

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-second Legislature

OF THE

STATE OF MAINE

1925

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-second Legislature

1925

[supplied from page 1 of volume]

Chapter 209.

An Act to Enable Cities of over Thirty-five Thousand to Regulate and Restrict the Construction of Buildings and the Use of Land by Zoning Ordinances.

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

Sec. 1. Cities of over 35,000 inhabitants and village corporations may restrict building in certain zones; camping grounds may be restricted to zones. Cities of over thirty-five thousand inhabitants and village corporations may by ordinance or by-law restrict buildings or camping grounds to be used for particular industries, trades, manufacturing or commercial purposes to specified parts or zones of the city or village corporation, or may exclude them from specified parts or zones of the city or village corporation or provide that such buildings if situated in certain parts or zones of the city or village corporation shall be subject to special regulation as to their construction or use. A city or village corporation may also by ordinance or by-law provide that certain kinds of dwelling houses and tenement houses and camping grounds conducted for private gain should be restricted to specified parts or zones of such city or village corporation or shall be excluded from specified parts or zones of such city or village corporation or that dwelling houses or tenement houses or such camping grounds situated in specified parts of such cities or village corporation shall conform to certain regulations in respect to their construction or use which shall not apply to other buildings or grounds in other parts of such city or village corporation. For the above purposes the city or village corporation may be divided into zones and erection and use of buildings and such camping grounds in each zone regulated as above provided.

Sec. 2. Provisions to be carried out so as to best promote health, safety, morals and welfare of community; buildings erected or camping grounds maintained contrary to act, nuisances. The provisions of this act shall be carried out in such manner as will best promote the health, safety, morals and general welfare of the community, and any building erected, altered or repaired and such camping grounds maintained contrary to the provision of an ordinance or by-law passed hereunder is a nuisance.

Sec. 3. Notices required before enacting of ordinances or by-laws. No ordinance or by-law shall be enacted hereunder until after a public hearing thereon, notice of which hearing shall be published at least thirty days before the hearing in a newspaper published in the city or village corporation concerned, or in a newspaper published in the county wherein said city or village corporation is located.

Sec. 4. Inspectors of buildings to withhold permits for construction in

CHAP. 209

violation of ordinance; appeal. It shall be the duty of the inspector of buildings to withhold permit for the construction or alteration of any building or the maintenance of any such camping ground in violation of an ordinance or by-law enacted hereunder. Appeal shall lie from decision of the inspector of buildings to the municipal officers and from said municipal officers to the supreme judicial court according to the provisions of section twenty of chapter twenty-four of the revised statutes and acts additional thereto and amendatory thereof.

Sec. 5. Act not to apply to buildings of public service corporations; such corporation to apply to public utilities commission. This act shall not apply to any existing or proposed building used or to be used by a public service corporation; provided, that upon a petition by a public service corporation, the public utilities commission may, after due notice and a public hearing, adjudge the situation of any existing or proposed building used by such corporation, to be reasonably necessary for the convenience or welfare of the public, and that such building or buildings be exempt from the provisions of this act, or from any ordinance passed or adopted in accordance with its provisions.

Sec. 6. Act not to apply to existing buildings; applies to alterations or changes in use of existing buildings. No ordinance or by-law adopted under the powers created by this act shall apply to structures existing at the time of the adoption of the ordinance nor to the then existing use of any building, but it shall apply to any alteration of a building to provide for its use for a purpose or in a manner substantially different from the use to which it was put before the alteration, and shall apply to a substantial change in the uses of a building when put to a new use without alteration.

Sec. 7. Zoning ordinance not to be effective until accepted by a majority of voters at a regular municipal election; form of question to be submitted. No ordinance or by-law enacted under the powers hereby conveyed to the cities and towns and village corporations shall be in force and effect until accepted by a majority of the electors of the city or village corporation or town voting at a regular election for the election of the municipal officers of such town or city or village corporation or for the election of one or more members of any city council of any such city on the question of the acceptance of the ordinance. At the time of the submission to the voters, the question shall be submitted in this form: "Shall the Zoning Ordinance be Accepted?" Those favoring the acceptance shall vote "Yes," those opposed shall vote "No."

Sec. 8. Term "municipal officers" defined. The words "municipal officers" as used in this act shall be construed to include assessors of village

corporations, and village corporations included herein shall be only those whose electors and voters resident therein are also qualified voters in the town wherein said corporation is located.

Approved April 11, 1925.

Chapter 210.

An Act Relating to 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:

P. L., 1917, c. 295, sec. 2; relating to sale of watches, clocks and jewelry on mechanic's lien, amended. Section two of chapter two hundred and ninety-five of the public laws of nineteen hundred and seventeen is hereby amended so that said section, as amended, shall read as follows:

'Sec. 2. Property may be sold at public or private sale; notice to be mailed owner if residence known, otherwise by posting in two places; newspaper notice eliminated. The lien holder shall retain such watch, clock or jewelry for a period of one year, at the expiration of which time, if such lien is not satisfied, he may sell such watch, clock or jewelry at public or private sale, after giving thirty days' notice in writing to the owner, specifying the amount due, describing the property to be sold and informing him that the payment of such amount within thirty days will entitle him to redeem such property. Such notice may be given by mailing the same addressed to the owner's place of residence if known, or if the owner's place of residence is unknown, a copy of such notice may be posted in two public places in the town, village or city where the property is held.'

Approved April 11, 1925.

Chapter 211.

An Act Relating to Driving Motor Vehicles While Under the Influence of Intoxicating Liquor or Drugs and the Penalty Therefor.

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

P. L., 1921, c. 211, sec. 74; relating to operating motor vehicles while under the influence of intoxicating liquor or drugs, amended. Section seventy-four of chapter two hundred and eleven of the public laws of nineteen hundred and twenty-one is hereby repealed and in place thereof the following paragraph is substituted.

'Sec. 74. Operating a motor vehicle upon any way, bridge, public park or parkway when intodicated, prohibited; also prohibited in any other place