municipal officers shall revoke any license issued in accordance with these

regulations if the licensee shall be convicted of violating any of the foregoing provisions, and the municipal officers shall have the right to refuse to issue another license to any applicant who has, prior to application therefore, been convicted of violating any of the foregoing provisions. If any person convicted of any violation of the provisions of section 79-A shall appeal from the decision or sentence of the trial court, his license issued in accordance with these regulations shall be suspended during the time his appeal is pending in the appellate court. (1955, c. 207, § 1.)

Sec. 79-D. Limitations.—The foregoing provisions shall not apply to liquidation sales by public auction of not more than 3 days duration conducted by a licensed auctioneer, or sales conducted or made by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, guardians, conservators, receivers, assignees under voluntary assignments for the benefit of creditors or insurers, or by any other person required by law to sell personal property. (1955, c. 207, § 1.)

Secs. 80-83. Repealed by Public Laws 1955, c. 207, § 2.

Auctions and Auctioneers.

Sec. 84. Resident licenses.—Every resident person, firm or corporation, desiring to do business in this state as an auctioneer, upon application in proper form and the payment of a sum of \$10 as a state license fee, shall receive and the secretary of state shall issue to such applicant a license to conduct auctions in any city, town, plantation or unorganized territory in the state; provided, however, any municipality may require a local license to hold auctions therein. (R. S. c. 88, § 73. 1953, c. 239. 1955, c. 378, § 1.)

Effect of amendment.—The 1955 amendment added the proviso at the end of the section.

Sec. 87. Application for local license; fee.

If such auction sale is to be conducted in an unorganized township or in a plantation, the application to conduct such sale shall be directed to the secretary of state, and the same information required to be furnished to the clerk of a city or town for a local license shall be furnished the secretary of state, together with the same fee of \$5, who thereupon may issue such license for such auction sale; provided, however, any municipality requiring a local license of resident auctioneers under section 84 may require the same local license of nonresident auctioneers. (R. S. c. 88, § 76. 1953, c. 239. 1955, c. 378, § 2.)

Effect of amendment.—The 1955 amendment added the proviso at the end of the second paragraph. As the first paragraph was not changed, it is not set out.

Oils.

Sec. 200-A. Signs.—No signs stating or relating to the price of motor fuel, and no signs designed or calculated to cause the public to believe that they state or relate to the price of motor fuel, other than one or two signs of a size not larger than 6 inches by 8 inches and displayed on each pump or dispensing unit, shall be posted or displayed on or about the premises where motor fuel is sold at retail or displayed within view of any public highway. (1955, c. 420.)