

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

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.

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

THE LEWISTON JOURNAL CO.
LEWISTON, MAINE
1917

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Eighth Legislature

1917

[supplied from page 1 of volume]

Chapter 292.

An Act to Amend Section Thirty-eight of Chapter One Hundred and Seventeen of the Revised Statutes, Increasing the Salary of the Judge of Probate for the County of Androscoggin.

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

R. S., c. 117, § 38, relating to compensation of judges of probate, amended. Section thirty-eight of chapter one hundred and seventeen of the revised statutes is hereby amended by striking out the words "one thousand" in the fifth line of said section and inserting in place thereof the words 'sixteen hundred,' so that said section, as amended, shall read as follows:

'Sec. 38. Salary in Androscoggin county increased from \$1,000 to \$1,600. Judges of probate in the several counties shall receive annual salaries from the treasuries of the counties in quarterly payments on the first days of January, April, July and October as follows:

Androscoggin, sixteen hundred dollars.

Aroostook, twelve hundred dollars.

Cumberland, three thousand dollars.

Franklin, six hundred dollars.

Hancock, eleven hundred dollars.

Kennebec, seventeen hundred dollars.

Knox, seven hundred dollars.

Lincoln, five hundred dollars.

Oxford, one thousand dollars.

Penobscot, eighteen hundred dollars.

Piscataquis, six hundred dollars.

Sagadahoc, eight hundred dollars.

Somerset, eight hundred dollars.

Waldo, seven hundred dollars.

Washington, eight hundred dollars.

York, sixteen hundred dollars; and the fees to which they are entitled by law, except the fee provided in section forty-nine of chapter one hundred and forty-five, shall be taxed and collected and paid over by the registers of probate to the county treasurers for the use of their counties.'

Approved April 7, 1917.

Chapter 293.

An Act to Create a Commission of Sea and Shore Fisheries.

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

Sec. 1. Terms defined. The word "commission" as used in this act shall mean the sea and shore fisheries commission created by section three of this act. The word "commissioner" as used in this act shall mean a member of the commission above defined. The word "director" as used

in this act shall mean the executive officer of the commission provided for by section eight of this act.

Sec. 2. Existing department abolished; inconsistent statute repealed. The office of commissioner of sea and shore fisheries as heretofore existing is hereby abolished and the provisions of section one of chapter forty-five of the revised statutes are hereby repealed.

Sec. 3. Sea and shore fisheries commission created; appointment, qualifications, tenure, powers, duties, etc. The governor, with the advice and consent of the council shall, upon the taking effect of this act, appoint a commission of three persons to be known as the sea and shore fisheries commission who shall have general supervision of the sea and shore fisheries and shell-fish regulated by chapter forty-five of the revised statutes. Each commissioner except as hereinafter provided shall hold office for a term of three years, unless sooner removed. Two of said commissioners shall belong to the political party casting the largest number of votes for governor at the last preceding election and one from the political party casting the second largest vote for governor at the same election. They shall exercise supervision over all the fisheries and their products taken from the tide waters within the state, including the proper enforcement of all laws relating to the catching, packing, curing, manufacturing, selling, branding and transportation of all kinds of pickled, salt, smoked, fresh, canned or frozen shell or other fish. They shall have authority to make rules and regulations governing the time, manner and conditions of taking fish, shell-fish and lobsters and may declare a close time on such varieties and in such localities as they may determine; but such rules and regulations shall be made and such close time declared only after hearing, reasonable notice of which shall have been given by publication or otherwise to all parties interested. Rules and regulations so made and close time so declared shall be held to take precedence over any then existing provisions of statute inconsistent therewith.

Sec. 4. Tenure of office of first members to be decided by lot; vacancies to be filled from same political party. The commission first to be appointed under the provisions of this act shall at the time of their organization determine by lot that the term of one of their number shall expire at the end of each successive period of one year for three years thereafter and upon the expiration of the successive terms as thereby determined the persons appointed shall hold office for the full term of three years. In the event of a vacancy in said commission the person appointed to fill the same shall be from the same political party as the retiring commissioner and shall hold office thereunder only for the remainder of the unexpired term.

Sec. 5. Compensation of commissioners. The commissioners shall be sworn to the faithful performance of their duties and shall receive a per diem of five dollars while engaged in the work of the commission and their actual expenses incurred in the performance of their official duties.

Sec. 6. Commissioners may be removed for cause. Commissioners

CHAP. 293

may at any time be removed from office for cause by the governor with the advice and consent of the council after notice and hearing.

Sec. 7. Office of director of sea and shore fisheries created; first director present commissioner; compensation, powers and duties. Provisions of R. S., c. 45, made to conform. The commission shall appoint a director of sea and shore fisheries (and the first director appointed shall be the present commissioner of sea and shore fisheries), who may be removed by them at their pleasure; he shall receive the sum of two thousand dollars per year; he shall also receive his actual expenses incurred in the performance of his official duties. He shall have and exercise personal supervision of the work of the department and of the enforcement of the laws relating to sea and shore fisheries by the wardens and shall himself possess all the powers of a warden. He shall make a detailed biennial report in the month of December, showing the amount of capital invested in, number of persons employed in, value of products of, and any other information that he may be able to obtain relating to the sea and shore fisheries. He shall keep a record of all prosecutions for violations of the laws relating to the sea and shore fisheries, the names of persons or firms prosecuted, the fines imposed and collected in each case and the final disposition of the same, and submit the same in his report, which shall be made to the commission and by them transmitted to the governor and council with such additional statement as they may see fit to make. All powers and duties conferred and imposed upon the commissioner of sea and shore fisheries by the provisions of chapter forty-five of the revised statutes except as herein otherwise provided, are hereby conferred and imposed upon and shall be exercised and performed by the director of sea and shore fisheries and except as herein otherwise provided, wherever in said chapter the word "commissioner" or the term "commissioner of sea and shore fisheries" occurs, the same shall be deemed to be stricken out and the term "director of sea and shore fisheries" inserted in lieu thereof.

