

# 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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Published by the Revisor of Statutes in accordance  
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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

As Passed by the Ninety-first Legislature

**1943**

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**CHAP. 270**

~~the commissioner~~ as herein provided, shall be punished by a fine of not less than \$50, nor more than \$100 and costs of prosecution for each offense.'

Sec. 7. P. L., 1933, c. 2, § 102, amended. Section 102 of chapter 2 of the public laws of 1933, as revised, is hereby amended to read as follows:

'Sec. 102. Fines and penalties, how recovered; settlement of offenses; commissioner to report to treasurer of state. All fines and penalties under this chapter may be recovered by complaint, indictment, or action of debt made or brought in the county where the offense was committed. The action of debt shall be brought in the name of the state. All fines, penalties, and collections under this chapter, except when otherwise expressly provided, shall ~~forthwith be paid~~ accrue to the commissioner of sea and shore fisheries and by him the same shall be paid to the treasurer of state to be added to and made a part of the appropriation for sea and shore fisheries. And the said commissioner shall report to the treasurer of state the amount of each fine, penalty and collection itemized, and the name of the party paying the same which shall be kept on record in the office of the treasurer.'

Sec. 8. P. L., 1935, c. 154, § 13, amended. Section 13 of chapter 154 of the public laws of 1935 is hereby amended to read as follows:

'Sec. 13. Disposition of fines. When any fines shall be collected from anyone guilty of violating this act,  $\frac{1}{2}$  of any sum collected as such fine shall ~~be deposited with~~ accrue to the state bureau of health and be added to the fund specified in section 6 to be expended for expenses of inspection under and enforcement of this act.'

Sec. 9. Amending clause. All acts or parts of acts inconsistent with this act are hereby repealed, or amended to conform to the provisions of this act.

Effective July 9, 1943

## Chapter 270

### AN ACT Relating to Highway Bridges.

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

Sec. 1. R. S., c. 29, § 22, amended. Section 22 of chapter 29 of the revised statutes is hereby amended to read as follows:

'Sec. 22. Special restrictions relating to heavy objects passing over bridges. Notwithstanding any loads authorized in this chapter upon any bridge, officials or corporations charged with the repair and maintenance

thereof may limit the load permitted on any bridge to such weight as they deem necessary for the safety of life or property, or the maintenance of such bridge. Upon the failure or neglect of **such local officials or corporations** to prescribe such weights for any bridge, the state highway commission may fix such limit of weight as it deems proper. Such regulations shall be in effect when notice thereof is conspicuously posted at each end of the bridge affected.'

Sec. 2. R. S., c. 29, § 24, amended. Section 24 of chapter 29 of the revised statutes is hereby amended to read as follows:

'Sec. 24. Penalties for violating 5 preceding sections; bond may be required for permits. Whoever as owner, driver, operator or mover of any engine, team, vehicle, or contrivance mentioned in the 5 preceding sections violates any provision of said sections or the regulations made or permits granted under authority thereof shall be liable to a fine of not less than \$10 nor more than \$500 for each offense; and he shall also be responsible for all damage which said way or bridge may sustain as a result thereof, and the amount may be recovered in an action on the case brought by the municipality, or other corporation, when any way or bridge is injured which is under the care of said municipality or other corporation; by the county commissioners in behalf of any unincorporated township injured, and by the state when any state or state aid way or bridge is injured; and shall be used for the repair of the ways and bridges so injured. Highway officials in granting permits under the preceding sections may require from owners or operators a bond satisfactory to them running to the state or the municipal or other corporation affected, conditioned to reimburse it for any expenses necessarily incurred in repairing all damage caused to the way or bridge by the use thereon of such vehicle, load, contrivance, or other object.'

Sec. 3. R. S., c. 29, § 26, amended. Section 26 of chapter 29 of the revised statutes is hereby amended to read as follows:

'Sec. 26. Appeal may be taken to state highway commission from decision of local highway officers. An appeal in writing may be taken from any order or decision of local highway officials made under the provisions of sections 19 to 25, inclusive, to the state highway commission, and the state highway commission may hear and decide the matter in a summary manner, modifying, affirming, or vacating the action of such officials and may issue any order necessary to carry its decision into effect. No appeal shall suspend the order or decision of said highway officials, pending the decision of the state highway commission. An appeal may be taken in like manner to the public utilities commission from any action by a railroad corporation under the provisions of section 22 in respect to any highway

## CHAP. 271

bridge maintained by such corporation and said commission, after notice and hearing thereon, may confirm or modify such action.'

Effective July 9, 1943

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## Chapter 271

AN ACT Relating to Allocations and Unappropriated Surplus Account.

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

R. S., c. 2, §§ 101, 102, 103, 104, amended. Sections 101, 102, 103, and 104 of chapter 2 of the revised statutes are hereby repealed and the following sections enacted in place thereof:

'Sec. 101. Unappropriated surplus; how made up; how accumulated balance may be used. The state controller shall open on the books of the state an account to be known as "Unappropriated Surplus", to which shall be transferred at the first month end following the effective date of this law, any balance at that date in the sinking fund reserve. The balances of all revenue and appropriation accounts not otherwise provided for by law, together with any other necessary adjustments of balances previously closed to unappropriated surplus account, shall be closed to this account at the end of each fiscal year. Any amounts authorized for allocation by the governor and council or representing permanent working capital advances shall be removed from unappropriated surplus and set up in separate accounts so that the balance of the unappropriated surplus account shall be the amount of free and unencumbered surplus according to generally accepted accounting principles.'

'Sec. 102. Allocations from general fund. The governor, with the advice and consent of the council, may allocate from the state contingent account amounts not to exceed in total the sum of \$300,000 in any fiscal year. Such allocations may be made to meet any expense necessarily incurred under any requirement of law, or for the maintenance of government within the scope existing at the time of the previous session of the legislature or contemplated by laws enacted thereat, or to pay bills arising out of some emergency requiring an expenditure of money not provided by the legislature. The governor and council shall determine the necessity for such allocations, and all such allocations shall be supported by a statement of facts setting forth the necessity for the allocations. At the close of each fiscal year there shall be transferred from unappropriated surplus an amount sufficient to restore the state contingent account to \$300,000.'

'Sec. 103. Report of state controller relating to the contingent account and unappropriated surplus account. The state controller shall include in