

# MAINE STATE LEGISLATURE

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**ACTS AND RESOLVES**  
AS PASSED BY THE  
**Ninety-second and Ninety-third**  
**Legislatures**  
OF THE  
**STATE OF MAINE**  
**From April 22, 1945 to May 14, 1947**  
**AND MISCELLANEOUS STATE PAPERS**  
**From May 25, 1945 to May 14, 1947**

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Published by the Revisor of Statutes in accordance  
with Chapter 10 of the Revised Statutes of 1944.

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KENNEBEC JOURNAL  
AUGUSTA, MAINE  
1947

**ACTS AND RESOLVES**

AS PASSED BY THE

**Ninety-second Legislature**

OF THE

**STATE OF MAINE**

AT THE

**SPECIAL SESSION**

**July 8-26, 1946**

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Supplementary to the Acts and Resolves of the Regular Session

retention, transfer or reinstatement with respect to preference eligibles under this section, the personnel board or other examining agency may waive requirements as to age, height and weight, provided any such requirement is not essential to the performance of the duties of the position for which examination is given. The personnel board or other examining agency, after giving due consideration to the recommendation of any accredited physician, may waive the physical requirements in the case of any veteran, provided such veteran is, in the opinion of the personnel board or other examining agency, physically able to discharge efficiently the duties of the position for which the examination is given.'

Effective October 25, 1946

## Chapter 378

### AN ACT to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945.

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

Sec. 1. R. S., 1930, c. 11, § 35, repealed. Section 35 of chapter 11 of the revised statutes of 1930 is hereby repealed.

Sec. 2. R. S., c. 1, § 24-C, amended. Section 24-C of chapter 1 of the revised statutes, as enacted by chapter 248 of the public laws of 1945, is hereby amended to read as follows:

'Sec. 24-C. Procedure. All proceedings ~~hereunder~~ under the provisions of the 2 preceding sections shall be in accordance with the provisions of sections 12 to 22, inclusive, of chapter 48.'

Sec. 3. R. S., c. 2, § 1, amended. Section 1 of chapter 2 of the revised statutes is hereby amended to read as follows:

'Sec. 1. Commitment of all aliens to institutions supported wholly or in part by public funds to be reported to United States immigration officer. Whenever any person shall be admitted or committed to the state ~~penitentiary~~ prison, the state ~~reformatory~~ reformatories for men and women, the county jail, or any other state, county, city or private institution which is supported wholly or in part by public funds, it shall be the duty of the warden, superintendent, sheriff or other officer in charge of such institution to inquire at once into the nationality of such person, and if it shall appear that such person is an alien, to notify immediately the United States immigration officer in charge of the district in which such ~~penitentiary~~ prison, reformatory, jail or other institution is located, of the date of and the reason for such alien's admission or commitment; the length of

time for which admitted or committed, the country of which he is a citizen, and the date on which and the port at which he last entered the United States.'

Sec. 4. R. S., c. 9, § 21, sub-§ VIII, amended. Subsection VIII of section 21 of chapter 9 of the revised statutes is hereby amended to read as follows:

'VIII. The words "insane person" may include an idiotic, non compos, lunatic or distracted person; but in reference to idiotic or non compos persons this rule does not apply to sections ~~18 and 20 of chapter 22,~~ and sections 10, 13, 96 to 113, inclusive, 131 to 134, inclusive, 136 to 143, inclusive, and 152 to 156, inclusive, of chapter 23.'

Sec. 5. R. S., c. 14, § 14-A, repealed. Section 14-A of chapter 14 of the revised statutes, as enacted by section 1 of chapter 220 of the public laws of 1945, is hereby repealed.

Sec. 6. R. S., c. 14, § 36, amended. The last paragraph of section 36 of chapter 14 of the revised statutes is hereby amended to read as follows:

'The trustees of the University of Maine, ~~and of the state normal schools~~ school and teachers' college board and the directors of the Maine Port of Portland Authority may authorize the department of finance to act for them in any purchases.'

Sec. 7. R. S., c. 14, § 74-A, amended. The 4th sentence of section 74-A of chapter 14 of the revised statutes, as enacted by section 4 of chapter 41 of the public laws of 1945, is hereby amended to read as follows:

'Lists of such taxes certified by the county ~~commissioners~~ treasurer to the state tax assessor for collection shall contain, in addition to the total amount of taxes due, the millage rate to be applied for the entire county for county taxes, and for each township for county road repair taxes.'

