

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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.

---

AUGUSTA  
KENNEBEC JOURNAL PRINT  
1913

---

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth  
Legislature

*1913*

---

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.

Section 4. It shall be the duty of every municipal officer of a city, town or plantation, or for an unorganized place, of every county commissioner, when his attention is directed to any offense committed under this act, within his jurisdiction, to enter complaint against the offender and prosecute the same to final judgment.

CHAP. 20

Municipal officers and county commissioners shall enter complaint

Approved February 26, 1913.

## Chapter 20.

An Act to Authorize Employment of County Prisoners on Highways.

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

Section 1. County commissioners may authorize the keepers of jails to put able-bodied male prisoners to work on the building or repairing of highways within their county. The county commissioners shall make rules and regulations and appoint overseers and keepers needful for the direction and safe keeping of prisoners so employed, and such overseers and keepers shall have all authority conferred by statute on masters of houses of correction and shall be responsible for the safe keeping and return to jail of all prisoners in their custody, and shall be subject to the provisions of section fifty-seven of chapter eighty-two of the Revised Statutes. No prisoner shall be so employed who has been exempted therefrom by the magistrate imposing sentence, or if in the judgment of a physician expressed by a certificate he is unfit for such labor. County Commissioners shall supply all prisoners with all necessary and suitable clothing of such description as will not materially distinguish them from other workmen; they shall also furnish said prisoners with the required tools and implements and may employ such other labor and purchase such other material and equipment as may be necessary to properly carry out the objects of this act, and shall keep account of all expenses incident to such employment.

County commissioners may put able bodied male prisoners to work on highways.

—shall make rules and regulations.

—authority of overseers.

—exception.

—county commissioners shall supply suitable clothing, not distinguishable from other workmen.

—shall furnish tools.

Section 2. Section sixteen of chapter eighty of the Revised Statutes shall not apply to this act.

Section 16, chapter 80, shall not apply to this act.

Section 3. The State Highway Department and municipal officers of towns may make application for the services of prisoners as aforesaid and may enter into an agreement as to the cost and compensation to be paid to the county for such services, and the sum agreed on may be paid out of moneys appropriated for highway purposes. All such labor shall be under the general direction of the board or persons charged with the work.

Application may be made for services of prisoners.