

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

1919

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in the drafting of acts and resolves. Such assistant attorney-general shall devote all his time during the legislative session to this work, but shall not receive extra compensation therefor. The attorney-general shall also instruct one of his assistant attorneys-general to devote his entire time to the enforcement of the inheritance tax law and the salary and expenses of such assistant attorney-general shall be paid from the funds in the state treasury received under the inheritance tax law. All acts and parts of acts inconsistent herewith are hereby repealed,' so that said section, as amended, shall read:

'Sec. 67. Attorney-general may appoint deputy and assistant attorney-general; compensation; one of the assistants to assist in drafting acts and resolves; one assistant to devote entire time to inheritance tax law; how paid. The attorney-general shall appoint a deputy attorney-general, who shall serve during the pleasure of the attorney-general or until a successor is duly appointed and qualified. His office shall be at the capitol and he may perform all the duties required of the attorney-general by chapter fifty-one and such other duties as the attorney-general may require of him. The attorney-general may also appoint such assistant attorneys-general as the duties of the office may require with such powers and duties as he may delegate. The compensations of the deputy attorney-general and any assistant attorneys-general appointed, shall be fixed by the attorney-general with the approval of the governor and council, but such compensations shall not in the aggregate exceed the amount appropriated therefor. The attorney-general shall biennially designate one of the assistant attorneys-general to assist the members of the legislature in the drafting of acts and resolves. Such assistant attorney-general shall devote all his time during the legislative session to this work, but shall not receive extra compensation therefor. The attorney-general shall also instruct one of his assistant attorneys-general to devote his entire time to the enforcement of the inheritance tax law and the salary and expenses of such assistant attorney-general shall be paid from the funds in the state treasury received under the inheritance tax law.

All acts and parts of acts inconsistent herewith are hereby repealed.'

Approved April 4, 1919.

Chapter 211.

An Act to Amend Chapter Twenty-six of the Revised Statutes, as Amended by the Public Laws of Nineteen Hundred and Seventeen, Relating to the Registration and Operation of Motor Vehicles.

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

Sec. 1. R. S., c. 26, § 15; defining the term "motor vehicle" and making certain exceptions for the purposes of registration, amended. Section fif-

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teen of chapter twenty-six of the revised statutes is hereby amended by striking out the comma after the word "tracks" in the eighth line and inserting in place thereof a period; also by striking out the words "automobile fire engines and apparatus, and other vehicles used by cities or towns, such as police patrol wagons and road rollers" in the ninth and tenth lines, so that said section, as amended, shall read as follows:

'Sec. 15. Exceptions as to motor vehicles owned by cities and towns eliminated; incorporated in § 22, as renumbered. The term "motor vehicle," as used in the following sections shall include all vehicles self-propelled on highways, town ways, public streets, avenues, driveways, parks or parkways, by motive power of whatsoever kind, namely, automobiles, (used for the conveyance of persons for hire, pleasure or business,) motor trucks or automobiles (used for commercial purposes,) motor cycles, which shall mean all kinds of motor wheels (used for pleasure or business,) log haulers or traction engines (used for commercial purposes,) excepting such vehicles as run only upon rails or railroad tracks.'

Sec. 2. R. S., c. 26, § 16; 1917, c. 213; relating to regulation of rate of speed of automobiles, amended. Section sixteen of chapter twenty-six of the revised statutes, as amended by chapter two hundred and thirteen of the public laws of nineteen hundred and seventeen, is hereby further amended by striking out the words "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 country 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," in the first, second, third, fourth and fifth lines, as reprinted in section one of chapter two hundred and thirteen of the public laws of nineteen hundred and seventeen, and inserting in place thereof the words: 'No motor vehicle shall be operated upon any highway, town way, public street, avenue, driveway, park or parkway, of this state at a rate of speed exceeding fifteen miles an hour within the compact or built up portions of any city, town or village. If the rate of speed of a motor vehicle operated upon any highway, town way, public street, avenue, driveway, park or parkway of this state exceeds twenty-five miles per hour in the open country outside of the compact or built up portions of any city, town or village, such rate of speed shall be prima facie evidence that the person operating such vehicle is operating the same at a rate of speed greater than is reasonable and proper, and in violation of the provisions of this section and the burden of proof shall be upon the person operating said motor vehicle to show that such rate of speed was not greater than was reasonable and proper as above set forth. Provided, however, that no motor vehicle shall be operated upon any highway, town way, public

