

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 27

In Senate, Jan. 24, 1911.

Laid on table for printing on motion by Mr. Smith of York pending reference to Committee on Ways and Bridges in concurrence.

W. C. HANSON, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ELEVEN.

AN ACT defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations.

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

Section 1. As used in this act the term "motor vehicle"
2 includes all vehicles propelled otherwise than by muscular
3 power, excepting such vehicles as run only upon rails or
4 tracks.

Sect. 2. The term "motor cycle" includes only motor
2 vehicles having pedals and saddle with driver sitting astride.

Sect. 3. The term "automobile" includes all motor ve-
2 hicles excepting motor cycles.

Sect. 4. The word "magistrate" shall be deemed and un-
2 derstood to mean and include all justices of the peace, judges
3 of the city criminal courts, police justices, recorders, and all
4 other officers having the power of a committing magistrate.

Sect. 5. Automobile fire engines and such self-propelling
2 vehicles as are used neither for the conveyance of persons
3 for hire, pleasure or business, nor for the transportation of
4 freight, such as steam road rollers and traction engines, are
5 excepted from the provisions of this act.

Sect. 6. Every motor vehicle must be equipped with a
2 plainly audible signal trumpet.

Sect. 7. Every automobile shall carry, during the period
2 from thirty minutes after sunset to thirty minutes before
3 sunrise, and whenever fog renders it impossible to see a
4 long distance, at least two lighted lamps, showing white
5 lights, visible at least two hundred and fifty feet in the direc-
6 tion towards which said automobile is proceeding, and shall
7 also exhibit one red light, visible in the reverse direction.

Sect. 8. Every motor cycle shall carry, during the period
2 from one hour after sunset to one hour before sunrise, and
3 whenever fog renders it impossible to see a long distance,
4 at least one lighted lamp, showing a white light visible at

5 least two hundred feet in the direction toward which the
6 motor cycle is proceeding.

Sect. 9. Automobiles of more than ten horsepower shall
2 be provided with at least two brakes, powerful in action and
3 separated from each other, of which one brake must act
4 directly on the drive wheels or on the parts of the mechanism
5 which are firmly connected with the wheels. Each of the
6 two brakes must suffice alone to stop the automobile within
7 a proper time. One of the two brakes must be so arranged
8 as to be operated with the foot; provided, however, that on
9 automobiles not exceeding ten horsepower one brake will be
10 sufficient.

Motor cycles shall be provided with at least one brake,
12 which may be operated by hand.

Sect. 10. No motor vehicle tire shall be fitted with a chain,
2 nor shall any tire upon any motor vehicle be constructed of
3 or have thereon any blocks, hobs, studs or other projections
4 beyond the periphery of the tire forming the tread or trac-
5 tion surface of such tire, and which shall extend beyond
6 three-eighths of an inch from the periphery of such tire,
7 when such motor vehicle shall be used upon gravel, maca-
8 dam or other made roads, except upon natural dirt, asphalt,
9 cobble, Belgian blocks or vitrified pavements; provided,
10 however, that tires may be fitted with a chain when used
11 upon roads covered with a coating of at least one inch of
12 snow or ice.

Sect. 11. Every motor vehicle must have devices to prevent excessive noise, annoying smoke and the escape of gas and steam, as well as the falling out of embers or residue from the fuel; and all exhaust pipes carrying exhaust gases from the engine shall be directed parallel to the ground or slightly upward.

Sect. 12. The Secretary of State shall forthwith organize in connection with the Department of State the department of motor vehicle registration and regulation. He shall provide suitable quarters for the same, and shall furnish all necessary supplies and equipment for the proper enforcement of the provisions of this act. He shall approve all bills for disbursement of money under any of the provisions of this act, which shall be paid by the State Treasurer, upon the warrant of the State Auditor, out of any appropriation regularly made therefor.

Sect. 13. The Deputy Secretary of State shall have personal charge and supervision of the enforcement of the provisions of this act. He shall appoint a chief inspector of motor vehicles, who shall be chief clerk of the department, and who shall have practical knowledge of the mechanical arrangement and capabilities of all kinds of motor vehicles, and be capable to pass upon the efficiency of motor vehicles and the competency of motor vehicle drivers. He shall also appoint as many inspectors, not exceeding ten, as may be necessary in detecting violations of this act, in obtaining evidence of violations and otherwise assisting in the enforce-

12 ment of the act. The said inspectors shall be chosen with
13 special reference to their fitness for the work, and shall be
14 required to submit themselves to such an examination as the
15 Deputy Secretary of State shall provide, and shall be
16 equipped, at his discretion, with motor cycles or other means
17 of conveyance. The Deputy Secretary of State shall organ-
18 ize the inspector force with the chief inspector at its head,
19 and shall adopt such rules and regulations for the regulation
20 of the inspector force as shall appear desirable, and shall
21 exercise the power of suspension, and, when necessary, of
22 discharge, of inspectors for failure to comply with the rules
23 of the department, or for any other cause. He shall fix the
24 compensation of these inspectors, but in no case shall such
25 compensation exceed three dollars per day. He shall also
26 have the power to appoint any number of citizens, not ex-
27 ceeding twenty, who shall be interested in the proper en-
28 forcement of this act, and who shall be known as special in-
29 spectors, not more than two of whom shall be residents of
30 any one county. They shall serve without pay, and shall
31 have all the power and authority of the paid inspectors as
32 stated in this act. He shall also fix the compensation of
33 clerical assistants and others employed under this act. The
34 compensation of the chief inspector shall be twelve hundred
35 dollars per annum.

