

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 684

*House of Representatives, March 24, 1917.*

*Printed under joint rules.*

*W. R. ROIX, Clerk.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVENTEEN

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AN ACT to amend Section 16, Section 38 and Section 40 of  
Chapter 26 of the Revised Statutes, relating to the speed of  
motor vehicles.

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

Section 1. Section sixteen of chapter twenty-six of the  
2 Revised Statutes is hereby amended by inserting after the  
3 word "removal" in the last line of said section, the follow-  
4 ing: 'Any person arrested for violation of any of the speed  
5 regulations of this act, except those of sections thirty-eight  
6 and thirty-nine, shall be given an immediate trial, if he shall  
7 so demand of the officer making the arrest, but if for any

8 reason it is impracticable to do so, the officer making the  
9 arrest shall immediately take the prisoner before some bail  
10 commissioner, who before admitting him to bail, shall re-  
11 quire him to give his name, his place of residence, the num-  
12 ber of his license to operate a motor vehicle, and the reg-  
13 istration number of the motor vehicle operated at the time  
14 of his arrest, and shall make a record thereof on the bail  
15 bond, and may take his person recognizance for his appear-  
16 ance in court on a specified day, not later than two days  
17 thereafter. If such person fails to appear in court on the  
18 day specified, either in person or by counsel, the court shall  
19 notify the secretary of state, who in case the person is a  
20 resident of the state, shall immediately revoke his license,  
21 and also annul the registration of the motor vehicle driven  
22 by such person when arrested; and in case the person is  
23 a non-resident, or said motor vehicle be registered by some  
24 other state or country, all rights of said person to operate  
25 in this state, or of the owner of said vehicle to have the  
26 same operated in this state shall forthwith terminate,' so  
27 that said section as amended shall read as follows:

'Sect. 16. The rate of speed upon any highway, town way,  
2 public street, avenue, driveway, park or parkway, by any  
3 person operating a motor vehicle in this state shall not be  
4 greater than twenty-five miles an hour in open country out-  
5 side of cities and villages, and within the compact or built-  
6 up portions of any city, town or village, not greater than  
7 fifteen miles an hour. The compact or built-up portion of

8 any city, town or village shall mean the territory of a city,  
9 town or village, contiguous to any way which is built up  
10 with structures devoted to business or where the dwelling  
11 houses are situated less than one hundred fifty feet be-  
12 tween them for a distance of at least one quarter of a mile.  
13 Provided, however, that no person shall be convicted for  
14 exceeding the rate of speed hereby established for any com-  
15 pact or built-up portions, unless said city, town or village  
16 shall cause the words "Speed Limit, Fifteen Miles" to be  
17 conspicuously displayed on sign boards along each highway,  
18 townway, public street, driveway or parkway and such other  
19 signs as will clearly designate such compact or built-up por-  
20 tion.

It shall not be a violation of the speed regulation in the  
2 open country, outside of cities and villages, unless the aver-  
3 age speed for at least one-half mile exceeds the rate of twen-  
4 ty-five miles per hour.

No municipal officer or other person shall erect or cause  
2 to be erected speed limit signs contrary to those contem-  
3 plated by this act and if any such signs now exist it shall  
4 be the duty of municipal officers of cities and towns to cause  
5 their removal.

Any person arrested for violation of any of the speed reg-  
2 ulations of this act, except those of section twenty, shall be  
3 given an immediate trial, if he shall so demand of the offi-  
4 cer making the arrest, but if for any reason it is impractica-  
5 ble to do so, the officer making the arrest shall immediately

6 take the prisoner before some bail commissioner, who be-  
7 fore admitting him to bail, shall require him to give his  
8 name, his place of residence, the number of his license to  
9 operate a motor vehicle, and the registration number of the  
10 motor vehicle operated at the time of his arrest and shall  
11 note them on the bail bond, and may take his personal rec-  
12 ognizance for his appearance in court on a specified day,  
13 not less than two days thereafter. If such person fails to  
14 appear in court on the day specified, either in person or by  
15 counsel, the court shall notify the secretary of state, who, in  
16 case the person is a resident of the state, shall immediately  
17 revoke his license, and also annul the registration of the  
18 motor vehicle driven by such person when arrested; and  
19 in case the person be a non-resident, or said vehicle be reg-  
20 istered by some other state or country, all rights of said  
21 person to operate in this state, or of the owner of said ve-  
22 hicle to have the same operated in this state shall forthwith  
23 terminate.

Sect. 2. Section thirty-eight of chapter twenty-six of the  
2 Revised Statutes is hereby amended by striking out all of  
3 said section, and by enacting the following in the place  
4 thereof:

'Sect. 38. Whoever operates a motor vehicle upon any  
2 way, recklessly, or while under the influence of intoxicating  
3 liquor, so that the lives or safety of the public are in dan-  
4 ger, or upon a bet, wager or race, or for the purpose of  
5 making a record, thereby violating the speed regulations, or

6 whoever goes away without stopping, and making himself  
7 known after causing the injury to any person or property,  
8 or uses a motor vehicle without authority from its owner,  
9 shall be punished by a fine of not more than fifty dollars, or  
10 by imprisonment for a term of three months, or by both fine  
11 and imprisonment, and if any person be convicted the second  
12 time for a violation of this section, he shall be punished by  
13 a fine of one hundred dollars, or by imprisonment for not  
14 less than six months, and not more than one year.'

Sect. 3. Section thirty-nine of chapter twenty-six of the  
2 Revised Statutes is hereby amended by striking out all of  
3 said section and by enacting the following in the place  
4 thereof:

'Sec. 39. If any motor vehicle is so driven in a reckless  
2 manner or by a person apparently under the influence of in-  
3 toxicating liquor, it shall be the duty of every officer who is  
4 charged with enforcing the laws of the state, and of every  
5 citizen thereof, to report the same to the secretary of state,  
6 at once, giving the number on the number plates of the  
7 vehicle, the state registering the same, and if known, the  
8 name and residence of the operator or owner. Upon receipt  
9 of such complaint the secretary of state shall forthwith in-  
10 vestigate the case and shall have authority to suspend the  
11 license of such operator, and also to annul the registration  
12 of the vehicle so operated, for such time as he shall deem  
13 advisable.

No person whose license to operate a motor vehicle has

2 been revoked upon conviction of violating section thirty  
3 eight or section thirty nine of the act shall again be licensed  
4 to operate a motor vehicle in this state for three years.

If any person convicted of any violation of the provisions of  
2 this act shall appeal from the judgment and sentence of the  
3 trial court, his license to operate a motor vehicle in this  
4 state shall be suspended during the time his appeal is pend-  
5 ing in the appellate court; should he operate any motor veh-  
6 icle in this state during the time his license is so suspended,  
7 he shall be liable to all the penalties of law for operating  
8 a motor vehicle without a license.'

Sect. 4. Section forty of chapter twenty-six of the Re-  
2 vised Statutes is hereby amended by striking out all of said  
3 section, and by enacting the following in the place thereof:

'Sec. 40. Assessors of cities, towns and plantation, shall  
2 annually, on or before the first day of May, make return to  
3 the secretary of state of all persons owning motor vehicles  
4 as appears by their assessment books.

A copy of sections thirty eight and thirty nine shall be  
2 printed on every operator's license.

Municipal and police courts and trial justices in their  
2 respective counties shall have concurrent jurisdiction with  
3 the supreme judicial and superior courts over all prosecu-  
4 tions for all violations of th provisins f this chapter.'