street, avenue, driveway, park or parkway of this state at a rate of speed greater than thirty-five miles per hour under any circumstances or conditions, except under permit granted by municipal officers of cities and towns, in accordance with the provisions of section seventeen of this chapter as renumbered;’ also by striking out the words “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,” in the fifteenth, sixteenth, seventeenth, and eighteenth lines as reprinted in section one of chapter two hundred and thirteen of the public laws of nineteen hundred and seventeen; also by striking out the words “thirty-eight and thirty-nine” in line twenty-three as reprinted in the public laws of nineteen hundred and seventeen and inserting in place thereof the words ‘thirty-six, thirty-seven and thirty-eight’ as renumbered, so that said section as amended by the public laws of nineteen hundred and seventeen and as further amended by this act, shall read as follows:

‘Sec. 16. Rate of speed in open country increased to 35 miles an hour; section renumbered. No motor vehicle shall be operated upon any highway, town way, public street, avenue, driveway, park or parkway, of this state at a rate of speed exceeding fifteen miles an hour within the compact or built up portions of any city, town or village. If the rate of speed of a motor vehicle operated upon any highway, town way, public street, avenue, driveway, park or parkway of this state exceeds twenty-five miles per hour in the open country outside of the compact or built up portions of any city, town or village, such rate of speed shall be prima facie evidence that the person operating such vehicle is operating the same at a rate of speed greater than is reasonable and proper, and in violation of the provisions of this section, and the burden of proof shall be upon the person operating said motor vehicle to show that such rate of speed was not greater than was reasonable and proper as above set forth. Provided, however, that no motor vehicle shall be operated upon any highway, town way, public street, avenue, driveway, park or parkway of this state at a rate of speed greater than thirty-five miles per hour under any circumstances or conditions, except under permit granted by municipal officers of cities and towns, in accordance with the provisions of section seventeen of this chapter as renumbered. 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

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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 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-six, thirty-seven and thirty-eight, as renumbered, 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. 3. R. S., c. 26, § 20; relating to lights and alarm signals on motor vehicles, amended. Section twenty of chapter twenty-six of the revised statutes is hereby renumbered section nineteen and further amended by striking out the word "white" in line six, line eight and line nine; also by striking out the period after the word "forward" in the ninth line and adding after said word the following: 'and one red rear light. All lights attached to motor vehicles shall conform to the rules and regulations as promulgated from time to time, by the public utilities commission;' so that said section, as amended and renumbered, shall read as follows:

'Sec. 19. Forward lights not to be white; log haulers and traction engines to have rear lights; lights to conform with public utilities commission rules. Every such motor vehicle when in use on the highways shall have attached thereto a suitable horn, bell or other means of signal, equally as good, that when blown, rung or otherwise operated may be heard a distance of at least two hundred feet, and shall also have lighted lamps between thirty minutes after sunset and thirty minutes before sunrise. Automobiles and motor trucks shall have at least two lights forward and one red rear light with white light to plainly illuminate registered number.

Motor cycles shall have at least one light forward and one red rear light. Log haulers or traction engines shall have at least two lights forward and one red rear light. All lights attached to motor vehicles shall conform to the rules and regulations as promulgated from time to time by the public utilities commission.'

Sec. 4. R. S., c. 26, § 22; relating to violation of speed regulations, etc., amended. Section twenty-two of chapter twenty-six of the revised statutes is hereby renumbered section twenty-one and further amended by striking out the word "six" in the first line of said section and inserting in place thereof the word 'five;' also by striking out the words "except section seventeen," in the first and second lines; also by striking out the word "twenty-five" after the word "than" and before the word "dollars" in the first part of the third line and inserting in place thereof the word 'seventy-five;' also by striking out the word "fifty" in the fourth line and inserting in place thereof the words 'one hundred;' also by striking out the word "ten" in the fifth line and inserting in place thereof the word 'sixty,' so that said section, as amended and renumbered, shall read as follows:

'Sec. 21. Penalty increased; exception as to section seventeen eliminated; section renumbered. Whoever violates any provision of the five preceding sections, shall be punished by a fine of not less than ten, or more than seventy-five dollars for the first offense, and not less than twenty-five, or more than one hundred dollars for the second offense committed during any period of twelve months, or by imprisonment for a term not exceeding sixty days.'