Sect. 14. The Deputy Secretary of State shall be author-
2 ized, and full power and authority are hereby given to him,
3 to designate the chief of police and the lawful deputy of

4 said chief of police of any municipality in this State, or any
5 other proper person, to be the agent of the said Deputy
6 Secretary of State, for the registering of motor vehicles and
7 issuing registration certificates, and for the examining of
8 applicants for licenses to drive motor vehicles, and the grant-
9 ing of licenses to said applicants, subject to the requirements
10 of this act and to such rules and regulations as shall be im-
11 posed by him; and any chief of police and deputy who may
12 be so designated are hereby authorized and required to act
13 accordingly and until the said authority so to act is revoked
14 by him. The fee allowed such agent for registration cer-
15 tificates so issued by him, and for every license so granted
16 by him, shall be fixed by the inspector of motor vehicles, the
17 same to be retained from the registration fee or the license
18 fee paid to him; provided, however, that every registration
19 and registration certificate and every license to drive motor
20 vehicles may be revoked by the said Deputy Secretary of
21 State for a violation of any of the provisions of this act, or
22 on other reasonable grounds, after due notice in writing of
23 such proposed revocation and the ground thereof, and if a
24 driver of motor vehicles shall have had his license revoked, a
25 new license granted to him within one year thereafter shall
26 be void and of no effect unless it shall be granted by the said
27 Deputy Secretary of State in person; and if the registration
28 or registration certificate of any motor vehicle shall have
29 been revoked, a new registration made, or new registration
30 certificate issued within one year thereafter, shall be void

31 and of no effect unless the new registration shall be made
32 and the new certificate issued under the personal direction
33 of the Deputy Secretary of State.

Sect. 15. The said Deputy Secretary of State shall be
2 authorized, and full power and authority are hereby given to
3 him, to license, at his discretion and upon payment of the
4 lawful fee, any proper person of the age of sixteen years
5 or over to be a motor vehicle driver, he or his agent having
6 first examined said person and being satisfied of his ability
7 as an operator, which examination shall include a test of the
8 knowledge on the part of the said person of such portions of
9 the mechanism of motor vehicles as is necessary, in order to
10 insure the safe operation of a vehicle of the kind or kinds
11 indicated by the applicant, and the said applicant having
12 demonstrated his ability to operate a vehicle of the class
13 designated; and the said Deputy Secretary of State may, in
14 his discretion, refuse to grant a license to drive motor ve-
15 hicles to any person who shall, in his estimation be an im-
16 proper person to be granted such a license; and he shall have
17 power to grant a registration certificate to the owner of any
18 motor vehicle, application for registration having properly
19 been made and the fee therefor paid, and the vehicle being
20 of a type that complies with the requirements of this act.
21 But it shall be lawful for him to refuse registration to any
22 vehicle that, in his estimation, is not a proper vehicle to be
23 used upon public roads and highways of this State.

Sect. 16. He shall have such powers and duties as are in
2 this act given and imposed, and shall collect such data with
3 respect to the proper restrictions to be laid upon motor
4 vehicles, and the use thereof upon the public roads, turn-
5 pikes and thoroughfares, as shall seem to be for the public
6 good, and under the direction of the Secretary of State shall
7 report to each Legislature the operations of his office for
8 the two years ending on the next preceding thirty-first day
9 of December. It shall be his duty to attend to the enforce-
10 ment of the provisions of this act.

Sect. 17. He shall keep a record of all his official acts and
2 shall preserve copies of all decisions, rules and orders made
3 by him, and shall adopt an official seal. Copies of any act,
4 rule, order or decision made by him, and of any paper or
5 papers filed in his office, may be authenticated under said
6 seal, and when so authenticated shall be evidence equally
7 with and in like manner as the originals, and he shall be em-
8 powered to communicate with the police departments and
9 peace officers in the State for the purpose of and with the
10 object of the proper enforcement of this act.

Sect. 18. Motor vehicle inspectors may be appointed as
2 provided in section thirteen of this act, and shall be pre-
3 sented with a badge indicative of their office, and when wear-
4 ing such badge on the left breast of the outermost garment
5 shall have power to stop any motor vehicle and examine the
6 same to see that it complies with the requirements of this act,
7 whether in matter of equipment, identification or otherwise;

8 to require the production of the license of the driver; to
9 arrest, without warrant, for violations of this act committed
10 in their presence, and generally to act as special officers for
11 the enforcement of the provisions of this act and for the
12 detection and arrest of those who violate or infringe upon
13 the provisions hereof.

Sect. 19. No person shall drive a motor vehicle, the owner
2 of which vehicle shall not have complied with the provisions
3 of this act concerning the proper registration and identifi-
4 cation of the same; nor shall any person drive a motor
5 vehicle which shall display on the front or back thereof a
6 fictitious number, or a number other than that designated for
7 such motor vehicle in the Maine registration certificate of
8 such motor vehicle.

This section shall not apply to the owners or drivers of auto-
10 mobiles licensed pursuant to section twenty-two of this act,
11 but such automobiles licensed under said section shall at all
12 times display on the back thereof the registration number of
13 said automobile under the laws of the State in which the busi-
14 ness of the owner shall be conducted, as provided in the said
15 section, and no other number shall be required or shall be
16 displayed upon the said automobile.

