

# 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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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

As Passed by the Ninety-first Legislature

**1943**

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## Chapter 345

### AN ACT Relating to Audit and Use of Funds of Maine Forestry District.

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

Sec. 1. P. L., 1931, c. 216, Art. VI, § 3, sub-§ 5, amended. Subsection 5 of section 3 of Article VI of chapter 216 of the public laws of 1931, as amended by chapter 27 of the public laws of 1941, is hereby further amended to read as follows:

'5. To perform a postaudit of all accounts and other financial records of the state normal schools ~~and~~, the Port of Portland Authority, ~~and the~~ Maine Forestry District, the expenses of such audits to be paid respectively by the state normal schools ~~and~~, the Port of Portland Authority, ~~and the~~ Maine Forestry District;'

Sec. 2. R. S., c. 11, § 74, amended. Section 74 of chapter 11 of the revised statutes is hereby amended to read as follows:

'Sec. 74. Use of funds; when insufficient, payments from state treasury; audit of accounts. The tax assessed by authority of section 69 shall be ~~held by the treasurer of state~~ recorded on the books of the state in a separate account as a fund to be used to protect from fire the forests situated upon and within the district, and to pay expenses incidental thereto and for no other purpose, except that upon receipt of information from the forest commissioner that there is in said fund a certain sum in excess of the amount necessary for the protection of the forests in said district from fire, the governor and council may ~~issue their warrant to the treasurer of state~~ authorize the state controller to refund proportionately to the land owners paying the tax assessed as aforesaid, such sum or sums as shall be recommended by the forest commissioner. ~~The governor and council shall from time to time, as the forest commissioner may request, issue their warrant to the treasurer of state to pay to said commissioner such sums of money as said commissioner may deem necessary for the purpose aforesaid.~~ If the tax assessed by authority of section 69 ~~has not been collected or~~ for any reason is not available for the purpose aforesaid or if said tax proves insufficient in any year to properly carry out said purpose, the governor and council may ~~issue their warrant to the treasurer of state, authorizing him to advance and pay to the forest commissioner~~ make available for said purposes from any moneys then in the treasury not otherwise appropriated, such sum or sums of money as they may deem necessary for such purpose. Annually on February 1st a petty cash advance of \$10,000 from the proceeds of said tax shall be made by the state controller to the forest commissioner who shall set the same aside

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as an "Emergency Fire Fighting Fund" and who may expend therefrom for fire fighting purposes of an emergency nature. He shall make to the state controller accountings as necessary, but in any event monthly, of such expenditures and thereupon the state controller shall, upon audit, promptly reimburse therefor so that said petty cash advance shall be always available to the forest commissioner as above provided. ~~The accounts of the commissioner of the disbursement of all funds shall be examined by the state auditor for the purpose of determining if said accounts are correctly kept and all payments properly vouched for.~~ Except as above provided, the expenditures of forestry district funds shall be in accordance with the provisions of chapter 216 of the public laws of 1931. The provisions of said chapter 216 shall, however, not otherwise apply to said forestry district. The forest commissioner may employ from time to time such clerks in his office as will enable him to ~~pay promptly all bills contracted in carrying~~ carry out the provisions hereof and the compensation of such clerks shall be paid from the funds provided for the district.'

Effective July 9, 1943

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## Chapter 346

### AN ACT Relating to Conscious Suffering Preceding Death.

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

R. S., c. 101, additional. Chapter 101 of the revised statutes is hereby amended by adding thereto a new section to be numbered section 10-A, to read as follows:

'Sec. 10-A. Conscious suffering preceding death. Whenever death ensues following a period of conscious suffering, as a result of personal injuries due to the wrongful act, neglect or default of any person, the person who caused the personal injuries resulting in such conscious suffering and death, shall, in addition to the action at common law and damages recoverable therein, be liable in damages in a separate count in the same action for such death, brought, commenced and determined and subject to the same limitation as to the amount recoverable for such death and exclusively for the beneficiaries in the manner set forth in the preceding section, separately found, but in such cases there shall be only one recovery for the same injury.'

Effective July 9, 1943