

# 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

**1917**

[supplied from page 1 of volume]

## Chapter 283.

An Act to Amend Section Seventy-two of Chapter Eighty-two of the Revised Statutes Increasing the Annual Appropriation for the Attorney General's Department.

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

**R. S., c. 82, § 72, relating to appropriations for attorney general's department, amended.** Section seventy-two of chapter eighty-two of the revised statutes is hereby amended by striking out the word "fifteen" in the second line of said section and inserting in place therefor the words 'seventy-five,' also by adding 'the attorney general shall, at the request of any state department, make or cause to be made investigation in behalf of such department and he shall also prosecute any case to such extent as may seem advisable; and the expense of such investigation and prosecution shall be charged to this appropriation,' so that as amended said section seventy-two shall read as follows :

'**Sec. 72.** Increased from \$1,500 to \$7,500; shall make investigations for any state department and prosecute cases. For said purpose the sum of seventy-five hundred dollars shall be appropriated each year, and so much thereof as may be necessary, may be expended under the direction of the attorney general. The governor and council may draw their warrants from time to time, for the expenditure of said sum, upon the presentation of bills properly avouched by the attorney general. The attorney general shall at the request of any state department, make or cause to be made investigations in behalf of such department and he shall also prosecute any case to such extent as may seem advisable; and the expense of such investigation and prosecution shall be charged to this appropriation.'

Approved April 7, 1917.

## Chapter 284.

An Act to Provide for the Better Defence of the State and for the Discharge of its Duties towards the National Defence.

**Emergency preamble.** Whereas, conditions now exist within our state and nation which require an organization to be used at the discretion of the governor to insure and continue the domestic peace and especially to protect bridges, water powers, factories and other structures which might be made the especial objects of attack, and

Whereas, such a measure is immediately necessary for the preservation of the public peace, health and safety,

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

**Sec. 1. Special powers delegated to governor for defense of state in time of war.** For the purpose of suppressing insurrection, repelling invasion and for purposes of war and in order that he may be able effectively to dis-

charge the duty imposed upon him by the constitution, to provide for the safety and defense of the state and for the discharge of its duties toward the national defense as one of the United States during the existence of a condition or state of war between the United States and any foreign country, the governor shall have the following powers in addition to those now vested in him under the constitution and existing laws.

**Sec. 2. Special constables; appointment, organization, compensation, etc.** Whenever he deems it expedient for the safety of the state or the protection of all or any of the persons or property therein, he may enroll as many special constables as he may deem necessary, prescribe their compensation, may provide by regulation for their organization, equipment, time of service and duties, and may appoint from their number suitable persons to act as officers of such special constables, and may prescribe the powers and duties of such officers in respect to their several commands.

**Sec. 3. Powers and duties of special constables.** Special constables appointed under section two of this act shall have and exercise throughout the state all the powers of constables, (except the service of civil process), and all the powers of police officers and watchmen.

**Sec. 4. Constables injured on duty; compensation.** All provisions of law relative to the compensation of members of the militia injured in the discharge of their duty shall apply to special constables enrolled under the provisions of this act.

**Sec. 5. Governor given power to commandeer; owner to be compensated.** Whenever the governor shall believe it necessary or expedient for the purpose of better securing the public safety or the defense of the state, he may take possession:

- (a) of any buildings, machinery or equipment,
- (b) of any horses, carriages, automobiles, aeroplanes, rolling stock of steam or electric railroads or of street railways, wharves, ships, boats or any other means of conveyance,
- (c) of any provisions for man or beast, and any fuel, gasoline or other means of propulsion, which may be necessary or convenient for the use of the military or naval forces of the state or of the United States, or for the better protection of the state or its inhabitants. He may use and employ all property so taken possession of for the service of the state, for such times and in such manner as he shall deem for the interests of the state. He may award reasonable compensation to the owners of any property of which he may take possession under the provisions of this section and for its use, and for any injury thereto or destruction thereof caused by such use.

**Sec. 6. Owner aggrieved as to compensation may appeal; procedure.** Any owner of property of which possession has been taken under section four of this act, who is dissatisfied with the amount awarded him by the governor as compensation, may file a petition in the supreme court in term time or vacation, to have the amount to which he is entitled by way of damages determined, and the supreme judicial court shall have jurisdiction of all claims arising under said section four. Such claims may be enforced by

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petition stating clearly and concisely the nature of the claim and the damages demanded, and such petition shall be certified by the sheriff of the county of Kennebec or any of his deputies by leaving an attested copy thereof in the hands or in the office of the attorney general and a like copy in the hands or in the office of the secretary of state, thirty days at least before the return date thereof.