Sec. 8. R. S., c. 14, § 133, amended. Section 133 of chapter 14 of the revised statutes, as amended by section 2 of chapter 118 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 133. All insurance companies to pay tax on premiums and annuity considerations. Every insurance company or association which does business or collects premiums or assessments including annuity considerations within the state, except those mentioned in sections 131 and 137, including surety companies and companies engaged in the business of credit insurance or title insurance, shall on or before May 1 annually pay a tax of 2% upon all gross direct premiums written and assessments including annuity considerations whether in cash or otherwise received, on contracts written on risks located or resident in the state for insurance of life, annuity, fire, casualty and other risks.'

Sec. 9. R. S., c. 14, § 140-A, additional. Chapter 14 of the revised statutes is hereby amended by adding thereto a new section to be numbered 140-A, to read as follows:

'Sec. 140-A. Power and authority of domestic insurance companies. Every domestic insurance company and its officers, directors and agents and employees shall have power and authority to comply with any statute, ordinance or other law of any state, territory or political subdivision thereof, including the District of Columbia, imposing any license, excise, privilege, occupation, premium or other tax or fee or deposit requirement. No such company, officer, director, employee or agent shall be subject to liability by reason of any such compliance or payment either heretofore or hereafter made, if at a later date the supreme court of the United States declares such tax or deposit to be unconstitutional.'

Sec. 10. R. S., c. 14, § 145, repealed and replaced. Section 145 of chapter 14 of the revised statutes, as amended by section 24 of chapter 42, and by chapter 208, both of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Sec. 145. Required to make semiannual returns to state tax assessor; rate of taxation. Every loan and building association doing business in this state shall semiannually on the last secular days of March and September make a return, signed by its secretary, of the monthly capital dues paid in by its shareholders and the amounts paid in for prepaid share certificates during the 6 months ending on each of said days, from the total of which there shall be deducted, however, such amount of said monthly capital dues as may have been credited to real estate loans and so much of the prepaid share certificates as may represent money converted from other forms of investments in such associations during said periods. Such returns shall be made to the state tax assessor on or before the 2nd Mondays of April and October. The treasurer of such association shall pay to the state tax assessor a tax of  $\frac{1}{2}$  of 1% on the amount of capital receipts so returned.'

Sec. 11. R. S., c. 14, § 157, amended. The 2nd sentence of section 157 of chapter 14 of the revised statutes, as amended by section 32 of chapter 42 of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Upon the value of said shares so determined after making said deductions, the said tax assessor shall assess an annual tax of 15 mills for each dollar of such assessed value so determined, and shall, on or before the 1st day of June, notify said trust companies and banking institutions.'

Sec. 12. R. S., c. 14, §§ 234-243, additional. Chapter 14 of the revised

statutes is hereby amended by adding thereto 10 new sections to be numbered 234 to 243, inclusive, to read as follows:

'Sec. 234. Definitions. As used in sections 234 to 243, inclusive, the following terms shall have the following meanings:

I. "Contractor" shall mean a commercial canner or freezer of sweet corn and shall include a canner or freezer who may grow either all or a portion of that which he cans or freezes.

II. "Grower" shall mean any person growing sweet corn for commercial canning or freezing under contract with any contractor or who grows and sells sweet corn for canning.

Sec. 235. Tax on sweet corn. A tax is levied and imposed on all sweet corn in the husk grown under contract in this state for commercial canning and freezing at a rate no greater than 30c per ton in the discretion of the tax committee, as hereinafter provided.

Sec. 236. Tax committee; appointment; powers. There shall be a tax committee, consisting of 3 members, appointed annually in the following manner, who shall serve for 1 year and until their successors shall be appointed. The commissioner of agriculture shall appoint 1 member from the department of agriculture and 1 member who shall be a grower; the Maine Canners' Association shall appoint the 3rd member. The tax committee is authorized to determine the amount of the tax to be levied and imposed each year.

Sec. 237. Contractor, duty of. The contractor shall, within 30 days after making a contract with a grower, file with the commissioner of agriculture a statement giving the name of the contractor and the grower.

