

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Ninth Legislature

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resident appears through attorney. Within the time limited for claiming an appeal, the appellant shall file, in the probate office, his bond to the adverse party, or to the judge of probate for the benefit of the adverse party, for such sum and with such sureties, as the judge approves; conditioned to prosecute his appeal with effect, and to pay all intervening costs and damages, and such costs as the supreme court taxes against him, and he shall also file in the probate office the reasons of appeal; and, fourteen days at least before the sitting of the appellate court, he shall serve all the parties who appeared before the judge of probate on the case that have entered or caused to be entered their appearance in the docket of said court, with a copy of such reasons, attested by the register. When a party appears by an attorney residing in this state before the judge of probate in any case, and an appeal is taken, the service of a copy of the reasons of appeal upon such attorney shall be sufficient. In case of controversy between a person under guardianship and his guardian, the supreme court may sustain an appeal on the part of the ward without such bond.'

Approved April 3, 1919.

Chapter 168.

An Act Additional to Chapter Eight of the Revised Statutes, Relating to the Burning of Brush.

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

Slash or debris caused by cutting of wood or timber not to be burned without permit. Any person, firm, corporation or agent who cuts any wood or lumber within the woodlands of this state and desires to dispose of the slash and debris caused by such cutting or clearing by burning shall be first required to obtain a permit therefor in accordance with the provisions of section fifty-three of chapter eight of the revised statutes, and on failure thereof shall be subject to the penalty provided in said section.

Approved April 3, 1919.

Chapter 169.

An Act to Provide for the Support of Dependents of Soldiers, Sailors and Marines.

Emergency preamble. Whereas, suitable provision for the support of dependent members of families of soldiers, sailors and marines who have served in the army and naval forces of the United States or of this state since April first, nineteen hundred and seventeen, is immediately necessary for the preservation of the public peace, health and safety, now therefore,

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

Sec. 1. Towns to raise money for relief of soldiers' and sailors' de-

pendents; amount to be allotted; only inhabitants of state entitled to aid; federal assistance to be taken into consideration. The cities, towns and plantations in this state shall raise money by taxation or otherwise to be applied to relieve the necessitous circumstances of the wife, children under the age of sixteen years, the infirm and dependent father, mother or other member of the family incapable of self-maintenance, of any soldier, sailor or marine, who subsequently to April first, nineteen hundred and seventeen, entered the military or naval service of the United States by enlistment or draft, or who subsequently to the said date was recalled to such service or who was continued therein after the termination of a prior enlistment, or dependent member of a family of which any such soldier, sailor or marine, prior to said enlistment or draft, was the head; provided, that on said April first, nineteen hundred and seventeen, such soldier, sailor or marine was a resident of this state. The money so raised shall be paid directly to the dependents entitled thereto under the provisions of this act, or to the parent or legal guardian of any such dependents who are minors or under guardianship, by the municipal officers of the cities, towns and plantations wherein such dependents respectively reside, in sums not exceeding four dollars a week to relieve the necessitous circumstances of the wife, infirm and dependent-father or mother of such soldier, sailor or marine, and a sum not exceeding one dollar and fifty cents a week to relieve the necessitous circumstances of each child under the age of sixteen years or other member of the family incapable of self-maintenance, who is dependent upon such soldier, sailor or marine; provided, however, that the sum so paid shall not in any case exceed ten dollars a week for all persons entitled thereto under the provisions of this act by reason of their relationship and dependency upon one soldier, sailor or marine, and such money in the same amounts shall be furnished to relieve the necessitous circumstances of any of the aforesaid relatives of any such soldier, sailor or marine killed in battle, or dying as a result of the casualties of war or of sickness contracted in the line of his duty, and not of his own fault, the beginning or continuation of whose service was subsequent to the said first day of April, nineteen hundred and seventeen, provided such relatives would be entitled thereto under this act if such soldier, sailor or marine were living. The money authorized to be raised under this act shall be available only to inhabitants of the aforesaid cities, towns and plantations of the State of Maine on the said first day of April, nineteen hundred and seventeen, but any persons entitled to receive aid hereunder shall not forfeit the same by reason of temporary absence from the state. All officials charged with duties under this act shall, in determining the question of dependency and necessitous circumstances, duly consider federal insurance and federal compensation in lieu of insurance, federal allotment and federal allowance and any and all other provisions

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made by either state or federal government or any divisions or departments thereof for the same or similar purposes contemplated by this act.