**Sec. 7. Petition for readjustment of damages; when and where filed.** The petition provided for under section five of this act may be filed either in the county in which the petitioner lives or has his usual place of business, or if the petitioner either lives or has a usual place of business in the state, or in the county of Kennebec. Said petition shall be brought within one year from the date when possession of the property was taken under section four of this act and the supreme judicial court shall proceed thereon under its rules already in effect and to be adopted after the determination of such proceedings.

**Sec. 8. Governor may delegate powers to others, subject to revocation at any time.** In order to make effective the use of the powers conferred upon the governor by this act and thereby effectually to promote the defense of the state and the discharge of its obligations as one of the United States in respect to the national defense, the governor is hereby authorized, whenever he shall have determined that the circumstances exist which legally warrant the exercise by him of all or any of the powers conferred on him in this act, to confer by writings signed by him, upon such officials of the state or any political division thereof or such officers of the military or naval forces of the state or such other person or persons as he may select full power and authority to do in his name whatever may be necessary or convenient to carry such powers into effect. He may revoke such written authority at any time.

**Sec. 9. Governor may co-operate with federal authorities; may confer upon officers of other states authority to act in this state.** The governor shall have full power and authority to co-operate with the federal authorities and with the governors of other states in matters pertaining to the common defense and with the military and naval forces of such other states and with the constabulary, police and registration officials of such states, and in particular may issue regulations under the act heretofore by this legislature enacted governing the registration of aliens, for the purpose of assisting such other states in the enforcement of similar registration statutes, and may in time of emergency confer upon the constabulary or police of such other states the powers of special constables under section three of this act with authority to exercise such powers in such portions of the state and for such period as he may determine.

**Sec. 10. Unconstitutionality of particular provision not to affect entire act.** If any provision of this act shall be held unconstitutional the rest shall nevertheless be given full force and effect, it being the intention of the legislature that all or as many as constitutionally possible of the powers enumerated in this act shall vest in the governor.

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**Sec. 11. Powers limited as to time.** The powers herein granted are limited to the first day of March in the year nineteen hundred nineteen, after which they shall cease.

**Sec. 12. Date when effective.** In view of the emergency expressed in the preamble of this act it shall take effect when approved.

Approved April 7, 1917.

## Chapter 285.

An Act to Amend Paragraph Six, Section Six, Chapter Ten, and Section Sixteen, Chapter Nine, of the Revised Statutes, Relating to the Exemption of Live Stock from Taxation.

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

**Sec. 1. R. S., c. 10, §. 6, par. 6, relating to property exempt from taxation, amended.** Paragraph six, section six, chapter ten of the revised statutes is hereby amended by striking out the word "thirty" in the first line of said paragraph and inserting in place therefor the word 'eighteen' and by inserting between the words "sheep" and "and" in the second line of said paragraph the words 'to the number of thirty-five' and by adding after the word "swine" in the second line of said paragraph the words 'to the number of ten,' so that said paragraph as amended shall read as follows:

'Age of neat cattle exempt changed from thirty to eighteen months; sheep over thirty-five and swine over ten in number, not exempt. All mules and horses, less than six months old, and neat cattle, eighteen months old, and under, and all sheep to the number of thirty-five and swine to the number of ten.'

**Sec. 2. Local assessors to make return of sheep in excess of thirty-five and swine in excess of ten in number.** Section sixteen, chapter nine, of the revised statutes, is hereby amended by striking out the word "swine" in the third line of said section and inserting in place therefor the words 'in excess of the number of thirty-five and swine in excess of the number of ten', so that said section as amended shall read as follows:

'**Sec. 16. Sheep in excess of thirty-five and swine in excess of ten in number to be returned in inventory.** Assessors of taxes shall include in the inventory, required to be taken on April first, the number and value of all sheep in excess of the number of thirty-five and swine in excess of the number of ten, yearling and two year old neat cattle, stated separately, of sheep and of swine, and at every fifth year after nineteen hundred and thirteen the number and value of each kind of domestic fowl, and of the eggs and poultry, stated separately, produced therefrom during the year preceding. They shall make return thereof to the state assessors who shall tabulate the returns and publish them in detail. Said property shall not be included in the tax list.'

Approved April 7, 1917.