Sect. 20. Every resident of this State and every non-
2 resident, whose automobile shall be driven in this State,
3 shall, before using such vehicle on the public highways,
4 register the same, and no motor vehicle shall be driven
5 unless so registered. Every registration shall expire and the

6 certificate thereof become void on the thirty-first of Decem-
7 ber of each year; provided, it may be lawful for any auto-
8 mobile duly registered to operate under said registration cer-
9 tificate for a period not exceeding thirty-one days after the
10 expiration of said registration certificate. Such registration
11 shall be made in the following manner: A statement in
12 writing shall be made to the Deputy Secretary of State, or
13 his lawful agent, containing the name and address of such
14 owner, together with a brief description of the character of
15 such automobile, including the name of the maker and the
16 manufacturer's number, and the rated horsepower. The
17 applicant shall pay the Deputy Secretary of State for each
18 registration a fee of three dollars for automobiles of the first
19 class; five dollars for the second class, and ten dollars for the
20 third class. Automobiles of ten horsepower or less shall be
21 of the first class; from eleven to twenty-nine horsepower,
22 inclusive, of the second class, and of thirty horse-power or
23 more, of the third class. The said Deputy Secretary of
24 State shall issue for each automobile so registered a certifi-
25 cate, properly numbered, stating that such automobile is
26 registered in accordance with law, and shall cause the name
27 of such owner, with his address and the number of his cer-
28 tificate and description of such automobile, to be entered on
29 the records of his department in alphabetical and numerical
30 order. He may refuse registration in the case of any auto-
31 mobile that shall not comply with the requirements of this
32 act, or that shall seem to him unsuitable for use on the roads

33 and highways of this State. Each owner having a residence
34 outside of the State shall file with the Secretary of State a
35 duly executed instrument, constituting the Secretary of
36 State, and his successors in office, the true and lawful at-
37 torney upon whom all original process in any action or legal
38 proceeding caused by the operation of his registered motor
39 vehicle, within this State, against such owner may be served,
40 and therein shall agree that any original process against such
41 owner shall be of the same force and effect as if served on
42 such owner within this State; the service of such process
43 shall be made by leaving a copy of the same in the office of
44 the Secretary of State, with a service fee of two dollars, to
45 be taxed on the plaintiff's cost of suit. Said Deputy Secre-
46 tary of State shall forthwith notify such owner of such ser-
47 vice by letter directed to him at the postoffice address stated
48 in his application. Upon any and every transfer of a reg-
49 istered automobile by the owner thereof, in whose name the
50 same is registered, the said registration and certificate thereof
51 shall forthwith be and become void; but the same may be
52 validated by the endorsement of the Deputy Secretary of
53 State, the purchaser having made written application there-
54 for and paid a transfer fee of one dollar.

Sect. 21. Every resident who is the owner of a motor
2 cycle, and every non-resident whose motor cycle shall be
3 driven in this State, shall pay an annual registration or li-
4 cense fee of two dollars for such motor cycle, which shall
5 include the right of such person to drive such motor cycle

6 within this State without an examination of his ability to
7 run a motor cycle, unless such an examination be required
8 by the Deputy Secretary of State; and such owner shall
9 be given a registration certificate, in which shall be desig-
10 nated the proper registration number, and such certificate
11 shall expire on the thirty-first of December of each year,
12 unless revoked by the Deputy Secretary of State, or as other-
13 wise provided by this act.

Sect. 22. Every person or corporation regularly engaged
2 in the business of carrying passengers for hire by means of
3 automobiles, which business shall be conducted in a state
4 adjoining the State of Maine, and the conduct of which
5 business shall require such automobile to enter the State of
6 Maine for said purposes, shall make application, which ap-
7 plication shall be in the form of a sworn statement, signed
8 and sworn to by the applicant, or, if the said applicant be
9 a corporation, by an officer of the said corporation, and shall
10 specify the number of automobiles which shall be operated
11 in connection with the said business, the type and motive
12 power of each, and the registration number of each under
13 the laws of the adjoining state in which said business shall
14 be connected, the deputy secretary of state shall issue to
15 the said applicant, upon the payment of a fee of one hun-
16 dred dollars, a registration certificate, which shall have en-
17 dorsed thereon the type and state registration number of
18 each of the said automobiles, and which shall permit the
19 said automobiles to be operated within the State of Maine

20 for a distance of not to exceed fifteen miles from the point
21 of entry into the State; provided, however, that not more
22 than fifteen of the said automobiles shall be within the State
23 of Maine at any one time, and that no automobile shall be
24 included under the provisions of such registration certifi-
25 cate unless the same is duly registered and licensed under
26 the laws of the state in which such business is being con-
27 ducted.

Sect. 23. Every manufacturer of or dealer in automobiles
2 residing and having his principal place of business within
3 this State, instead of registering each automobile owned or
4 controlled by him, may make application, as hereinbefore
5 provided in this section, for a registration number, and the
6 written statement, in addition to the matters hereinbefore
7 contained, shall state that he is a manufacturer or dealer,
8 as the case may be; that he desires to use a single number
9 on automobiles owned or controlled by him while being
10 used for demonstrating purposes. The deputy secretary of
11 state may thereupon, if satisfied of the facts stated in said
12 application, issue a certificate as herein set forth assigning
13 the same a number, which certificate shall contain a state-
14 ment that the same is issued to the applicant as a manu-
15 facturer or dealer, as the case may be. One certificate shall
16 cover and be valid for the use of not more than five auto-
17 mobiles of said manufacturer or dealer at one time while
18 under his control. The deputy secretary of state shall pro-
19 vide five sets of identification marks of the general style-

20 and kind hereinafter provided for motor vehicle registra-
21 tions, and such identification marks shall not be used on any
22 vehicle not actually owned by said manufacturer or dealer,
23 or operated either by him or his duly authorized agent. All
24 such automobiles shall be regarded as registered under such
25 general number and in addition to the registration number
26 displayed on the front and rear of the car as hereafter pro-
27 vided, there shall be added the letter "M," of equal size and
28 prominence. The annual fee for such manufacturer's or
29 dealer's registrations shall be five dollars for each car so
30 authorized to be operated under such registration number,
31 and the deputy secretary of state shall issue registration cer-
32 tificates in duplicate equal to the number of cars, not ex-
33 ceeding five, authorized to be operated under said registra-
34 tion number.