Sec. 238. Tax committee, duty of. The tax committee shall, not later than the 1st day of September in each year, give notice to the contractors and growers of the rate of tax to be levied during that year and shall publish same once in the state paper, which shall be sufficient notice.

Sec. 239. Tax; on whom imposed, and collection. The tax levied and imposed by the provisions of section 235 shall be paid,  $\frac{1}{2}$  by the contractor and  $\frac{1}{2}$  by the grower, unless the contractor is also the grower, in which event he shall pay to the state tax assessor the whole tax on or before November 1st of the tax year. The proceeds of such tax received by the state tax assessor shall be paid forthwith to the treasurer of state. The contractor shall deduct from the moneys due the grower the tax due from the grower and shall transmit the same, together with the tax payable by the contractor, to the state tax assessor within 30 days from the date payment is made to the grower. Payment to the state tax assessor shall be

accompanied by a statement in writing showing the total tonnage on which a tax is paid and such other information as the commissioner of agriculture may prescribe, which statement shall be signed by the president or treasurer or authorized agent, if a corporation; and if a partnership, by one of the members thereof; and by the individual, if neither a partnership nor a corporation. Whoever intentionally makes a false statement with the remittance of the tax as aforesaid shall be punished as hereinafter provided.

Sec. 240. Use of funds. The moneys received through the provisions of sections 234 to 243, inclusive, by the treasurer of state shall be appropriated to suppress the European corn borer. Any unexpended balances shall not lapse but shall remain a continuing carrying account.

Sec. 241. Failure to pay over tax; penalty. The money withheld by the contractor from the grower as provided in section 239 shall be held in trust, and the failure to pay it over to the state tax assessor within 10 days after a demand by the state tax assessor shall be punishable by a fine of not more than \$500, or by imprisonment for not more than 30 days in the county jail, or by both such fine and imprisonment. A contractor or grower violating any of the foregoing provisions shall be punished by imprisonment in the county jail for a period not in excess of 30 days, or by a fine of not more than \$500, or by both such fine and imprisonment.

Sec. 242. Action of assumpsit. The failure of the contractor to pay said tax within the times herein prescribed shall be recoverable by the state tax assessor in an action of assumpsit in the name of the state.

Sec. 243. Power of commissioner of agriculture. The commissioner of agriculture is hereby vested with the power and authority to enact such rules and regulations which in his judgment will best serve to carry out the provisions of sections 234 to 243, inclusive.'

Sec. 13. R. S., c. 16, § 3, sub-§ V, amended. Subsection V of section 3 of chapter 16 of the revised statutes, as amended by chapter 337 of the public laws of 1945, is hereby further amended to read as follows:

'V. to perform a post-audit of all accounts and other financial records of the state normal schools and teachers' colleges, the Maine Port of Portland Authority, the Maine Forestry District and the Maine Teachers' Retirement System the expenses of such audits to be paid respectively by the. The Maine Port of Portland Authority, the Maine Forestry District and the Maine Teachers' Retirement System shall pay the expenses of their respective audits;'

Sec. 14. R. S., c. 18, § 7, amended. Section 7 of chapter 18 of the revised statutes is hereby amended to read as follows:



'Sec. 7. Fees payable by public officers to secretary of state. A fee of \$5 shall be paid to the secretary of state by any person appointed to the office of justice of the peace, trial justice, notary public, inspector of fish, commissioner to take depositions and disclosures, disclosure ~~commissioners~~ commissioner and commissioner appointed under section 24 of chapter 154 ~~and by any woman appointed to administer oaths and take acknowledgement of deeds before he or she~~ such person enters upon the discharge of his ~~or her~~ official duties.'

Sec. 15. R. S., c. 19, § 44, amended. Section 44 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 44. From September 1st to December 31st to be  $\frac{1}{2}$  of sum named in § 38. The excise tax under the provisions of ~~chapter 14~~ sections 38 to 47, inclusive, during the period beginning with September 1st and ending with December 31st shall be  $\frac{1}{2}$  of the sum named in section 38, provided that the minimum to be paid under the provisions of this section shall never be less than \$2.'