Sec. 5. R. S., c. 26, § 23; 1917, c. 234; relating to registration of motor vehicles, amended. Section twenty-three of chapter twenty-six of the revised statutes, as amended by chapter two hundred and thirty-four of the public laws of nineteen hundred and seventeen, is hereby renumbered section twenty-two and further amended by striking out the comma after the words "horse power" in the tenth line of said section as reprinted in chapter two hundred and thirty-four of public laws of nineteen hundred and seventeen, and inserting in lieu thereof a semicolon and the following words: 'said application to contain a statement as to whether or not applicant has, with reference to the headlights upon his motor vehicle, complied with the rules and regulations of the public utilities commission of Maine, framed, published and in effect in accordance with section three, chapter two hundred and seventy-two of the public laws of the State of Maine for the year nineteen hundred and seventeen, and in case said applicant has not so complied the secretary of state shall refuse to register such vehicle and issue a license for its operation;'; also by striking out all of the words in the first paragraph of said section twenty-three, as reprinted

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in chapter two hundred and thirty-four of the public laws of nineteen hundred and seventeen, after the words "horse power" in the sixteenth line, striking out the semicolon after the said words "horse power," inserting a period and adding the following words: "The annual registration fee for motor trucks, having a rated carrying capacity of one ton or less, shall be ten dollars; for motor trucks having a rated carrying capacity of over one ton and not over two tons, twenty dollars; for motor trucks having a rated carrying capacity of over two tons and not over three tons, thirty dollars; for motor trucks having a rated carrying capacity of over three tons and not over four tons, forty dollars; for motor trucks having a rated carrying capacity of over four tons and not over five tons, fifty dollars; for motor trucks having a rated carrying capacity of over five tons and not over six tons, sixty-five dollars; for motor trucks having a rated carrying capacity of over six tons and not over seven tons, eighty dollars; for motor trucks having a rated carrying capacity of over seven tons and not over eight tons, ninety-five dollars; for motor trucks having a rated carrying capacity of over eight tons and not over nine tons, one hundred and ten dollars; for motor trucks having a rated carrying capacity of over nine tons and not over ten tons, one hundred and twenty-five dollars. The annual registration fee for traction engines and log haulers shall be ten dollars. The annual registration fee for motor cycles shall be three dollars, but the payment of said registration fee shall not carry with it the right to operate said motor cycle without an operator's license. Provided, however, that nothing contained in this section shall be construed to in any way rescind, alter, amend or modify any of the provisions of sections eleven to fourteen both inclusive, of this chapter, of section twenty-nine, as renumbered, of this chapter or of any other provision of law appertaining thereto and inconsistent therewith. All motor vehicles owned and used by the State of Maine, or any city, town, village corporation, municipal fire district, or municipal water district, or county of this state shall be exempt from the provisions of this section as to registration and the payment of registration fees; but all such motor vehicles shall be required to display identification plates or markers, which shall be approved by the secretary of state. Also by striking out the period after the word "each" at the end of the second paragraph of said section, as reprinted in section one of chapter two hundred and thirty-four of the public laws of nineteen hundred and seventeen, and inserting in place thereof a semicolon and adding the words 'provided, however, that in case plates are lost in transportation, the applicant may file with the secretary of state an affidavit, executed before a notary or justice of the peace, certifying that the plates have not been received by him and agreeing that if they shall be received at some later date to return them forthwith to the secretary of state and said secretary, after a thorough investigation, may furnish the applicant with a second set of plates without additional charge;'