Sect. 24. No person shall hereafter drive an automobile
2 upon any public highway in this State unless licensed to do
3 so in accordance with the provisions of this act. No per-
4 sons under the age of sixteen years shall be licensed to drive
5 automobiles nor shall any person be licensed to drive auto-
6 mobiles until said person shall have passed a satisfactory
7 examination as to his ability as an operator, which examina-
8 tion shall include a test of the knowledge on the part of said
9 person of such portions of the mechanism of automobiles
10 as is necessary in order to insure the safe operation of a
11 vehicle of the kind or kinds indicated by the applicant.
12 Driver's license certificates shall expire on the thirty-first

13 of December of each year. Said licensee shall be entitled to
14 drive any registered automobile of the horsepower or of a
15 lesser horsepower than that for which he is licensed, but not
16 greater. There shall be two classes of drivers' licenses.
17 Those authorizing the licensee to drive cars of less than
18 thirty horsepower shall be of the first class, and those au-
19 thorizing the licensee to drive cars of thirty and greater
20 horsepower shall be of the second class. The annual license
21 fee to be charged shall be two dollars for drivers of the
22 first class and four dollars for drivers of the second class.
23 If an automobile has more than one rating of horsepower,
24 all fees shall be reckoned at the highest rating; provided,
25 however, that the deputy secretary of state shall, upon the
26 application of any person who or corporation which shall
27 have complied with the provisions of section twenty-two of
28 this act, issue to the said person or corporation a sufficient
29 number of special drivers' certificates, which shall have en-
30 dorsed thereon the registration number under the laws of
31 the adjoining state in which the business of the said appli-
32 cant shall be conducted of each of the automobiles of said
33 applicant included in and covered by any license certificate
34 issued pursuant to said section twenty-two of this act, and
35 which, when duly countersigned by a special agent appointed
36 for that purpose by the said deputy secretary of state pur-
37 suant to the provisions of section fourteen of this act, shall
38 authorize and permit the person to whom the same is issued
39 to operate any of the automobiles registered under the laws

40 of such adjoining state, the registration numbers of which
41 shall appear endorsed upon the said certificate, and no oth-
42 ers within the State of Maine, for a period of not to exceed
43 twenty-four hours at any one time. Said driver shall at all
44 times when operating any of the said vehicles within the
45 State of Maine have in his possession the said certificate,
46 and shall, whenever requested so to do, exhibit the same to
47 any motor vehicle inspector or police officer or constable
48 within the said State of Maine; no other certificate of regis-
49 tration shall be required of the said driver, and the pre-
50 ceding provisions of this section shall not be applicable to
51 him; provided, however, it shall be lawful for the deputy
52 secretary of state, at his discretion, to issue to any person
53 a written permit, under his hand and seal, allowing the said
54 person, for the purpose of fitting himself to become a motor
55 vehicle driver, to operate a motor vehicle for a specified
56 period of not more than three weeks, while in the company
57 and under the supervision of a licensed motor vehicle driver;
58 and such permit, under the hand and seal of the deputy sec-
59 retary of state, shall be sufficient license for the said person
60 to operate a motor vehicle in this State during the period
61 specified, while in the company of and under the control of
62 a licensed motor vehicle driver of this State; and provided
63 further, that the said person, as well as such licensed motor
64 vehicle driver, shall be held accountable for all violations of
65 this act committed by the said person while in the presence
66 of such licensed motor vehicle driver.

Sect. 25. Each license to drive an automobile shall specify
2 the maximum horsepower of the automobile allowed to be
3 driven thereunder, and shall have endorsed thereon, in the
4 proper handwriting of the licensee, the name of said licensee.
5 And said licensee, when thereupon requested by any motor
6 vehicle inspector of magistrate, while in the performance of
7 the duties of his office under this act, shall exhibit said
8 license to said officer and write his name in the presence of
9 said officer, to the end that he may thereby determine the
10 identity of said licensee.

Sect. 26. No intoxicated person shall drive a motor ve-
2 hicle.

Sect. 27. No person shall drive a motor vehicle without
2 the consent of the owner.

Sect. 28. The owner of every automobile which shall be
2 driven on the public highways of this State shall display on
3 the front and rear of such vehicle, not less than fifteen
4 inches or more than thirty-six inches from the ground, an
5 identification mark, to be furnished by the motor vehicle
6 department; provided, that the said motor vehicle depart-
7 ment shall not be required to furnish such identification mark
8 to any motor vehicle already registered prior to June first;
9 and such motor vehicle so registered shall be permitted to
10 display any identification mark lawful at the time of the
11 passage of this act prior to said June first. Said identifi-
12 cation mark shall contain the number of the registration
13 certificate of said vehicle in characters not less than four

14 inches in height with a stroke of not less than one-half an
15 inch, and shall be of such design as shall be prescribed by
16 the deputy secretary of state. On the tag shall be, in smaller
17 characters, the manufacturer's number of the car, certified
18 by the deputy secretary of state. The identification marks
19 of vehicles shall be either of metal or leather, sufficiently
20 enduring to be plainly legible under all atmospheric condi-
21 tions for at least one year. Motor cycles shall also display
22 such identification marks on the front and side thereof as
23 the deputy secretary of state shall prescribe. All identi-
24 fication marks shall be kept clear and distinct, and free from
25 grease, dust, or other blurring matter, so as to be plainly
26 visible at all times during daylight and at night.