Sec. 16. R. S., c. 19, § 93, amended. Section 93 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 93. 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 ~~6~~ 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 provisions of 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. 17. R. S., c. 20, § 8, amended. The next to the last sentence of section 8 of chapter 20 of the revised statutes is hereby amended to read as follows:

'In all state and state aid highway construction and maintenance and all

other highways to which the state contributes by law for the improvement thereof, the commission shall have the powers of municipal officers conferred by section 156 of chapter 84 relating to the construction and maintenance of ditches ~~and~~, drains and culverts, and the powers conferred upon municipal officers and road commissioners by section 100 of chapter 84.'

Sec. 18. R. S., c. 20, § 8-A, reallocated. Section 8-A of chapter 20 of the revised statutes, as enacted by chapter 266 of the public laws of 1945, is hereby reallocated to be section 8-B of said chapter 20.

Sec. 19. R. S., c. 20, § 106, amended. The 1st paragraph of section 106 of chapter 20 of the revised statutes is hereby amended to read as follows:

'Such unexpended balances of the general highway fund as have been set up for general construction and maintenance of highways and bridges shall be deemed non-lapsing carrying accounts. All other unexpended balances shall lapse into the general highway fund at the end of each fiscal period, but shall not lapse or be transferred to the general ~~funds~~ fund in the treasury.'

Sec. 20. R. S., c. 22, § 239, amended. The 1st sentence of section 239 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Orders and decrees provided for in the 3 preceding sections shall have the same effect to divest the parent or parents of all legal rights in respect to said child as specified in section 38 of chapter 145, but shall not relieve the parent or parents of liability for the support of such child or from the penalties for failure to support which are provided in sections 1 to 4, inclusive, ~~and section 11~~ of chapter 125.'

Sec. 21. R. S., c. 23, § 80, amended. Section 80 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Sec. 80. Boys may be committed on probation to any suitable inhabitant of the state or to the department of health and welfare; return to the school. The department may commit, on probation and on such terms as it deems expedient, to any suitable inhabitant of the state or to the ~~bureau of social~~ department of health and welfare, any boy in the custody of the state school for boys, for a term within the period of his commitment, such probation to be conditioned on his good behavior and obedience to the laws of the state. Such boy shall, during the term for which he was originally committed to the state school for boys, be also subject to the care and control of the department, and on its being satisfied at any time that the welfare of the boy will be promoted by his return to the school, it may order his return. On his return to the school, such boy shall there be held and detained under the original mittimus. The department may delegate to the superintendent under such rules as it prescribes the powers herein granted

to the department to commit any boy on probation to any suitable inhabitant of the state or to the ~~bureau of social~~ department of health and welfare, and to return to the school any boy so committed when he is satisfied that the welfare of the boy will be promoted by his return. Any boy ordered returned to the school may, on the order of the superintendent or other officer of the institution, be arrested and returned to the school, or to any officer or agent thereof, by any sheriff, constable, police officer or other person; and may also be arrested and returned by any officer or agent of the school. Whenever such boy is committed on probation to the custody of the ~~bureau of social~~ department of health and welfare, the expense of his maintenance and education shall be borne in accordance with the provisions of section 240 of chapter 22 and the department shall be invested with the same powers and duties as if such boy had been committed under the provision of section 238 of said chapter.'

**Sec. 22.** R. S., c. 23, § 89, amended. The 2nd sentence of section 89 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Its refusal may be certified on the warrant of commitment, and she shall remain in the custody of the officer having the same, to be disposed of as prescribed in ~~said sections~~ the preceding section.'

**Sec. 23.** R. S., c. 27, § 41, repealed. Section 41 of chapter 27 of the revised statutes is hereby repealed.

**Sec. 24.** R. S., c. 27, § 54, amended. Section 54 of chapter 27 of the revised statutes is hereby amended to read as follows:

'**Sec. 54.** Commissioner required to publish rules and regulations; to be approved by the governor. The commissioner shall make, record and publish rules and regulations, providing for and regulating the agencies, methods and manner of conducting the investigation provided for in section 52, regarding the existence of said contagious diseases; for ascertaining, entering and searching places where such diseased animals are supposed to exist; for ascertaining what animals are so diseased or have been exposed to contagious disease; for making, reporting, and recording descriptions of said animals so diseased, exposed and destroyed and for appraising the same, and for making payment therefor; and shall make all other needful rules and regulations, which may in his judgment be deemed requisite, to the full and due execution of the provisions of sections 52 to 72, inclusive, and ~~sections 122 and~~ section 123. All such rules and regulations before they shall become operative shall be approved by the governor, and thereafter published in such manner as may be provided in such rules and regulations; after such publication, said rules and regulations shall have the force and effect of law, so far as the same are not inconsistent with the laws of this state or of the United States.'