Sec. 2. Towns authorized to raise sums in addition to amount of state aid. The cities, towns and plantations in this state are hereby authorized and empowered to raise any additional sum or sums of money over and above the amount to be reimbursed by the state, by taxation or otherwise, to aid in the support of the dependent family of such soldier, sailor or marine in the service of the United States, or of this state, as set forth in the first section of this act, in order to provide such support as may be deemed necessary in cases not met or adequately provided for by the provisions of this act.

Sec. 3. State to reimburse municipalities. The money so applied by any city, town or plantation, as authorized by the first section of this act, shall be reimbursed from the state treasury to such city, town or plantation.

Sec. 4. Municipalities not to be reimbursed unless sworn itemized account is filed with governor and council. No such reimbursement shall be made in any case, until an account of the expenditures, duly certified and sworn to by a majority of the municipal officers of the city, town and plantation in the state, furnishing the aid as aforesaid, shall be made and filed with the governor and council and a recital of so much of the facts as shall show the dependency and necessitous circumstances in each case, which account shall set forth the name of the soldier for whose family expense has been incurred, also the name, age and relationship of each person who received aid and the sum paid for each of said persons. Accounts thus made out and filed within the time hereinafter prescribed, shall be examined by the governor and council, and if found correct and duly vouched shall be approved.

Sec. 5. Accounts to be filed semi-annually. Such accounts shall be made up to the first days of July and January in each year, and shall be filed with the governor and council on or before the first days of August and February following and shall be examined and passed upon within a reasonable time after the date of such filing. If approved, the amounts allowed shall be paid, upon warrants drawn by the governor against any moneys in the treasury not otherwise appropriated and especially the proceeds of bonds or notes authorized by the legislature for war purposes, by the state treasurer to the city, town or plantation whose claim has been thus established.

Sec. 6. Not to be considered paupers. No pauper disabilities shall be created by reason of receiving the aid provided in this act.

Sec. 7. Term plantation defined; dependents in unorganized territory to receive aid. The word plantation, when it occurs in this act, is intended

to include plantations duly organized for any purpose, and any person entitled to the aid provided for in this act, who may reside in any unorganized township in this state, shall receive it in the nearest duly organized city, town or plantation in this state.

Sec. 8. Not to apply to dependents of commissioned officers; dependents of deserters not eligible. This act shall not authorize reimbursing money applied to aid the wife, child, parent or dependent member of the family as aforesaid, of any commissioned officer in the military or naval service as aforesaid, or money applied to aid the family of any soldier, sailor or marine who has deserted the service, after notice of such desertion shall have been received by the city, town or plantation of his residence.

Sec. 9. Form of application for aid. Applicants for allowance under this act shall, as a basis for the first payment thereof, state in writing, under oath, the name, age and residence of the person for whom the same is sought, the relationship of such person to the soldier, sailor or marine, the company and regiment or branch of service in which he was enlisted and in which he last served, the date and place of his enlistment, if known, the duration of his service, the amount of United States pay, allotment and federal family allowance, the average weekly amount contributed by the soldier, sailor or marine during the year previous to service, and reason for the application, and shall furnish such official certificates or records, or other evidence of enlistment, service and discharge or of physical or personal condition as may be required.

Sec. 10. Penalty for false statements or fraudulent claims. Whoever knowingly makes a false statement, oral or written, relating to a material fact in support of claim to war allowance or state aid under the provisions of this act, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than one year. Whoever, being entitled to the benefits of this act, fraudulently claims or receives pay for a period of time following a termination of his right to receive the same, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Sec. 11. Governor and council given authority to summon witnesses. The governor and council shall have power to send for persons and papers in order to ascertain the amount due to each city, town and plantation under this act or other facts essential to an understanding of any matters embraced within the terms of this act.

