

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

'Section I. Any person who has served by enlistment in the army or navy of the United States in the war of eighteen hundred and sixty-one, on the quota of Maine, and any person not on the quota of Maine, who has served in the army or navy of the United States in said war, and who was a resident of this state at date of enlistment, and at time of making application for pension shall have been a resident of the state at least five years; also any person who has served by enlistment in the army or navy of the United States in the war with Spain, on the quota of Maine, and any person whether on or not on the quota of Maine, who has served in the army or navy of the United States in the war with Spain or the Philippine Insurrection at any time prior to July fourth, nineteen hundred and two, and who was a resident of this state at date of enlistment, and at time of making application for pension shall have been a resident of the state at least five years, and who has been disabled by disease, wounds or other injuries contracted or received in said service, and who is unable from his own resources and the United States pension to obtain a livelihood for himself and those dependent upon him, shall be entitled to a pension from the state, not exceeding eight dollars a month, provided, he has been honorably discharged from said service. No such pension shall be paid by this state to persons residing in other states.

State pension provided for under certain circumstances.

—proviso.

—exception.

Approved February 26, 1913.

Chapter 18.

An Act to Amend Section Twenty-seven of Chapter One Hundred and Thirty-five of the Revised Statutes as Amended by Chapter One Hundred and Eighty-four of the Public Laws of Nineteen Hundred and Nine, Relating to New Trials in Criminal Cases.

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

Section twenty-seven of chapter one hundred and thirty-five of the Revised Statutes as amended by chapter one hundred and eighty-four of the Public Laws of nineteen hundred and nine, is hereby amended so that said section twenty-seven as hereby amended, shall read as follows:

'Section 27. If a motion for new trial in any case, in which a person has been convicted of any offense for which the punishment is imprisonment for life, is denied by the justice before whom the same is heard, the respondent may appeal from said decision to the next law term; and the concurrence of a majority of the justices shall be necessary to grant such motion.

Section 27 of chapter 135, R. S., as amended by chapter 184, P. L. of 1909, further amended.

Appeal may be had to law term for new trial when punishment is imprisonment for life.

—concurrence of a majority of justices necessary.

CHAP. 19 And in all other criminal cases amounting to a felony, where like motion is filed and appeal taken to the law court the concurrence of a majority of the justices shall be necessary to grant such motion and sentence shall be imposed upon conviction, either by verdict or demurrer.'

—in certain other criminal cases.

—how sentence shall be imposed.

Approved February 26, 1913.

Chapter 19.

An Act to Prevent the Obstruction of Ditches and Drains in and along Public Ways.

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

Drainage of public way shall not be obstructed by cultivation of adjacent lands.

—flow of water in ditches shall not be obstructed by deposits.

—proviso.

Section 1. No person, other than a person having legal supervision of a public way, shall cultivate, in connection with the improvement of lands adjacent thereto, any portion of the wrought part of any public way, in such manner as to change the drainage thereof; nor shall any person, other than as hereinbefore provided, deposit within or along any ditch or drain in a public way any material that shall obstruct the flow of water in such ditch or drain. Provided, however, that with the written consent and in accordance with specifications of the legal authorities having supervision of such ditch or drain, any person may, to provide egress and regress to and from lands occupied by him, lawfully construct and maintain a bridge across such ditch or drain.

Penalty for violation.

Section 2. Whoever wilfully violates any of the provisions of this act shall be punished, for the first offense, by a fine of not less than five dollars nor more than ten dollars and costs and, for each subsequent offense, by a fine of not less than ten dollars nor more than twenty-five dollars and costs, and also shall be further liable for double the amount of the actual damage, to be recovered in an action on the case by the city, town or plantation, or in behalf of any unorganized place, by the county, where the offense is committed. All fines recovered under the provisions of this act shall be paid to the treasurer of the city, town or plantation, or, for an unorganized place, to the treasurer of the county, where such offense is committed and shall thereafter be expended in the construction and maintenance of public ways or drains therein.

—fines, to whom paid.

Jurisdiction of prosecutions.

Section 3. In all prosecutions under this act, municipal and police courts and trial justices within their respective counties, shall have, upon complaint, original and concurrent jurisdiction with the supreme judicial and superior courts.