Sect. 29. Drivers of motor vehicles, whether of burden or
2 of pleasure, using any of the turnpikes or public roads in
3 this State, when met by another motor vehicle, or by a car-
4 riage, sleigh or sled, shall keep to the right, and when over-
5 taken by another motor vehicle, carriage, sleigh or sled, they
6 shall likewise keep to the right, so as in both cases to permit
7 such motor vehicle, carriage, sleigh or sled either met or
8 overtaken, to pass uninterrupted.

Sect. 30. No owner or purchaser or driver of a motor
2 vehicle who shall have complied with the requirements and
3 provisions of this act shall be required to obtain any other
4 license or permit to use or operate the same, nor shall such
5 owner or purchaser or driver be excluded or prohibited from
6 or limited in the free use thereof, nor limited as to speed

7 upon any public street, avenue, road, turnpike, driveway,
8 parkway or other public place, at any time, when the same
9 is or may hereafter be opened to the use of persons having
10 or using other carriages, nor be required to comply with
11 other provisions or conditions as to the use of said motor
12 vehicle, except as in this act provided. No city, town, town-
13 ship, or other municipality shall have power to make any
14 ordinance, by-law or resolution limiting or restricting the
15 use or speed of motor vehicles, and no ordinance, by-law
16 or resolution heretofore or hereafter made by any city, town,
17 township, or other municipal or local authority by whatever
18 name known or designated, in respect to or limiting the use
19 or speed of motor vehicles, shall have any force, effect or
20 validity.

Sect. 31. No person shall drive a motor vehicle upon any
2 public street, public highway, public road, public parkway,
3 turnpike or public driveway in this State in a race, or on a
4 bet or wager.

Sect. 32. Every driver of a motor vehicle, after know-
2 ingly causing an accident by collision or otherwise know-
3 ingly injuring any person, horse or vehicle, shall forthwith
4 bring his motor vehicle to a full stop, return to the scene of
5 accident and give to any proper person demanding the same
6 his name, the number of his driver's license and the regis-
7 tration number of the motor vehicle, and the names and
8 residences of each and every male occupant of said motor
9 vehicle.

Sect. 33. The following rates of speed may be maintained, but shall not be exceeded, upon any public street, public road or turnpike, public park or parkway, or public driveway, or public highway, in this State by anyone driving a motor vehicle.

(1) A speed of one mile in seven minutes upon the sharp curves of a street or highway, or when turning a corner, and a speed of one mile in four minutes at the junction or intersection of a prominent cross-road where such a street, road or highway passes through the open country, the term "open country" meaning where houses are on an average more than one hundred feet apart.

(2) A speed of one mile in five minutes where such street or highway passes through the built-up portion of a city, town, township, or village where the houses are on an average less than one hundred feet apart.

(3) A speed of one mile in four minutes within two hundred feet of any horse or other beast of draught or burden upon the same street or highway; provided, however, that such speed, not exceeding twenty-five miles per hour, shall be lawful in the open country as may be necessary in order to pass a vehicle traveling in the same direction, but the speed shall be diminished forthwith if necessary to comply with the provisions of this act.

(4) Elsewhere, and except as otherwise provided in subdivisions one, two and three of this section, a speed of twenty-five miles per hour; provided, however, that nothing

28 in this section contained shall permit any person to drive a
29 motor vehicle at any speed greater than is reasonable, hav-
30 ing regard to the traffic and use of highways, or so as to
31 endanger the life or limb or to injure the property of any
32 person; and it is further provided, that nothing in this sec-
33 tion contained shall affect the right of any person injured,
34 either in his person or property, by the negligent operation
35 of a motor vehicle to sue and recover damages as hereto-
36 fore; and provided further, that the foregoing provisions
37 concerning the speed of motor vehicles shall not apply to
38 any speedway built and maintained for the exclusive use of
39 motor vehicles, if the said speedway at no point crosses any
40 public street, avenue, road, turnpike, driveway or other pub-
41 lic thoroughfare, or any railroad or railway at grade; and
42 provided further, that every person driving a motor vehicle
43 shall, at the request or upon signal by putting up the hand
44 or otherwise from a person riding or driving a horse or
45 horses in the opposite direction, cause the motor vehicle to
46 stop and remain stationary so long as may be necessary to
47 allow said horse or horses to pass.

Sect. 34. If a physician shall have his motor vehicle
2 stopped for exceeding the speed limit while he is in the act
3 of responding to an emergency call, the registration number
4 of the vehicle and the driver's license number may be in-
5 spected and noted, and the physician shall then be allowed
6 to proceed in the vehicle to his destination, and subsequently
7 such proceedings may be taken as would have been proper

8 had the person violating the provisions as to speed not been
9 a physician.

Sect. 35. Motor vehicles belonging to the military estab-
2 lishment, while in use for official purpose in time of riot,
3 insurrection or invasion, and motor vehicle inspectors ap-
4 pointed under this act, are exempt from the provisions of
5 this act pertaining to speed.

Sect. 36. A complaint having been made in writing, and
2 duly verified, that any person has violated any of the pro-
3 visions of this act, any trial justice of the county, or recorder
4 or judge of any municipal court in whose jurisdiction the
5 offense is committed, may, within thirty days after the com-
6 mission of said offense, issue either a summons or a war-
7 rant, directed to any constable, police officer, the inspector
8 of motor vehicles or the deputy secretary of state of this
9 State, for the appearance or arrest of the person so charged ;
10 and the magistrate shall state what section or provision of
11 this act has been violated by the defendant, and the time,
12 place and nature of said violation, and upon the return of
13 said summons or warrant the said magistrate shall proceed
14 in a summary way to hear and determine the guilt or inno-
15 cence of such person, and upon conviction may impose upon
16 the person so convicted the penalty by this act prescribed,
17 together with the costs of prosecution for such offense.

