

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 715

H. P. 517

House of Representatives, January 24, 1961

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mrs. Knapp of Yarmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Public Ways and Parking Areas at State Institutions.

Be it enacted by the People of the State of Maine, as follows:

R. S., c. 27, §§ 7-A - 7-F, additional. Chapter 27 of the Revised Statutes is amended by adding 6 new sections, to be numbered 7-A to 7-F, to read as follows:

'Public Ways and Parking Areas at State Institutions.

Sec. 7-A. Definitions. The words "public way" or "public ways," when used in sections 7-B to 7-F, shall be held to mean all road and driveways on lands maintained by the State at the state institutions under the jurisdiction of the Department of Mental Health and Corrections.

The words "parking area" or "parking areas," when used in sections 7-B to 7-F, shall be held to mean all lands maintained by the State at the state institutions under the jurisdiction of the Department of Mental Health and Corrections which may be designated as parking areas by the superintendents of the state institutions.

Sec. 7-B. Rules and regulations. The superintendents of the state institutions are authorized and empowered to make and enforce rules and regulations, subject to the approval of the commissioner, governing the use of public ways and parking areas maintained by the State at the state institutions. Said rules and regulations shall become effective upon deposit of a copy thereof with the Secretary of State, who shall forward a copy thereof attested under the great seal of the State to a municipal court or a trial justice court in the area of jurisdiction.

Sec. 7-C. Special police officers; powers and duties; duties of other officers to cooperate. The superintendents of the state institutions are authorized and

empowered to appoint and employ, subject to the Personnel Law, special police officers for the purpose of enforcing rules and regulations made pursuant to section 7-B.

The powers and duties of the special police officers so appointed and employed shall be to patrol all of the public ways and parking areas subject to sections 7-A to 7-F, enforce rules and regulations made under section 7-B, arrest any violator thereof and prosecute any offender against the same.

The state police, sheriffs and deputy sheriffs, constables and police officers within the area of jurisdiction shall, so far as possible, cooperate with the special police officers appointed and employed under this section in the enforcement of rules and regulations made pursuant to section 7-B.

Sec. 7-D. Jurisdiction. The municipal courts or trial justice courts within the areas in which the state institutions are located shall have jurisdiction in all proceedings brought under sections 7-A to 7-F, which courts shall take judicial notice of all rules and regulations adopted pursuant to section 7-B. In any prosecution for violation of any rules and regulations, the complaint may allege the offense as in prosecutions under a general statute and need not recite the rule or regulation.

Sec. 7-E. Fines and costs of court. Any person found guilty of violating any rule or regulation made pursuant to section 7-B shall, upon conviction, pay a fine and costs of court as follows:

- I. First offense. For the first offense in any calendar year, a fine of \$1 plus the costs of court;
- II. Second offense. For the second offense in any calendar year, a fine of \$2 plus the costs of court;
- III. Subsequent offense. For each offense in excess of 2 in any calendar year, a fine of \$5 plus the costs of court.

Notwithstanding any other law, the fines and costs of court paid under this section shall inure to the municipality in which the proceedings take place.

Sec 7-F. Offenses not covered by rules and regulations. Offenses not covered by the rules and regulations made under section 7-B shall be dealt with as otherwise provided by law.'