

MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 1100

S. P. 414

In Senate, March 30, 1945.

Reported by Senator Dow of Oxford from Committee on Judiciary and laid on table to be printed under joint rules.

CHESTER T. WINSLOW, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT to Correct Typographical and Clerical Errors in the Revision.

Emergency preamble. Whereas, certain errors and omissions were inadvertently made in the revision of the statutes for 1944, and

Whereas, certain of said errors are of great importance and all create uncertainty regarding the existing law, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., c. 18, § 6, amended. The 9th paragraph of section 6 of chapter 18 of the revised statutes is hereby amended to read as follows:

‘For filing power of attorney of a foreign corporation under the provisions of section 123 of chapter 49, \$10; for filing instrument revoking such power of attorney, \$5; for filing copy of charter ~~and by laws~~ under the provisions of section 124 of said chapter, \$10 additional; for filing certificate of increase or reduction of stock of a foreign corporation, \$10.’

Sec. 2. R. S., c. 20, § 70, amended. Section 70 of chapter 20 of the revised statutes is hereby amended to read as follows :

'Sec. 70. Expense borne by the state. The expense of the erection and maintenance of each warning sign mentioned in sections 68 and 69 shall be borne by the state and paid out of any funds ~~available for maintenance of state and state aid highways~~ **not otherwise appropriated.'**

Sec. 3. R. S., c. 28, § 4, sub-§ VI, amended. Subsection VI of section 4 of chapter 28 of the revised statutes is hereby amended to read as follows :

'VI. By ~~products~~ producers to dealers.'

Sec. 4. R. S., c. 37, § 1, amended. The 2nd paragraph of section 1 of chapter 37 of the revised statutes is hereby amended to read as follows :

'In the event of a vacancy in the office of the commissioner because of death, resignation, removal, or other cause, the various bureau chiefs, deputies, and assistants in said ~~departments~~ **department** shall continue in office and perform such duties as have been prescribed for or assigned to them, until said vacancy has been filled by the appointment and qualification of a new commissioner.'

Sec. 5. R. S., c. 46, § 16, amended. Section 16 of chapter 46 of the revised statutes is hereby amended to read as follows :

'Sec. 16. Before laying pipes and wires, corporation to obtain permit of municipal officers. No such corporation ~~mentioned in section 3~~ shall lay its pipes or place its wires under the surface of any road or street, or dig up or open the ground in any road or street, until it shall have obtained, as prescribed in the following section, a permit in writing from the municipal officers of the city or town in which such road or street is located, which permit shall be signed by such municipal officers and shall specify the roads and streets and the location therein in which such pipes or wires shall be laid; but such permit shall not affect the right of any party or parties to recover damages for any injury to persons or property by the doings of any such corporation.'

Sec. 6. R. S., c. 46, § 18, amended. Section 18 of chapter 46 of the revised statutes is hereby amended to read as follows :

'Sec. 18. Public travel not to be obstructed in opening streets. Any such corporation ~~mentioned in section 3~~, digging up and opening roads and streets under authority granted in this chapter, shall do so in such a manner as to cause the least possible interference with public travel, and

shall put all such highways, roads, and streets which it shall dig into and open, into as good repair as they were before they were dug into and opened; and on failure ~~so~~ to do ~~so~~ within a reasonable time, such corporation shall be deemed guilty of causing a public nuisance and shall be liable to the city or town for all expenses incurred in making such repairs.'

Sec. 7. R. S., c. 46, § 19, amended. Section 19 of chapter 46 of the revised statutes is hereby amended to read as follows:

'Sec. 19. Poles, lines, and fixtures to be so constructed as not to incommode public travel, or interfere with ornamental trees. Every such corporation ~~mentioned in section 3~~ shall so construct and maintain its poles, lines, fixtures, and appliances in, along, over, under, and across the roads and streets in which it may obtain locations, and across or under any of the waters upon and along its route or routes, as not to incommode the use of such roads and streets for public travel, or interrupt the navigation of such waters; and provided further, that no such corporation shall injure, cut down, or destroy any fruit tree, or any tree or shrub standing and growing*for the purposes of shade or ornament; but this chapter shall not be so construed as to authorize the construction of any bridge across any of the waters of the state.'

Sec. 8. R. S., c. 46, § 31, amended. The 1st sentence of section 31 of chapter 46 of the revised statutes is hereby amended to read as follows:

'No **such** company, person, or association ~~mentioned in section 3~~ shall construct lines upon and along highways and public roads, without first obtaining a written permit, signed by the mayor and aldermen in case of cities, the selectmen in case of towns, and the county commissioners in case of plantations and unorganized townships, specifying the kind of posts, where and how they shall be located and set, and the height of the wire above the ground; and if the line specified in the permit is a telephone line and is not constructed and public telephone service established in connection therewith within 18 months from the time the decision is filed, the permit shall be void.'

