

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
AS PASSED BY THE  
Ninetieth and Ninety-first  
Legislatures  
OF THE  
STATE OF MAINE  
From April 26, 1941 to April 9, 1943  
AND MISCELLANEOUS STATE PAPERS

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AUGUSTA, MAINE  
1943

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

As Passed by the Ninety-first Legislature

**1943**

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## CHAP. 48

fication shall not be deemed exclusive of any other rights to which he may be entitled, under any by-law, agreement, vote of stockholders or otherwise.'

Effective July 9, 1943

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## Chapter 47

### AN ACT Relating to Collection and Disposition of Money Received Under the Inland Fish and Game Laws.

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

R. S., c. 38, § 99, amended. The 1st paragraph of section 99 of chapter 38 of the revised statutes, as revised, is hereby amended to read as follows:

'All fines and penalties recovered and money received, or collected under any provision of this chapter, or for sale of seized fish or game, or furbearing animals, or parts thereof, after deducting legal taxable costs shall be paid within 30 days by the person receiving the same to the commissioner, to be paid by him to the treasurer of state. All officers' fees taxed against a respondent, if any, under any provision of this chapter, which are not paid or recovered from the respondent shall not be assumed or paid by the county where the offense was committed. All fees, fines and penalties recovered and money received, or collected, and paid to the treasurer of state as aforesaid ~~in excess of \$100,000~~ shall be credited to the department of inland fisheries and game for the operation of fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, and for printing the report of said commissioner and other expenses incident to the administration of said department, and shall be expended by the said commissioner for the purposes for which said department is created.'

Effective July 9, 1943

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## Chapter 48

### AN ACT Relating to Unstamped Cigarettes and Forfeiture Proceedings.

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

Sec. I. P. L., 1941, c. 298, § 11, amended. Section 11 of chapter 298 of the public laws of 1941 is hereby amended to read as follows:

'Sec. 11. Unstamped cigarettes subject to confiscation. Any cigarettes found at any place in this state without stamps affixed thereto as required by this act, unless such cigarettes shall be in the possession of a licensed

distributor, or unless they shall be in course of transit from without this state and consigned to a licensed distributor or licensed dealer, or unless they shall have been received by a licensed dealer ~~from without the state~~ within 72 hours, are declared to be contraband goods and are subject to forfeiture to the state; and sheriffs, deputy sheriffs, police officers and duly authorized agents of the said assessor, shall have the power to seize the same with or without process. In case such cigarettes are seized without a warrant, they shall be kept in some safe place for a reasonable time until a warrant can be procured. When such cigarettes are seized as provided herein, the officer or agent seizing them shall immediately file with the magistrate before whom such warrant is returnable, a libel against such cigarettes setting forth the seizure and describing the cigarettes, their containers and the place of seizure in sufficient manner to reasonably identify them, and that they were kept or intended for unlawful sale or use in violation of law, and pray for a decree of forfeiture thereof and such magistrate shall fix a time for the hearing of such libel and shall issue his monition and notice of the same to all persons interested, citing them to appear at the time and place appointed to show cause why such cigarettes and their containers should not be declared forfeited, by causing true and attested copies of said libel and monition to be posted in 2 public and conspicuous places in the town or place where such cigarettes were seized, 10 days at least before said libel is returnable; provided, however, that in lieu of forfeiture proceedings title to such seized, unstamped cigarettes may be transferred to the state of Maine by the owner thereof. If title to and ownership in such cigarettes is transferred to the state, a receipt for the cigarettes shall be given to the former owner by the state tax assessor or his authorized agent.'

Sec. 2. P. L., 1941, c. 298, § 12, amended. The last sentence of section 12 of chapter 298 of the public laws of 1941 is hereby amended to read as follows:

'All cigarettes declared forfeited to the state, or title to which has been transferred to the state in lieu of forfeiture proceedings, shall be sold by the treasurer of state at the approximate wholesale price thereof, and the funds derived from such sales shall be paid into the state treasury.'

Effective July 9, 1943