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also by striking out the word "express" in the fiftieth line of said section, as reprinted in section one of chapter two hundred and thirty-four of the public laws of nineteen hundred and seventeen; also by striking out the last paragraph of said section, as reprinted in section one of chapter two hundred and thirty-four of the public laws of nineteen hundred and seventeen; so that said section, as amended by chapter two hundred and thirty-four of the public laws of nineteen hundred and seventeen, and as further amended and renumbered by this act, shall read as follows:

'Sec. 22. Application to contain statement as to lights; motor trucks to be rated according to carrying capacity; registration fee for motor cycles not to carry right to operate without operator's license; state, municipal, county, etc., owned motor vehicles not to pay registration fee; plates lost in transportation to be replaced without charge; section renumbered. All motor vehicles shall be registered by the owner or person in control thereof in accordance with the provisions of this section and the following sections. Application for such registration may be made by mail or otherwise to the secretary of state upon blanks prepared under his authority. The application shall, in addition to such other particulars as may be required by said secretary, contain a statement of the name, place of residence and address of the applicant, with a brief description of the motor vehicle, including the name of the maker, the number, if any, affixed by the maker, the character of the motive power and the amount of such power, stated in figures of horse power; application to contain a statement as to whether or not applicant has, with reference to the headlights upon his motor vehicle, complied with the rules and regulations of the public utilities commission of Maine, framed, published and in effect in accordance with section three, chapter two hundred and seventy-two of the public laws of the State of Maine for the year nineteen hundred and seventeen, and in case said applicant has not so complied the secretary of state shall refuse to register such vehicle and issue a license for its operation and with such application shall be deposited an annual registration fee of five dollars for automobiles (used for conveyance of persons for hire, pleasure or business), of fifteen horse power or under; ten dollars for automobiles (used for conveyance of persons for hire, pleasure or business), between fifteen horse power and including thirty-five horse power; fifteen dollars for automobiles (used for conveyance of persons for hire, pleasure or business), over thirty-five horse power. The annual registration fee for motor trucks, having a rated carrying capacity of one ton or less, shall be ten dollars; for motor trucks having a rated carrying capacity of over one ton and not over two tons, twenty dollars; for motor trucks having a rated carrying capacity of over two tons and not over three tons, thirty dollars; for motor trucks having a rated carrying capacity of over three tons and not over four tons, forty dollars; for motor trucks

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having a rated carrying capacity of over four tons and not over five tons, fifty dollars; for motor trucks having a rated carrying capacity of over five tons and not over six tons, sixty-five dollars; for motor trucks having a rated carrying capacity of over six tons and not over seven tons, eighty dollars; for motor trucks having a rated carrying capacity of over seven tons and not over eight tons, ninety-five dollars; for motor trucks having a rated carrying capacity of over eight tons and not over nine tons, one hundred and ten dollars; for motor trucks having a rated carrying capacity of over nine tons and not over ten tons, one hundred and twenty-five dollars. The annual registration fee for traction engines and log haulers shall be ten dollars. The annual registration fee for motor cycles shall be three dollars, but the payment of said registration fee shall not carry with it the right to operate said motor cycle without an operator's license. Provided, however, that nothing contained in this section shall be construed to in any way rescind, alter, amend or modify any of the provisions of sections eleven to fourteen both inclusive, of this chapter, of section twenty-nine as renumbered of this chapter or of any other provision of law appertaining thereto and inconsistent therewith. All motor vehicles owned and used by the State of Maine, or any city, town, village corporation, municipal fire district, or municipal water district, or county of this state shall be exempt from the provisions of this section as to registration and the payment of registration fees; but all such motor vehicles shall be required to display identification plates or markers, which shall be approved by the secretary of state.