Sect. 37. Such magistrate, upon receiving complaint in
2 writing duly verified, of the violation of any provision of
3 this act by any corporation, is hereby authorized and re-

4 quired to issue a summons, directed to any constable, police
5 officer, the inspector of motor vehicles or the deputy secre-
6 tary of state of the State, requiring such corporation to be
7 and appear before said magistrate on a day therein named,
8 to answer to said complaint, which said summons shall be
9 served on the president, vice president, secretary, superin-
10 tendent or manager of such corporation, or the agent upon
11 whom other process against it may be served, at least five
12 days before the time of appearance mentioned therein, and
13 thereafter proceedings shall be the same as against indi-
14 viduals, except where a different procedure is provided by
15 this act.

Sect. 38. Any hearing to be held pursuant to this act shall,
2 on the request of the defendant, be adjourned for a period
3 not exceeding thirty days from the returned day named in
4 any summons, or from the return of any warrant, or from
5 the date of any arrest without warrant, as the case may be,
6 but in such case it shall be the duty of the magistrate to
7 detain the defendant in safe custody, unless he shall make
8 a cash deposit or enter into a bond to the State of Maine,
9 with at least one sufficient surety (unless said defendant
10 shall himself qualify and justify, in real estate security situ-
11 ate in this State, in twice the amount fixed by said magis-
12 trate for bond, with a surety), to or in an amount not ex-
13 ceeding five hundred dollars, conditioned for his appearance
14 on the day to which the hearing may be adjourned, and
15 thence from day to day, until the case is disposed of; and

16 such bond, if forfeited, may be prosecuted by the deputy
17 secretary of state in any court of competent jurisdiction;
18 and such cash deposit, if forfeited, shall be paid to said
19 deputy secretary of state by said magistrate with whom the
20 same shall have been deposited, to be by said commissioner
21 disposed of as are other moneys coming to his hands under
22 the provisions of section forty-nine of this act; provided,
23 however, that in lieu of said bond or cash deposit the person
24 under arrest may leave with the magistrate the motor vehicle
25 owned or driven by the said person.

Sect. 39. The defendant in any proceeding instituted un-
2 der this act may appeal from the judgment or sentence of
3 the magistrate to the supreme judicial court of the county
4 in which such proceeding shall have taken place; provided,
5 the said defendant shall, within ten days after the date of
6 said judgment, deliver to the magistrate a bond to the State
7 of Maine, with at least one sufficient surety, or make a cash
8 deposit with him of such amount as the magistrate shall
9 direct, not exceeding the amount of five hundred dollars
10 (unless said defendant can himself qualify and justify, in
11 real estate security in this State, in twice said amount), con-
12 ditioned to stand to and abide by such further order of
13 judgment as may thereafter be made against the said party;
14 and provided further, that if the said magistrate shall have
15 imposed a sentence of imprisonment, the defendant, if he
16 does not duly appeal, shall be imprisoned forthwith upon
17 the imposing of said sentence; but that an appeal, properly

18 taken in accordance with the provisions of this act, shall be
19 a stay of and upon the enforcement of a sentence of impris-
20 onment, whether the execution of such sentence shall have
21 been entered upon or not, as well as of such other judgment
22 as may be pronounced; and provided further, that in lieu
23 of the appeal bond in this section specified; and of the cash
24 deposit therein provided for, the defendant may leave with
25 the magistrate the motor vehicle owned or operated by the
26 said defendant; and provided further, that if said defendant
27 shall, after the rendition of said judgment or sentence, an-
28 nounce to said magistrate his intention to appeal therefrom,
29 and either give the bond, make the deposit or leave the motor
30 vehicle as herein provided, he shall have ten days from the
31 date of the rendition of said judgment or sentence within
32 which to complete his appeal, during which said ten days
33 the execution of whatever sentence or judgment shall have
34 been rendered, whether of imprisonment or fine, shall be
35 stayed, and in case said defendant shall fail to complete his
36 appeal within said ten days, the like proceedings may be
37 had as would by the provisions of this act follow an appeal
38 taken and a judgment of affirmance thereupon.

Sect. 40. Whenever an appeal shall be taken as aforesaid
2 it shall be the duty of the magistrate to send all papers and
3 all money, if any, deposited according to the provisions of
4 this act, and all money paid for costs of prosecution, to-
5 gether with a transcript of the proceedings in the case, to
6 the next supreme judicial court of the said county, which

7 court shall, de novo, and in a summary way, try and deter-
8 mine all such appeals, and in case the judgment or sentence
9 of the magistrate shall be reversed on such appeal, the said
10 supreme judicial court shall order the return of all money
11 deposited as aforesaid, and all costs of prosecution paid by
12 said defendant, to said defendant.

Sect. 41. Proceedings under this act may be instituted
2 on any day of the week, and the institution of such proceed-
3 ings on Sunday shall be no bar to the successful prosecution
4 of the same; and any process served on Sunday shall be as
5 valid as if served on any other day of the week.

Sect. 42. All proceedings for the violation of the provis-
2 ions of this act shall be entitled and shall run in the name
3 of the State of Maine, with the deputy secretary of state, or
4 a motor vehicle inspector, or a police officer, or a constable,
5 or such other person as shall by complaint institute the
6 proceedings as prosecutor; and any magistrate may, at his
7 discretion, refuse to issue a warrant on the complaint of any
8 person other than the deputy secretary of state or a motor
9 vehicle inspector, until a sufficient bond to secure costs shall
10 have been executed and delivered to the said magistrate.