Sec. 9. R. S., c. 49, § 49, sub-§ II, amended. Subsection II of section 49 of chapter 49 of the revised statutes is hereby amended to read as follows:

II. By delivery of the certificate and a separate document containing a written assignment of the certificate or a power of ~~attorney~~ **attorney** to sell, assign, or transfer the same or the shares represented thereby, signed by the person appearing by the ~~certificate~~ **certificate** to be the owner of the

shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person.'

Sec. 10. R. S., c. 55, § 2, amended. The last sentence of the 2nd paragraph of section 2 of chapter 55 of the revised statutes is hereby amended to read as follows:

'The aggregate of such payments shall be made available for the use of the banking ~~department~~ department.'

Sec. 11. R. S., c. 55, § 18, amended. Section 18 of chapter 55 of the revised statutes is hereby amended to read as follows:

'**Sec. 18. Definition.** Wherever ~~in this chapter~~ the words "savings banks" or "savings bank" shall appear, they shall be held to mean also "institutions for savings" or "institution for savings."

Sec. 12. R. S., c. 60, § 1, sub-§ XII, amended. Subsection XII of section 1 of chapter 60 of the revised statutes is hereby amended to read as follows:

'**XII.** "Average final compensation" shall mean the average annual earnable compensation of a member during his last 10 years of creditable service, or if he has less than 10 years of creditable service, it shall mean his average annual earnable compensation during his total creditable service.'

Sec. 13. R. S., c. 74, § 12, sub-§ II, amended. The 7th paragraph of subsection II of section 12 of chapter 74 of the revised statutes is hereby amended to read as follows:

'The board shall issue certificates of registration only to those applicants who meet the requirements of this section or of section ~~21~~ 20.'

Sec. 14. R. S., c. 79, § 166, sub-§ XXXII, amended. Subsection XXXII of section 166 of chapter 79 of the revised statutes is hereby amended to read as follows:

'**XXXII.** For attending court and keeping the prisoner in criminal cases, \$1.50 for every 12 hours, and in that ~~proportion~~ **proportion** for a greater or less time.'

Sec. 15. R. S., c. 80, § 84, amended. The 3rd paragraph of section 84 of chapter 80 of the revised statutes is hereby amended to read as follows:

'A building or land used or to be used by a public service corporation may be exempted in part or whole from regulations enacted under the provisions of this section provided that upon petition, the public utilities

commission, after due notice and a public hearing, ~~adjust~~ **adjudge** such exemption to be reasonably necessary for the convenience or welfare of the public.'

Sec. 16. R. S., c. 80, § 119, amended. Section 119 of chapter 80 of the revised statutes is hereby amended to read as follows:

'**Sec. 119. Report of audit to be rendered to municipal officers.** Upon the completion of an audit under the provisions of sections 116 and 117, the ~~state~~ auditor shall render a report to the municipal officers, embodying the results of his findings, with such suggestions as he may deem advisable for the proper administration of the city, town, or village corporation.'

Sec. 17. R. S., c. 84, § 48, amended. Section 48 of chapter 84 of the revised statutes is hereby amended to read as follows:

'**Sec. 48. Maintenance of ways already laid out.** In case of **such** ways already laid out ~~under the provisions of section 47~~, which cross over or under any railroad track or tracks, and not at grade, the allocation of the expense of rebuilding, reconstructing, and maintaining so much thereof as is within the limits of such railroad shall be determined, as provided by the preceding section, by the public utilities commission upon application to it by any corporation whose track is, or tracks are, so crossed, or upon application by the municipal officers of any town in which the crossing is located or upon application by the state highway commission.'

Sec. 18. R. S., c. 133, § 2, amended. The 1st paragraph of section 2 of chapter 133 of the revised statutes is hereby amended to read as follows:

'Each municipal court shall have jurisdiction, **and concurrent jurisdiction** with the superior court and with all other municipal courts in the counties where they are located, of all crimes and offenses including violations of any statute, or by-law of a town, village corporation, or local health officer, or breaches of the peace, not punishable by imprisonment in the state prison, and may for such crimes and offenses impose any of the fines or sentences provided by law to be imposed therefor. All fines, penalties, and costs imposed by such courts paid to the jailer after commitment of a respondent shall be paid over by him monthly as provided in section 5 of chapter 137.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.