The above horse power shall be based on the "A. L. A. M." standard, so-called. On any application for registration, applied for by an owner, a resident of this state, of an automobile, not including log hauler, or traction engine, during the period between the first day of October and the thirty-first day of December in any year, one-half of the registration fee shall be charged. The secretary of state upon granting the application shall register in a book or upon suitable index cards to be kept for the purpose, the motor vehicle described in the application, giving to the owner of such motor vehicle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration which shall contain the name, place of residence and address of the applicant and the registered number or mark, shall prescribe the manner in which said registered number or mark shall be inscribed or displayed on the motor vehicle, and shall be in such form as the secretary may determine. The secretary of state shall also furnish the applicant two enameled iron plates, containing the word "Maine" in letters not less than one inch in height, and the number of the registration in Arabic numerals not less than four inches in height. The number plates must be attached to the front and rear of the automobiles, auto trucks and traction engines. Motor

cycles will be provided with a registration seal or other distinguishing mark as may be determined by the secretary of state. The number for motor cycles must be so placed as to be always plainly visible. A proper record of all applications for registration and of all certificates issued shall be kept by the secretary of state in his office and shall be open to the inspection of any person during reasonable hours. The certificate of registration shall always be carried on the person or in some easily accessible place in or about the motor vehicle. Upon the sale of any motor vehicle, registration shall expire and the vendor shall immediately return the certificate of registration to the secretary of state, with notice of sale and name, place of residence and address of the vendee. Registration plates, seal or other distinguishing mark for automobiles, motor cycles and traction engines shall be furnished free from the office of the secretary of state. The charge for delivery of registration plates shall be paid by the receiver. Plates lost or mutilated may be replaced for seventy-five cents each; provided, however, that in case plates are lost in transportation, the applicant may file with the secretary of state an affidavit, executed before a notary or justice of the peace, certifying that the plates have not been received by him and agreeing that if they shall be received at some later date to return them forthwith to the secretary of state and said secretary after a thorough investigation, may furnish the applicant with a second set of plates without additional charge.'

Sec. 6. R. S., c. 26, § 28; relating to operation of motor vehicles, amended. Section twenty-eight of chapter twenty-six of the revised statutes is hereby renumbered section twenty-seven and further amended by striking out the words "excepting motor cycles" in the next to the last line of said section, so that said section, as amended and renumbered, shall read as follows:

'Sec. 27. Operators of motor cycles to procure license; section renumbered. No motor vehicle of any kind shall be operated by a resident of this state, upon any highway, town way, public street, avenue, driveway, park or parkway, unless registered as provided in this chapter, and no person, a resident of the state, shall operate a motor vehicle upon any highway, town way, public street, avenue, driveway, park or parkway unless licensed to do so, under the provisions of section thirty, as renumbered. Every registration of motor vehicles shall expire on the thirty-first day of December of each year and the certificate of registration thereupon becomes void. All licenses to operate motor vehicles expire on the thirty-first day of December of each year, and an application for a new license to drive or operate a motor vehicle must be made to the secretary of state and a license received, to enable any person to drive or operate a motor vehicle of any kind, on and after the first day of January of each year.'

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Sec. 7. R. S., c. 26, § 31; relating to licenses for operation of motor vehicles, amended. Section thirty-one of chapter twenty-six of the revised statutes is hereby renumbered section thirty and further amended by striking out the words "except motor cycles" in the first line of said section; also by striking out the words "an automobile, motor truck or traction engine" in the twelfth line of said section and inserting in place thereof the words 'a motor vehicle of any kind or description, as defined in section one of this chapter,' so that said section, as amended and renumbered, shall read as follows:

'Sec. 30. Fee for license to operate motor cycle. Licenses for operating motor vehicles shall be issued by the secretary of state to persons not less than sixteen years of age. Application shall be made upon blanks prepared by the secretary of state for this purpose and the licenses issued shall be in such form and shall contain such provisions as the secretary of state may determine. To such licenses shall be assigned some distinguishing number or mark and a proper record of all applications for license and of all licenses issued shall be kept by the secretary of state at his office and shall be open to the inspection of any person during reasonable business hours. Each license shall state the name, age, place of residence of licensee and the distinguishing number or marks assigned to him. The fee for such license to operate a motor vehicle of any kind or description, as defined in section one of this chapter, shall be two dollars, which shall be deposited at the time of making the application. The secretary of state may at any time suspend or revoke any license for any violation of sections fifteen to forty-one, both inclusive, or regulation made thereunder. Before a license to operate is granted, the applicant shall present such evidence as to his qualification to operate a motor vehicle, as may be required by the secretary of state. Every person licensed to operate motor vehicles shall indorse his name in the margin of the license and such license shall not be valid until so indorsed.'