Sect. 43. Any constable, or police officer, or motor ve-
2 hicle inspector, or the deputy secretary of state, is hereby
3 authorized to arrest, without warrant, any person violating,
4 in the presence of such constable, or police officer, or motor
5 vehicle inspector, or the deputy secretary of state, any of
6 the provisions of this act, and to bring the defendant before

7 any magistrate of the county where such offense is com-
8 mitted. The person so offending shall be detained in the
9 office of the magistrate until the officer making such arrest
10 shall make oath or affirmation, which he shall do forthwith,
11 declaring that the person under arrest has violated one or
12 more of the provisions of this act, and specifying the pro-
13 vision or provisions violated, whereupon said magistrate
14 shall issue a warrant, returnable forthwith, and the said
15 magistrate shall proceed summarily to hear or postpone the
16 case as provided in sections thirty-six, thirty-seven and
17 thirty-eight of this act.

Sect. 44. Any person arrested for a violation of any
2 of the provisions of this act shall, upon demanding of the
3 magistrate hearing the complaint against said person, pro-
4 duce his license for inspection, and if said person shall fail
5 to produce his license, or to give a satisfactory excuse for
6 its non-production, he shall, in addition to any other penal-
7 ties imposed by said magistrate, be subject to a fine of not
8 more than twenty-five dollars.

Sect. 45. A summons or warrant issued by any magistrate
2 in accordance with the provisions of this act shall be valid
3 throughout the State, and any officer who has power to
4 serve the said summons, or to serve said warrant and make
5 arrests thereon in the county where the same shall have
6 been issued, shall have like power to serve said summons
7 and to serve said warrant and make arrest thereon in any
8 of the several counties of the State. If any person shall

9 be arrested for a violation committed in the county other
 10 than that in which the arrest shall take place, the person
 11 so arrested may demand to be taken before a magistrate of
 12 the county in which the arrest may have been made for the
 13 purpose of making a cash deposit or of entering into a
 14 recognizance with sufficient surety; whereupon the officer
 15 serving the said warrant shall take the person so appre-
 16 hended before a magistrate of the county in which the arrest
 17 shall have been made, who shall thereupon fix a day for the
 18 matter to be heard before the magistrate issuing the said
 19 warrant, and shall take from the person apprehended a cash
 20 deposit or recognizance to the State of Maine with suffi-
 21 cient surety or sureties for the appearance of the said per-
 22 son at the time and place designated in accordance with the
 23 provisions of section thirty-eight of this act; the cash de-
 24 posit or recognizance so taken shall be returned to the
 25 magistrate issuing the warrant, to be retained and disposed
 26 of by him as by this act provided.

Sect. 46. The fees provided in the following schedule and
 2 no other charges whatsoever, shall be allowed the magis-
 3 trate and officers in proceedings under this act, and where
 4 no fee is provided for any necessary service to be performed,
 5 the same shall be performed without any charge therefor:

JUSTICES.

7	Complaint	10 cents
8	Summons or warrant when necessary to be issued,	
9	but not in case of arrest without warrant based	
10	on complaint	10 cents

11	Copies	5 cents each
12	Subpoena	10 cents
13	Administering oath to each witness.....	10 cents
14	Each adjournment	15 cents
15	Entry of judgment.....	20 cents
16	Recognizance of bond, drawing entry and ap-	
17	proval of	25 cents
18	Execution	25 cents
19	Making return to certiorari	50 cents
20	Granting appeal and necessary papers.....	50 cents
21	Hearing contested case	50 cents
22	Hearing non-contested case	25 cents

CONSTABLE.

24	Service of summons or warrant (except in case	
25	of arrest on view where no costs for service)	30 cents
26	Service of subpoena (except where subpoena to	
27	party present at time of arrest, where no costs)	30 cents
28	Service of execution	75 cents
29	For every mile of travel in serving any summons	
30	or warrant, after the first mile, computed by	
31	counting the number of miles in and out by the	
32	most direct route from the place where such	
33	process is returnable	3 cents

WITNESSES.

35	For each witness, not exceeding three to each	
36	party	25 cents

37 and which shall be paid by the defendant if the defendant
38 be found guilty of the charge laid against him, but if, on
39 appeal, said judgment be reversed, said costs shall be repaid
40 to said defendant as hereinbefore provided. If the defend-
41 ant be found not guilty of the charge or charges laid against
42 him, then the costs must be paid by the prosecutor, except
43 that when in such instances the deputy secretary of state
44 or the inspector of motor vehicles shall have been the prose-
45 cutor, then the costs laid upon the prosecutor shall be paid
46 by the deputy secretary of state from the moneys remaining
47 in his hands from the payment of registration fees, license
48 fees, or otherwise. In case of the reversal of any judgment
49 on appeal the costs of the magistrate and on appeal shall
50 be borne and paid by the unsuccessful party.

Sect. 47. Any person who shall be convicted of violating
2 the provisions of sections sixteen and twenty-eight of this
3 act shall be subject to a fine not exceeding one hundred
4 dollars; in default of the payment of such fine there shall
5 be imposed an imprisonment in the county jail for a period
6 not exceeding ten days; provided, that an offender who shall
7 be convicted of a second offense of the same violation may
8 be fined in double the amount herein prescribed for the first
9 offense, and may, in default of the payment thereof, be pun-
10 ished by imprisonment in the county jail for a period not
11 exceeding twenty days; provided further, that the penalties
12 above prescribed shall not apply to the display of a fictitious
13 number.

