

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Eighth Legislature

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Commission the amount of money appropriated and expended by said town, city or village corporation during the preceding year, for the purchase of books and documents for the use and benefit of such free public library, and for the payment of the running expenses thereof; the commission may certify as to grade and quality of service performed by the library; and the governor, with the advice and consent of the council, shall draw a warrant on the treasurer of state for the purchase of books for the use of such library, for a sum not less than seven per cent. nor more than ten per cent. of the amount expended by said town or village corporation as certified by its municipal officers or assessors, provided that no town shall receive annually more than five hundred dollars.'

Approved April 6, 1917.

Chapter 213.

An Act to Amend Sections Sixteen, Thirty-eight, Thirty-nine and Forty of Chapter Twenty-six of the Revised Statutes, Relating to the Operation of Motor Vehicles.

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

Sec. 1. R. S., c. 26, § 16, relating to regulation of speed of automobiles, amended. Section sixteen of chapter twenty-six of the revised statutes is hereby amended by inserting after the word "removal" in the last line of said section, the following: 'Any person arrested for violation of any of the speed regulations of this chapter except those of sections thirty-eight and thirty-nine, shall be given an immediate trial, if he shall so demand of the officer making the arrest, but if for any reason it is impracticable to do so, the officer making the arrest shall immediately take the prisoner before some bail commissioner, who before admitting him to bail, shall require him to give his name, his place of residence, the number of his license to operate a motor vehicle, and the registration number of the motor vehicle operated at the time of his arrest, and shall make a record thereof on the bail bond, and may take his personal recognizance for his appearance in court on a specified day, not later than two days thereafter. If such person fails to appear in court on the day specified, either in person or by counsel, the court shall notify the secretary of state, who, in case the person is a resident of the state, shall immediately revoke his license, and also annul the registration of the motor vehicle driven by such person when arrested; and in case the person is a non-resident, or said motor vehicle is registered by some other state or country, all rights of said person to operate in this state, or of the owner of said vehicle to have the same operated in this state shall forthwith terminate', so that said section as amended shall read as follows:

'Sec. 16. Violators may be admitted to bail on personal recognizance; license of residents revoked, rights of non-residents terminated for default. The rate of speed upon any highway, town way, public street, avenue, driveway, park or parkway, by any person operating a motor vehicle in this state shall not be greater than twenty-five miles an hour in open coun-

try outside of cities and villages, and within the compact or built up portions of any city, town or village, not greater than fifteen miles an hour. The compact or built up portion of any city, town or village shall mean the territory of a city, town or village contiguous to any way, which is built up with structures devoted to business, or where the dwelling houses are situated less than one hundred fifty feet apart for a distance of at least one quarter of a mile. No person shall be convicted of exceeding the rate of speed hereby established for any compact or built up portions, unless said city, town or village shall cause the words "Speed Limit, Fifteen Miles" to be conspicuously displayed on sign boards along each highway, town-way, public street, driveway or parkway, and such other signs as will clearly designate such compact or built up portion. No person shall be convicted of exceeding in the open country, outside of cities and villages, the rate of speed hereby established unless the average speed for at least one-half mile exceeds the rate of twenty-five miles per hour. No municipal officer or other person shall erect or cause to be erected speed limit signs contrary to those contemplated by this section and if any such signs now exist the municipal officers of cities and towns shall cause their removal. Any person arrested for violation of any of the speed regulations of this chapter, except those of sections thirty-eight and thirty-nine, shall be given an immediate trial, if he shall so demand of the officer making the arrest, but if for any reason it is impracticable to do so, the officer making the arrest shall immediately take the prisoner before some bail commissioner, who before admitting him to bail, shall require him to give his name, his place of residence, the number of his license to operate a motor vehicle, and the registration number of the motor vehicle operated at the time of his arrest, and shall make a record thereof on the bail bond, and may take his personal recognizance for his appearance in court on a specified day, not less than two days thereafter. If such person fails to appear in court on the day specified, either in person or by counsel, the court shall notify the secretary of state, who, in case the person is a resident of the state, shall immediately revoke his license, and also annul the registration of the motor vehicle driven by such person when arrested; and in case the person is a non-resident, or said motor vehicle is registered by some other state or country, all rights of said person to operate in this state, or of the owner of said vehicle to have the same operated in this state, shall forthwith terminate.'

Sec. 2. R. S., c. 26, § 38, relating to reckless driving, amended. Section thirty-eight of chapter twenty-six of the revised statutes is hereby amended by striking out all of said section, and by enacting the following in the place thereof:

'Sec. 38. Provisions as to conviction before revocation of license repealed. Whoever operates a motor vehicle upon any way, recklessly, or while under the influence of intoxicating liquor, so that the lives or safety of the public are in danger, or upon a bet, wager or race, or for the purpose of making a record, thereby violating the speed regulations, or whoever goes away without stopping and making himself known after causing injury to any person or property, or uses a motor vehicle with-

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out authority from its owner, shall be punished by a fine of not more than fifty dollars, or by imprisonment for a term of three months, or by both fine and imprisonment, and if any person be convicted the second time for a violation of this section, he shall be punished by a fine of one hundred dollars, or by imprisonment for not less than six months, and not more than one year'.

Sec. 3. R. S., c. 26, § 39, relating to penalty for reckless driving, amended. Section thirty-nine of chapter twenty-six of the revised statutes is hereby amended by striking out all of said section and by enacting the following in the place thereof:

'Sec. 39. When license is revoked, not to be reissued for three years; license suspended pending appeal. If any motor vehicle is so driven in a reckless manner or by a person apparently under the influence of intoxicating liquor, it shall be the duty of every officer who is charged with enforcing the laws of the state, and of every citizen thereof, to report the same to the secretary of state, at once, giving the number on the number plates of the vehicle, the state registering the same, and if known, the name and residence of the operator or owner. Upon receipt of such complaint the secretary of state shall forthwith investigate the case and shall have authority to suspend the license of such operator, and also to annul the registration of the vehicle so operated, for such time as he shall deem advisable.

No person whose license to operate a motor vehicle has been revoked upon conviction of violating section thirty-eight or section thirty-nine of the chapter shall again be licensed to operate a motor vehicle in this state for three years.

If any person convicted of any violation of the provisions of this chapter shall appeal from the judgment and sentence of the trial court, his license to operate a motor vehicle in this state shall be suspended during the time his appeal is pending in the appellate court; should he operate any motor vehicle in this state during the time his license is so suspended, he shall be liable to all the penalties of law for operating a motor vehicle without a license.'

Sec. 4. R. S., c. 26, § 40, relating to return by assessors, amended. Section forty of chapter twenty-six of the revised statutes is hereby amended by striking out all of said section, and by enacting the following in the place thereof:

'Sec. 40. Return may be made on or before May 1st; copies of R. S., c. 26, § 38 and § 39 to be printed on license. Jurisdiction. Assessors of cities, towns and plantations, shall annually, on or before the first day of May, make return to the secretary of state of all persons owning motor vehicles as appears by their assessment books.

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

Municipal and police courts and trial justices in their respective counties shall have concurrent jurisdiction with the supreme judicial and superior courts over all prosecutions for all violations of the provisions of this chapter.'