Sec. 8. R. S., c. 26, § 33; relating to penalty for operation of motor vehicle without license, renumbered. Section thirty-three of chapter twenty-six of the revised statutes is hereby renumbered section thirty-two.

Sec. 9. R. S., c. 26, § 34; relating to issuance of temporary registration tags, repealed. Section thirty-four of chapter twenty-six of the revised statutes is hereby repealed in its entirety.

Sec. 10. R. S., c. 26, § 36; 1917, c. 171; relating to establishment of reciprocal neutral zone registration, amended. Section thirty-six of chapter twenty-six of the revised statutes, as amended by chapter one hundred and seventy-one of the public laws of nineteen hundred and seventeen, is hereby renumbered section thirty-four and further amended by striking out the words "suitable design and oval in shape" in the twelfth line of

said section, as reprinted in chapter one hundred and seventy-one of the public laws of nineteen hundred and seventeen, and inserting in lieu thereof the words 'such design and shape as the secretary of state may prescribe;' also by striking out the next to the last sentence of said section and inserting in lieu thereof the following: 'Application for registration under the provision of this section shall be verified by the oath of the applicant and shall be made upon blanks furnished by the secretary of state. The application shall, in addition to such other particulars as may be required by said secretary, contain a statement of the name, place of residence and address, together with a brief description of the motor vehicle, which shall include the maker's number and the registration number which has been assigned to it in the state of the owner's residence. The secretary of state, upon granting the application, shall register in a book or upon suitable index cards to be kept for that purpose, the motor vehicles described in the application and thereupon shall issue to the applicant a certificate of registration, which shall contain such facts and which shall be in such form as the secretary may determine,' so that said section, as amended and renumbered, shall read as follows:

'Sec. 34. Shape of plates left to discretion of secretary of state; form of application; certificate of registration to be issued; section renumbered. A motor vehicle owned by a non-resident of this state who has complied with the laws of the state of his residence relating to registration and licensing of motor vehicles, and who has a bona fide actual residence in a state granting like privileges to residents of this state, which residence is located within fifteen miles by highway of the border line of this state, may be operated upon any highways of this state distant not more than fifteen miles from said border line, if such motor vehicle is duly registered in the state of its owner's residence and the fee required therefor is paid and such motor vehicle is duly registered by the secretary of this state. The secretary of state shall furnish at his office, upon payment of two dollars, to every person whose motor vehicle is registered as aforesaid, a metal tag of such design and shape as the secretary of state may prescribe, having displayed upon it the number assigned to such motor vehicle, the letters "Me.," and figures showing the year of issue; but no such tag shall be furnished for motor cycles. Such tag shall at all times be conspicuously displayed on the front of such motor vehicle. Application for registration under the provision of this section shall be verified by the oath of the applicant and shall be made upon blanks furnished by the secretary of state. The application shall, in addition to such other particulars as may be required by said secretary, contain a statement of the name, place of residence and address, together with a brief description of the motor vehicle, which shall include the maker's number and the registration number which has been assigned to it in the state of the owner's residence.

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The secretary of state, upon granting the application, shall register in a book or upon suitable index cards to be kept for that purpose, the motor vehicle described in the application and thereupon shall issue to the applicant a certificate of registration, which shall contain such facts and which shall be in such form as the secretary may determine. Every registration under the provisions of this section shall expire with each calendar year.'

