

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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.

KENNEBEC JOURNAL PRINT SHOP
AUGUSTA, MAINE
1923

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-First Legislature

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ter one hundred fifty-four of the public laws of nineteen hundred and seventeen, as amended by chapter one hundred fifty-seven of the public laws of nineteen hundred and nineteen, to the extent of at last one year's state aid, the municipal officers of any or all such towns may set aside from the amount appropriated under the provisions of chapter one hundred and fifty-four, public laws of nineteen hundred and seventeen, or under chapter one hundred and fifty-seven, public laws of nineteen hundred and nineteen, the amount which such towns would be entitled to appropriate under the provisions of section eighteen of chapter twenty-five, revised statutes, and to apply for state aid as though the towns had made said appropriation at the annual town meeting. The state highway commission shall apportion to such towns state aid according to the provisions of section twenty of chapter twenty-five, revised statutes. Joint funds created under this provision shall be expended upon a state aid road mutually agreed upon by the municipal officers of the town and the state highway commission.

Sec. 2. Surplus funds carried over to state aid highway fund for a succeeding year. Any such funds remaining after the apportionment as above provided shall be carried over to the state aid highway fund for a succeeding year and shall be used for the construction of state aid highways.

Sec. 3. Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Approved April 4, 1923.

Chapter 204.

An Act to Amend Chapter Two Hundred and Ninety-four of the Public Laws of Nineteen Hundred and Seventeen, as Amended by Chapter Sixty-three of the Public Laws of Nineteen Hundred and Twenty-one, Relating to Intoxicating Liquors.

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

Sec. 1. P. L., 1917, c. 294; 1921, c. 63; relating to seizure of vehicles and boats used for illegally transporting intoxicating liquors, amended. Chapter two hundred ninety-four of the public laws of nineteen hundred and seventeen, as amended by chapter sixty-three of the public laws of nineteen hundred and twenty-one, is hereby further amended by striking out the words "illegal sale within the state" in the third line and inserting in place thereof the following words: "sale or containing intoxicating liquor in the possession of or in the control of any person transporting the same without being in possession of a permit therefor duly issued under authority by the provisions of the national prohibition act of October twenty-

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eight, nineteen hundred and nineteen and amendments thereto providing for the enforcement of the eighteenth amendment to the constitution of the United States'; by striking out the words "using them for the transportation of intoxicating liquors intended for sale within the state," in the fourth and fifth lines, so that said chapter as amended, shall read as follows:

'Sec. 1. Vehicles and boats containing intoxicating liquors intended for sale, or in possession of person without federal permit, shall be seized and forfeited. All automobiles, trucks, wagons, boats or vessels and vehicles of every kind, not common carriers, containing intoxicating liquors intended for sale or containing intoxicating liquor in the possession of or in the control of any person transporting the same without being in possession of a permit therefor duly issued under authority by the provisions of the national prohibition act of October twenty-eight, nineteen hundred and nineteen, and amendments thereto, providing for the enforcement of the eighteenth amendment to the constitution of the United States, found within the state in the possession or in the control of any person, 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.'

Sec. 2. P. L., 1917, c. 294; 1921, c. 63; amended by adding sec. 2 and 3. Chapter two hundred and ninety-four of the public laws of nineteen hundred and seventeen, as amended by chapter sixty-three of the public laws of nineteen hundred and twenty-one is hereby further amended, by adding thereto the following sections:

'Sec. 2. Claim of title of person other than person in possession of vehicle or boat must be substantiated by proof that use was without his knowledge or consent. Any right, interest or title of any person or corporation other than the person or persons in possession or control of any such automobile, truck, wagon, boat, vessel or vehicle shall also be forfeited unless the use of the same for the transportation of intoxicating liquors as aforesaid was without his knowledge or consent. Any claimant of any right, interest or title in such automobile, truck, wagon, boat, vessel or vehicle must allege and prove that the use of the same for the transportation of intoxicating liquors as aforesaid was without his knowledge or consent and the court may determine in the proceeding on said claim the right, interest or title, if any, of said claimant.

'Sec. 3. Penalty for illegal transportation. Any person who shall trans-

port into this state or from place to place therein contrary to law, any intoxicating liquor in any automobile, truck, wagon, boat, vessel or vehicle of any kind, not a common carrier, without the consent in writing to such transportation signed by the owner thereof and also by the mortgagee thereof and also by all parties to any agreement by which said automobile, truck, wagon, boat, vessel or vehicle is to remain the property of the seller until paid for, whether said agreement is or is called a note, lease, conditional sale, purchase on instalments or by any other name or in whatever form it may be, and also by all other persons who have any right, title and interest in such automobile, truck, wagon, boat, vessel or vehicle, shall be fined not less than five hundred dollars, nor more than one thousand dollars and costs, and in addition thereto shall be imprisoned not less than six months, nor more than two years, and in default of payment of fine and costs, shall be imprisoned six months additional, and such sentence shall be additional to any other sentence imposed for any other offense committed by such person.'

Approved April 5, 1923.

Chapter 205.

An Act to Constitute the State Superintendent of Schools a Member, Ex-officio, of the Board of Trustees of the University of Maine.

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

State superintendent of public schools ex-officio member of board of trustees of University of Maine. As the state is providing large appropriations for the support of the University of Maine, the state should have a more direct connection with its affairs both financial and educational, therefore, it is provided that the state superintendent of public schools shall be ex-officio a member of the board of trustees of the University of Maine with all of the powers and privileges of members and that his membership on said board shall be coetaneous with his term of office as state superintendent of public schools.

Approved April 4, 1923.

Chapter 206.

An Act to Amend Section Twenty-two of Chapter One Hundred Twenty-seven of the Revised Statutes, as Amended by Chapter Two Hundred Ninety-one of the Public Laws of Nineteen Hundred and Seventeen, Relating to the Sale of Intoxicating Liquor.

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

R. S., c. 127, sec. 22; P. L., 1917, c. 291; providing penalties for selling intoxicating liquors in violation of law, amended. Section twenty-two of