**Sec. 25. R. S., c. 27, § 56, amended.** Section 56 of chapter 27 of the revised statutes is hereby amended to read as follows:

**'Sec. 56. Penalty for knowingly concealing the existence of disease.** Any person who is the owner of or who is possessed of any interest in any animal affected with any of the diseases named in section 52, or any person who is agent, common carrier, consignee or is otherwise charged with any duty in regard to any animal so diseased or exposed to the contagion of such disease, or any officer or agent charged with any duties under the provisions of sections 52 to 72, inclusive, and ~~sections 122 and~~ section 123, who shall knowingly conceal the existence of such contagious disease or the fact of such exposure to contagion, and who shall knowingly and wilfully fail within a reasonable time to report to the commissioner the knowledge of their information in regard to the existence and location of such disease, or of exposure thereto, shall be punished as provided in section 55.'

**Sec. 26. R. S., c. 27, § 57, amended.** Section 57 of chapter 27 of the revised statutes is hereby amended to read as follows:

**'Sec. 57. Quarantine declared when owner refuses to accept sum to be paid under appraisal.** When the owner of animals adjudged under the provisions of sections 52 to 72, inclusive, and ~~sections 122 and~~ section 123, by the proper authority, to be diseased or to have been exposed to contagion, refuses to accept the sum authorized to be paid under the appraisement provided for in sections 52 to 72, inclusive, and ~~sections 122 and~~ section 123, the commissioner shall declare and maintain a rigid quarantine for 30 days as to the animals adjudged as aforesaid to be diseased or exposed to any contagious or infectious disease, and of the premises or places where said cattle, horses, sheep or swine may be found, according to the rules and regulations prescribed by said commissioner, approved by the governor and published as provided in section 54.'

**Sec. 27. R. S., c. 27, § 68, amended.** Section 68 of chapter 27 of the revised statutes is hereby amended to read as follows:

**'Sec. 68. Commissioner may employ agents.** The commissioner may employ skilled veterinarians in all tuberculin tests and such other agents and employees as he may deem necessary to carry into effect the provisions of sections 52 to 72, inclusive, and ~~sections 122 and~~ section 123, subject to the provisions of the personnel law.'

**Sec. 28. R. S., c. 27, § 69, amended.** Section 69 of chapter 27 of the revised statutes, as amended by section 7 of chapter 297 of the public laws of 1945, is hereby further amended to read as follows:

**'Sec. 69. Payment of expenses.** The actual and necessary traveling expenses of the commissioner and his employees, the expense of disin-

fecting premises, cars, vessels and other places, destroying diseased animals and those exposed to disease, and paying for the same, and all other expenses necessary to properly carry out the provisions of sections 52 to 72, inclusive, and ~~sections 122 and~~ section 123 shall be paid out of such amounts as the legislature may appropriate. All money received from the sale of hides and carcasses of condemned animals shall be credited to the general fund.'

Sec. 29. R. S., c. 27, §§ 145-A-145-J, inclusive, repealed. Sections 145-A to 145-J, inclusive, of chapter 27 of the revised statutes, as enacted by chapter 125 of the public laws of 1945, are hereby repealed.

Sec. 30. R. S., c. 27, § 164-A, additional. Chapter 27 of the revised statutes is hereby amended by adding thereto a new section to be numbered 164-A, to read as follows:

'Sec. 164-A. Marking of pressed hay; action for price of hay not marked defended under certain conditions. All hay pressed and put up in bales, except hay pressed by farmers and retailed from their own barns, shall have the first letter of the Christian name and the whole of the surname of the person putting up the same, written, printed or stamped on bands or boards made fast thereto, with the name of the state and the place where such person lives. Whoever offers for sale or shipment any pressed hay not marked as aforesaid, except hay pressed by farmers and retailed from their own barns, forfeits \$1 for each bale so offered, to be recovered by complaint. No person who has received hay not marked as provided in this section shall defend any action for the price thereof upon that ground, unless he shall prove that, before the delivery of said hay to him, he requested the person from whom he bought the same to comply with the provisions of this section.'