Sec. 11. R. S., c. 26, § 37; relating to authority for operation of motor vehicles on highways, amended. Section thirty-seven of chapter twenty-six of the revised statutes is hereby renumbered section thirty-five and further amended by adding thereto the following: 'Provided, further, that nothing in this section shall be construed to rescind, alter or in any way modify any provisions of sections eleven to fourteen, of this chapter, section twenty-nine of this chapter as renumbered or any of the provisions of law appertaining thereto or inconsistent therewith,' so that said section, as amended and renumbered, shall read as follows:

'Sec. 35. Provision as to weight of vehicle, etc., not to be construed as altered or rescinded; section renumbered. Motor vehicles of every kind or description may be operated on the roads and highways of this state, unless prohibited by special law or town ordinance duly authorized by the legislature, prohibiting the use of automobiles or motor vehicles in certain towns, subject, however, to the provisions of sections sixteen to twenty-two, both inclusive; provided, however, that nothing herein contained shall in any way affect any laws enacted to prohibit the use of automobiles or motor vehicles in certain towns therein specified. Provided, further, that nothing in this section shall be construed to rescind, alter or in any way modify any provisions of sections eleven to fourteen, of this chapter, section twenty-nine of this chapter as renumbered or any of the provisions of law appertaining thereto or inconsistent therewith.'

Sec. 12. R. S., c. 26, § 38; 1917, c. 213; relating to reckless driving or while under the influence of intoxicating liquor, amended. Section thirty-eight of chapter twenty-six of the revised statutes, as amended by chapter two hundred and thirteen of the public laws of nineteen hundred and seventeen, is hereby renumbered section thirty-six and further amended by striking out the words "or while under the influence of intoxicating liquor" in the second line of said section, as reprinted in chapter two hundred and thirteen of the public laws of nineteen hundred and seventeen; so that said section, as amended by the public laws of nineteen hundred and seventeen, and as further renumbered and amended by this act, shall read as follows:

'Sec. 36. Provisions as to intoxicating liquor eliminated and incorporated in § 38; section renumbered. Whoever operates a motor vehicle upon any way recklessly, 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 without 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. 13. R. S., c. 26, § 39; 1917, c. 213; relating to suspension of license by secretary of state, amended. Section thirty-nine of chapter twenty-six of the revised statutes, as amended by chapter two hundred and thirteen of the public laws of nineteen hundred and seventeen, is hereby renumbered section thirty-seven and further amended by inserting after the word "suspend" in the ninth line of said section, as reprinted in the public laws of nineteen hundred and seventeen, the words 'or revoke'; also by striking out the words "section thirty-eight or section thirty-nine" in the twelfth line, as reprinted in the public laws of nineteen hundred and seventeen and inserting in place thereof the words, 'sections thirty-six, thirty-seven or thirty-eight;' so that said section, as amended and renumbered, shall read as follows:

'Sec. 37. Secretary given authority to revoke license; additional sections included, section renumbered. 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 or revoke 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 sections thirty-six, thirty-seven or thirty-eight of this 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

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be liable to all the penalties of law for operating a motor vehicle without a license.

Sec. 14. Section 38 inserted. Chapter twenty-six of the revised statutes is hereby amended by inserting the following section, which shall be denominated section thirty-eight:

'Sec. 38. Penalty for operation of motor vehicle while under influence of drug or intoxicants; license to be revoked for three years. No person shall operate or drive or attempt to drive a motor vehicle on any highway, town way, public street, avenue, driveway, park or parkway of this state when intoxicated or at all under the influence of intoxicating liquor or drug. Any person guilty of violating the foregoing provision shall be punished, upon conviction, by a fine of not less than one hundred dollars nor more than one thousand dollars or to imprisonment of not less than thirty days nor more than one year, or to both fine and imprisonment. The license of any person convicted of violating the provisions of this section shall be immediately revoked by the secretary of state upon receipt of an attested copy of the court records, without further hearing. Any person convicted of a second or subsequent offense shall be punished by imprisonment for not less than three months nor more than one year and his license to operate shall be indefinitely revoked by the secretary of state. If any person convicted of any violation of the provisions of this section 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. 15. Section 39 inserted. Chapter twenty-six of the revised statutes is hereby amended by inserting the following section, which shall be denominated section thirty-nine:

'Sec. 39. License not to be suspended without hearing; exceptions; licensee may appeal to public utilities commission. No operator's license or registration shall be suspended or revoked by the secretary of state, except for violation of section thirty-eight of this chapter, unless the licensee or registrant has first been given an opportunity to be heard, either through himself or counsel. Before revoking or suspending a license to operate or before annulling the registration of a motor vehicle, except as provided in section thirty-eight, the secretary of state shall give notice to such licensee or registrant setting a date when he may appear at the office of the secretary of state and through himself or counsel show cause why such license should not be suspended or revoked or why the registration of the motor vehicle should not be annulled. Said notice shall be

sent by registered mail to the address given by the licensee or registrant at least five days before the day set for hearing. The secretary of state shall have authority to make such decree as he deems wise. Any person aggrieved by any regulation, requirement, order or decree made by the secretary of state, under the authority of this section may appeal to the public utilities commission, who, after notice to the parties and hearing shall have authority to make such order as the rights of the parties and the public welfare may require. During the pendency of said appeal to the public utilities commission any decision or decree suspending or revoking the registration or license of any person shall be in full force and effect until the final decision of the public utilities commission is rendered reversing the decision of the secretary of state.'

Sec. 16. R. S., c. 26, § 17; relating to regulation of speed of motor vehicles, repealed; provisions incorporated into § 16. Section seventeen of chapter twenty-six of the revised statutes relating to violation of the speed regulations of motor vehicles is repealed in its entirety.

Sec. 17. Certain sections renumbered. The following sections of chapter twenty-six of the revised statutes are hereby renumbered respectively, section eighteen becoming section seventeen; section nineteen becoming section eighteen; section twenty-one becoming section twenty; section twenty-four becoming section twenty-three; section twenty-five becoming section twenty-four; section twenty-six becoming section twenty-five; section twenty-seven becoming section twenty-six; section twenty-nine becoming section twenty-eight; section thirty becoming section twenty-nine; section thirty-two becoming section thirty-one and section thirty-five becoming section thirty-three.

Sec. 18. R. S., c. 26, § 40; 1917, c. 213; relating to assessors' returns, copies of law printed on license, etc., amended. Section forty of chapter twenty-six of the revised statutes, as amended by chapter two hundred and thirteen of the public laws of nineteen hundred and seventeen, is hereby further amended by striking out the words "thirty-eight and thirty-nine" in line five of said section, as reprinted in the public laws of nineteen hundred and seventeen, and inserting in place thereof the words 'thirty-six, thirty-seven and thirty-eight as renumbered,' so that said section shall read as follows:

'Sec. 40. Reference as to sections made consistent; section as to operation while under influence of intoxicants included. 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.

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A copy of sections thirty-six, thirty-seven and thirty-eight as renumbered, 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.

Sec. 19. Date when effective. This act shall take effect January first, nineteen hundred and twenty.

Approved April 4, 1919.

Chapter 212.

An Act to Acquire the Property of the People's Ferry Company and to Provide for the Operation by the State of a Ferry between Bath and Woolwich on the Kennebec River.

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

Sec. 1. Acquisition by state of property and franchises of People's Ferry Company, Bath, authorized, amount of purchase. The directors of the People's Ferry Company, a corporation organized under the laws of this state, are hereby authorized to sell, convey and transfer to the state all of the franchises, real estate and goods and chattels of said corporation and the governor and council are authorized and instructed, in behalf of the state, to purchase said franchises, real estate and goods and chattels on or after the first day of October, nineteen hundred and nineteen, and to pay therefor the sum of ten thousand dollars from any moneys in the treasury not otherwise appropriated.

Sec. 2. Operation under supervision of highway commission, public utilities commission to have jurisdiction. As soon as said purchase and transfer is completed the maintenance and operation of a public ferry between Bath and Woolwich on the Kennebec river shall be assumed and continued by the state and shall be under the general control, management and direction of the state highway commission, except that the public utilities commission shall have the same jurisdiction over the ferry service maintained by the state, in the matter of rates and facilities, as it has in the case of other public utilities under the provisions of chapter fifty-five of the revised statutes as amended.

Sec. 3. Acquisition of additional property authorized; highway commission given plenary powers. The state highway commission, with the approval of the governor and council, may procure a new ferry boat and such other property and equipment as may be necessary to make the ferry service maintained by the state adequate and convenient at all times and all expense incurred thereby, or to meet any deficit in the operation of