Sec. 12. Penalty for neglect of duty on part of municipal officers. If any city, town or plantation, or the municipal officers thereof, shall neglect

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or refuse to comply with the provisions of this act according to its true intent and meaning, and to the satisfaction of the governor and council, such city, town or plantation, or the municipal officers thereof, as the case may be, shall forfeit and pay the sum of one hundred dollars, one-half to the use of the aggrieved party and one-half to the county where the cause is tried, to be recovered by an action on the case in any court having jurisdiction in such county of civil actions to the amount of one hundred dollars.

Sec. 13. Appeals from decision of municipal officers when dependent unable to proceed. Any person entitled to any of the benefits of this act and in the case of children or other persons unable to proceed in the matter, any other interested person may appeal from the decision of the municipal officers of any city, town or plantation to the governor and council who are hereby authorized to hear and consider the facts of any particular case and to make award to the person entitled to the benefits of this act and such award made by the governor and council shall be binding upon any city, town or plantation of this state as if originally made by the municipal officers thereof, and of city, town or plantation, or the municipal officers thereof, neglecting or refusing to comply with the orders of the governor and council, to whom an appeal shall have been taken under this section for a period of thirty days after such award and order have been made by the governor and council, shall forfeit and pay the sum of one hundred dollars, one-half to the use of the aggrieved party and one-half to the county where the cause is tried, to be recovered by an action on the case in any court having jurisdiction in such county of civil actions to the amount of one hundred dollars.

Sec. 14. Adjutant general to furnish towns with list of deserters; also to give notification when non-commissioned officer or private has been promoted. It shall be the duty of the adjutant general to give immediate notice to the several cities, towns and plantations of the state, of all cases of desertion of each soldier, sailor or marine residing therein and also in all cases of return from desertion, and also when any non-commissioned officer or private shall have been promoted to the rank of a commissioned officer.

Sec. 15. Secretary of state to furnish municipal officers with attested copy of act. The secretary of state shall furnish an attested copy of this act to the municipal officers of the several cities, towns and plantations of the state, within a reasonable time after its approval by the governor.

Sec. 16. 1917, c. 276; relating to support of volunteers, repealed. Chapter two hundred and seventy-six of the public laws of nineteen hundred and seventeen is hereby repealed.

Sec. 17. Emergency. In view of the emergency expressed in the preamble hereof, this act shall take effect when approved.

Approved April 4, 1919.

Chapter 170.

An Act Relating to the Inspection of Creameries, Cheese Factories, Condensaries or Receiving Stations for Milk or Cream.

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

Sec. 1. Commissioner of agriculture may take samples from creameries, cheese, or condensed milk factories for purpose of testing butter fat contents; owner may require duplicate test. The commissioner of agriculture, or his deputy, may enter upon the premises of any creamery, cheese factory, condensary or receiving station for milk or cream, and may take possession of any or all samples of milk or cream drawn for the purpose of testing their butter fat contents, which are on the premises or in the possession of any employee, or may take samples from patrons' deliveries, and then and there test the same. The owner, operator or manager of any creamery, cheese factory, condensary or receiving station for milk or cream shall, if requested by said commissioner or his deputy, give him full access to all creamery records appertaining to the tests thereof, and said commissioner or his deputy may make transcripts therefrom. The results of the tests made by said commissioner or his deputy may, at the discretion of said commissioner, be communicated to the owner, operator or manager or to any of the patrons of the creamery, cheese factory, condensary or receiving station for milk or cream from which such samples have been taken and tested, or to all of them. The owner, operator or manager of any creamery, cheese factory, condensary or receiving station for milk or cream at which tests, under the provisions of this section, are made by said commissioner or his deputy, may require said commissioner or his deputy to take duplicate sealed sub-samples of all samples thus tested and to promptly forward the same to the Maine Agricultural Experiment Station for further test, in which case no communication of the results of the tests made by said commissioner or his deputy shall be made to the patrons of the creamery, cheese factory, condensary or receiving station for milk or cream, unless the same shall substantially agree with the results of the tests made by said Maine Agricultural Experiment Station, or unless the commissioner is notified by the Maine Agricultural Experiment Station that the samples were received in a condition unfit to analyze. The owner, operator or manager of a creamery, cheese factory, condensary or receiving station for milk or cream, who shall require the taking and forwarding of sub-samples shall pay in advance all the carriage charges thereon and said Maine Agricultural Experiment Station for all tests made