Any person convicted of displaying a fictitious number as
15 prohibited by section sixteen or of violating the provisions
16 of sections twenty-four, twenty-six or twenty-seven of this
17 act, shall be subject to a fine not exceeding five hundred
18 dollars or to imprisonment in the county jail for a period
19 not exceeding sixty days.

Any person who shall be convicted of a violation of section
21 thirty-two of this act, shall be subject to a fine not exceeding
22 two hundred and fifty dollars, or to imprisonment in the
23 county jail for a period not exceeding thirty days.

Any person who shall be convicted of a violation of sec-
25 tions twenty, twenty-one, twenty-two and twenty-three of
26 this act shall be subject to a fine not exceeding one hundred
27 dollars.

Any person who shall be convicted of a violation of sec-
29 tion thirty-one, or of section thirty-three of this act, shall
30 for the first offense be subject to a fine not exceeding one
31 hundred dollars; in default of the payment of such fine there
32 shall be imposed an imprisonment in the county jail for a
33 period not exceeding ten days; provided, that any offender
34 who shall be convicted of a second or any subsequent offense
35 of the same violation may be fined in double the amount
36 herein prescribed for the first offense, or imprisonment in
37 the county jail for a period not exceeding twenty days, and
38 in addition to such penalties the license of said offender
39 shall be revoked; provided further, that nothing herein con-
40 tained shall prevent a revocation of license for the first

41 offense or for the violation of any other provision of this
42 act.

Any person who shall be convicted of violating any of the
44 following-named provisions of this act shall be subject to
45 the penalties herein specified:

Of sections six, seven or twenty-five, a fine not exceeding
47 ten dollars.

Of section ten, a fine not exceeding fifty dollars.

Of section twenty-nine, a fine not exceeding twenty-five
50 dollars.

Sect. 48. It shall be lawful for a magistrate before whom
2 any hearing under this act shall be had, to revoke the license
3 of any person to drive motor vehicles when such person
4 shall have been guilty of such willful violation of the pro-
5 visions of this act as shall in the discretion of the said mag-
6 istrate justify such revocation, but an appeal of the matter
7 to the supreme judicial court shall act as a stay upon said
8 revocation, and the supreme judicial court upon the appeal
9 of the said matter shall have the power to void the said
10 revocation; and the deputy secretary of state shall at all
11 times have the power to validate a license that has been
12 revoked, or to grant a new license to any person whose
13 license to drive motor vehicles shall have been revoked.

It shall be lawful for any justice of the supreme judicial
15 court of this State, upon application made to him by a veri-
16 fied petition for that purpose by any person against whom
17 a judgment or sentence for the violation of any of the pro-

18 visions of this act shall have been rendered, who may desire
19 to have the legality of his conviction reviewed or the reason-
20 ableness of the sentence or penalty imposed, to order the
21 said complaint, process, proceedings, evidence and record
22 of conviction to be forthwith brought before him, that the
23 legality of such proceedings and sentence, or judgment, or
24 the reasonableness of the sentence or penalty may be sum-
25 marily reviewed and determined; and if such proceedings
26 and sentence or judgment shall thereupon be found to be
27 illegal, or the sentence or penalty be unreasonable, forth-
28 with to set aside the same and to order the remission or
29 reduction of any fine and costs that may have been imposed
30 or the discharge of any offender from custody.

Sect. 49. Moneys received in accordance with the pro-
2 visions of this act, whether from fines, penalties, registration
3 fees, license fees or otherwise, shall be accounted for and
4 forwarded to the deputy secretary of state and by him paid
5 over to the treasurer of the State of Maine, to be used by
6 the commissioner of highways as a fund for the repair of
7 such improved roads throughout the State as said commis-
8 sioner of highways shall designate, regard being had to the
9 repair of the most important improved roads, and the dis-
10 tribution of the benefits of this act throughout the several
11 counties of this State; provided, however, that there shall
12 first be deducted from the moneys as aforesaid received the
13 amount appropriated by the Legislature in any annual or
14 supplemental bill for the maintenance of said department of

15 motor vehicles, which said sum so deducted shall become
16 a part of the general State fund.

Sect. 50. The commissioner of highways shall be author-
2 ized and full power and authority are hereby given to him
3 to have erected at such points throughout the State as to
4 him shall seem necessary, cautionary warnings of dangerous
5 crossings, steep declivities or other irregularities or perils
6 of the roadway, at a cost, however, not to exceed in the
7 aggregate one thousand dollars per annum.

Sect. 51. When any motor vehicle shall have been de-
2 posited under this act in lieu of bond, the said motor vehicle
3 shall be held the property of the State of Maine, subject to
4 the same conditions as would govern the bond under like
5 circumstances, and may be redeemed by the person deposit-
6 ing the same upon delivery of the requisite bond, or upon
7 paying such fine and submitting to such penalty as may be
8 imposed; and unless the motor vehicle so deposited in lieu
9 of bond shall be redeemed within ten days next following
10 the date of the final determination of the matter, it shall be
11 lawful for the deputy secretary of state to sell the same at
12 public auction and apply the net proceeds of said sale (the
13 expenses of the matter having been deducted) as set forth
14 in section forty-nine hereof.

Sect. 52. In case for any reason any section or any pro-
2 vision of this act shall be questioned in any court, and shall
3 be held to be unconstitutional or invalid, the same shall not
4 be held to affect any other section or provision of this act.

Sect. 53. Nothing in this act shall be construed to give
2 jurisdiction to justices of the peace in any city having a
3 municipal court.

Sect. 54. All acts and parts of acts contrary to and incon-
2 sistent herewith are hereby repealed.