

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth and Eighty-seventh
Legislatures

OF THE

STATE OF MAINE

From April 1, 1933, to April 6, 1935

AND MISCELLANEOUS STATE PAPERS

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-Seventh Legislature

1935

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after the date of the hearing, give written notice of their decision to all parties interested. Should the said applicant or his assignee fail to remove such stakes and brush within a period of 1 year after the termination of his license as provided in the following section, it shall then be legal for any person so to remove them, but without charge against said owner or assignee. Any person aggrieved by the decision of the municipal officers in either granting or refusing to grant a license as hereinbefore provided may appeal to ~~the commission of sea and shore fisheries~~ any justice of the superior court within 10 days after such written notice. On receiving such an appeal, said ~~commission~~ judge, in term time or vacation shall set a time and place for a hearing and give notice thereof in the same manner as is hereinbefore provided for a hearing, before municipal officers. ~~At least two members of the commission shall be present at the hearing and no member of the commission shall act on any appeal in any town of which he may be a resident or the owner of a wharf or a weir or a trap.~~ The party appealing from the decision of the municipal officers, shall at the time of entering his appeal, file a bond without sureties in the sum of \$25 with the treasurer of state and such bond shall be forfeited to the state if the appellant fails to prosecute his appeal or if the decision of the ~~commission of sea and shore fisheries~~ judge sustains that of the municipal officers. The decision of the ~~said commission~~ judge shall be communicated within 10 days after the date of the hearing to the appellant and to the municipal officers of the town in which the proposed wharf or weir or trap is located; and this decision shall be binding on said municipal officers, who shall issue a license, if so directed by the decision of the ~~commission~~ judge, within 3 days after said decision has been communicated to them.

In the case of islands not within the jurisdiction of any town, all powers of municipal officers to issue licenses to build weirs are hereby conferred upon the owner or owners of said islands. If said owner or owners are unable to agree as to the issuance of a license they shall submit the question of such issuance to the director of sea and shore fisheries who shall after a hearing at which all parties may be represented, decide as to the issuance of such license.'

Approved March 30, 1935.

Chapter 89.

AN ACT Relating to Penalty for Operating Motor Vehicle While Under the Influence of Intoxicating Liquor or Drug.

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

R. S., c. 29, § 88, amended. Section 88 of chapter 29 of the revised statutes is hereby amended to read as follows:

Sec. 88. Penalty for operating motor vehicle while under the influence of intoxicating liquor or drug. Whoever shall operate or attempt to operate a motor vehicle upon any way, or in any other place when intoxicated or at all under the influence of intoxicating liquor or drugs, upon conviction, shall be punished by a fine of not less than \$100 nor more than \$1000 or by imprisonment for not less than 30 days nor more than 11 months, or by both such fine and imprisonment. Any person convicted of a second or subsequent offense shall be punished by imprisonment for not less than 3 nor more than 11 months, and in addition thereto, the court may impose a fine as above provided.

Whoever shall operate or attempt to operate a motor vehicle upon any way, or in any other place when intoxicated or at all under the influence of intoxicating liquor or drugs, when such offense is of a high and aggravated nature shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1000, or by imprisonment for not less than 60 days nor more than 2 years, or by both such fine and imprisonment. Any person convicted of a second or subsequent offense of the same gravity shall be punished by imprisonment for not less than 3 months nor more than 3 years, and in addition the court may impose a fine as above provided. The license of any person convicted of violating the provisions of this section shall be revoked immediately by the secretary of state upon receipt of an attested copy of the court records, without further hearing.

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 and right to operate a motor vehicle in this state shall be suspended during the time his appeal is pending in the appellate court, unless the trial court shall otherwise order, or unless the secretary of state, after a hearing, shall restore the license or permit pending decision on the appeal. The license of any person against whom probable cause is found and who is held under bail pending the action of the grand jury for the violation of the foregoing provision shall be suspended until the final disposition of the charge.

No person whose license or permit to operate a motor vehicle has been revoked upon conviction of violating the provisions of this section shall be licensed again or permitted to operate a motor vehicle for 3 years, except that, after the expiration of ~~one~~ 2 years from the date of such revocation, he may petition the secretary of state for a license or permit, who, after hearing and after his determination that public safety will not be endangered by issuing a new license may issue such license or permit with or without conditions thereto attached; upon a second conviction of a violation of the provisions of this section, such person, whose license or permit to operate a motor vehicle has been revoked again by reason of such conviction, shall not be licensed again or permitted to operate a motor

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vehicle in this state for 5 years from the date of conviction, provided however, that after ~~two~~ 3 years from the date of such last revocation, he may petition the secretary of state for a license or permit and the secretary of state, after like hearing and determination, again may issue a license or permit to the petitioner, with or without conditions; upon any subsequent conviction for a similar offense, the license or permit shall terminate and no subsequent license or permit shall be granted to such person; for the purpose of this section, in case a person has been convicted 1 or more times prior to the 13th day of July, 1929, of a violation of the provisions of this section, such previous conviction or convictions shall be construed as one conviction. A copy of sections 87 and 88 shall be printed on every operator's license.'

Approved March 30, 1935.

Chapter 90.

AN ACT to Provide for Jury Commissioners.

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

R. S., c. 120, amended. Chapter 120 of the revised statutes is hereby repealed and the following enacted in place thereof:

'CHAPTER 120.

The Selection and Service of Jurors.

Sec. 1. Jury commissioners, appointment. The chief justice of the supreme judicial court shall appoint in the several counties of the state, 2 residents of each county who shall be jury commissioners within and for their respective counties and who shall serve for a term of 4 years from their appointment, subject to earlier removal at the pleasure of the chief justice. It shall be the duty of said jury commissioners to prepare a jury list, summon jurors for attendance at the several terms of the superior court in their respective counties, and to revise said list as often as they may deem it necessary.

Sec. 2. Preparation of lists of persons qualified to serve as jurors. The municipal officers of the several cities, towns and plantations shall, on request, send forthwith to said jury commissioners in their respective counties, a list of persons with their full names, occupations and post office addresses, whom they deem qualified for service as jurors. From the list received, or from such persons as may be known personally or by reputation to the commissioners, said commissioners shall select persons, who, in their judgment, are deemed qualified for jury service, and the names of persons finally selected shall be placed on a list kept by said commissioners. A copy