Sec. 8. R. S., c. 45, § 2, relating to appointment of wardens, amended. Appointment to be made by directors. Wardens, in cases of emergency, may delay filing of bond. Section two of chapter forty-five of the revised statutes is hereby amended by striking out all of said section and inserting in lieu thereof the following: 'Fish wardens shall be appointed by the director of sea and shore fisheries, and shall be removable by him at pleasure, and the term of all fish wardens now holding a commission from the state is hereby terminated. They shall enforce all laws and the rules and regulations relating to sea and shore fisheries; arrest all violators thereof and prosecute all offenses against the same; they shall have the same power to serve criminal processes against such violators and be allowed the same fees as sheriffs for like services. They shall have the same right as sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this chapter, give bond with two good and sufficient sureties or with a surety company authorized to do business in the state, as surety, in the penal sum of two thousand dollars, approved by the director of sea and shore fisheries, to the treasurer of state, conditioned for the faithful performance

CHAP. 203

of the duties of their office, provided that in case of emergency, under direction of the director of sea and shore fisheries, they may discharge their official duties for a period not exceeding two weeks after their appointment and before the filing and approval of said bond.'

Sec. 9. Office of deputy warden abolished. The office of deputy warden is hereby abolished.

Sec. 10. R. S., c. 117, § 25, relating to compensation of fish wardens, amended. Salary to be fixed by director, not to exceed three dollars per day. Paragraph two of section twenty-five of chapter one hundred seventeen of the revised statutes is hereby amended by striking out all of said paragraph and inserting in lieu thereof, the following: 'Fish wardens shall receive such compensation as the director of sea and shore fisheries may determine, not to exceed three dollars per day when actually engaged in the performance of their duties, provided that they may receive their expenses properly incurred while so engaged.'

Sec. 11. R. S., c. 45, § 28, relating to right of search and seizure in enforcing lobster law, amended. Section twenty-eight of chapter forty-five of the revised statutes is hereby amended by striking out in the third line thereof the word "commissioner" and inserting in lieu thereof the word 'director;'; and by striking out in the fourth line thereof the words "deputy wardens;"; and by striking out in the tenth line thereof the word "commissioner" and inserting in lieu thereof the word 'director' and by inserting in the ninth line thereof after the word "industry" the following: 'But nothing herein shall be held to confer the right to search a dwelling house without a warrant' and by striking out in the tenth line thereof the word "commissioner" and inserting in lieu thereof the word 'director;'; and by striking out in the eleventh line thereof the word "deputy" so that said section as amended shall read as follows:

'**Sec. 28. Word "director" substituted for commissioner; words "deputy warden" eliminated. Right to search dwelling house without warrant not given. Wardens holding licenses to serve without pay.** For the purpose of enforcing the provisions relating to the protection of lobsters, as provided by the laws of the state, relating to the lobster industry, the director of sea and shore fisheries and his wardens may search, at any time in suspicious places, including buildings of every description, or any pot, trap, trawl, car, boat, smack, vessel or other vehicle that they may believe is used in the catching, taking, holding or transporting of lobsters, and may seize and remove lobsters taken, held or offered for sale in violation of the provisions of any law of the state relating to the lobster industry. But nothing herein shall be held to confer the right to search a dwelling house without a warrant. The director may appoint as many persons as he wishes, who hold licenses under section eighteen as wardens but so long as they hold licenses they shall serve without pay.'

Sec. 12. Certain sections amended to conform. Wherever the term "commissioner of sea and shore fisheries" or the word "commissioner" occurs in sections fifty, fifty-one, sixty-four or sixty-five of chapter forty-

CHAP. 294

five of the revised statutes, they shall be deemed to be stricken out and the word 'commission' inserted in lieu thereof with the appropriate grammatical changes in pronouns used therein referring thereto.

Sec. 13. Inconsistent statutes repealed. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 7, 1917.

Chapter 294.

An Act to Provide for the Seizure and Forfeiture of Vehicles Carrying Intoxicating Liquor Intended for Illegal Sale.

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

Vehicles, not common carriers, used for illegal transportation of intoxicating liquor, may be confiscated. All automobiles, trucks, wagons, boats or vessels, and vehicles of every kind, not common carriers, containing intoxicating liquors intended for illegal sale within the state, found within the state in the possession or in the control of any person using them for the transportation of intoxicating liquors intended for illegal sale within the state, shall be seized by any officer seizing the liquors transported therein, shall be libeled as is provided for the libeling of intoxicating liquors and the vessels in which they are contained under chapter one hundred and twenty-seven of the revised statutes, and shall be declared forfeited by the court and sold in the same manner as is provided for the sale of vessels containing intoxicating liquors. Any claimant of any such boat, vessel, or vehicle must allege and prove that the use of such boat, vessel or vehicle for the transportation of intoxicating liquors as aforesaid was without his knowledge or consent.

Approved April 7, 1917.

Chapter 295.

An Act for the Enforcement of Liens on Watches, Clocks and Jewelry for Labor and Materials Furnished in Making and Repairing Same.

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

Sec. 1. Mechanics lien on watches, clocks and jewelry, created. Every individual, partnership or corporation, having an established place of business in this state, engaged in making, altering or repairing any watch, clock or jewelry or expending any labor or materials thereon, shall have a lien upon such watch, clock or jewelry for his reasonable compensation for said labor and materials, which shall take precedence of all other claims and incumbrances, and such watch, clock or jewelry shall be exempt from attachment or execution until such lien and the cost of satisfying it are satisfied.