Sec. 31. R. S., c. 32, § 29, amended. Section 29 of chapter 32 of the revised statutes, as amended by section 2 of chapter 221 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 29. Certain state parks designated. All that portion of the state lands comprising Fort Machias at Machiasport; Fort Knox at Prospect; Fort Edgecomb at Edgecomb; Fort St. George's at St. George; Fort McClary at Kittery; Fort Baldwin, Fort Popham, and the North and South Sugar Loaf Islands at Phippsburg; Fort William Henry at Pemaquid, including all the property in Pemaquid to which the state now has title; ~~the lot of land conveyed to the state of Maine by the First Maine Heavy Artillery Association, situated in Petersburg in the state of Virginia;~~ and all that portion of the public land situated in Bangor on the west side of Essex street and near land formerly owned by Samuel Eastman and known

as State Arsenal lot and land shall be maintained as public parks under the supervision, direction and control of the state park commission.'

Sec. 32. R. S., c. 32, § 84, amended. The 1st sentence of section 84 of chapter 32 of the revised statutes is hereby amended to read as follows: 'All expenses incurred under the provisions of sections 73 to ~~86~~ 83, inclusive, and sections 84 to 86, inclusive, shall be paid from the funds raised and created by the tax assessed under the provisions of section 74.'

Sec. 33. R. S., c. 33, § 18-A, additional. Chapter 33 of the revised statutes, as revised, is hereby amended by adding thereto a new section to be numbered 18-A, to read as follows:

'Sec. 18-A. Wardens to act as state fire wardens. Inland fish and game wardens shall be and act as state fire wardens. They shall, while in and about the woods, caution all sportsmen of the danger from fires in the woods and extinguish all fires left burning by anyone, if within their power. They shall give notice to any and all parties interested, when possible, of fires raging and beyond their control, to the end that the same may be controlled and extinguished.'

Sec. 34. R. S., c. 37, § 74, repealed and replaced. Section 74 of chapter 37 of the revised statutes, as amended by section 1 of chapter 45 and section 5 of chapter 350, both of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Sec. 74. Reimbursements. Whenever the schools of any town or plantation shall be placed under the supervision of agents of the commissioner, as provided by the preceding section, the treasurer of said town or plantation shall pay to the treasurer of state a sum which shall be at the rate of \$25 annually for each teaching position in said town or plantation, and the amount so received shall be credited to the general fund.'

Sec. 35. R. S., c. 37, § 76, amended. Section 76 of chapter 37 of the revised statutes, as amended by section 2 of chapter 45 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 76. Conference of instruction to be held. The commissioner shall annually hold a conference for the instruction of superintendents serving under the provisions of the 8 preceding sections; he may expend out of the appropriation for the superintendence of towns ~~composing~~ comprising school unions, an amount sufficient to defray the mileage expenses of such superintendents; but no superintendent shall be entitled to any part of such expenses unless he shall regularly attend all sessions of such conference.'

Sec. 36. R. S., c. 37, § 99, repealed and replaced. Section 99 of chapter 37 of the revised statutes, as amended by chapter 93; section 2 of chapter

120; and chapter 199, all of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Sec. 99. Reimbursement to towns for tuition and board for pupils attending secondary schools. When any town shall have been required to pay and has paid tuition for pupils attending secondary schools, as provided by section 98, the superintendent of schools of such town shall make a return under oath to the commissioner before the 1st day of September, annually, for the preceding school year, stating the name of each pupil for whom tuition has been paid, the amount paid by the town for each and the name and location of the school which each has attended. Upon the approval of said return, the commissioner shall apportion to such town a sum equal to  $\frac{2}{3}$  the amount thus paid by such town. Provided further, that tuition for such pupils may be paid by towns to an amount not exceeding the average cost per pupil for the year preceding that for which the tuition is paid in the school attended by such pupil, except that no payment in excess of said average cost shall be made except by a vote of the town, but such payment by any town shall not exceed \$125 for any pupil for any 1 year, subject to the provisions of section 98, and reimbursement to any town for any 1 year shall not exceed \$875. Provided further, that the average cost per pupil shall be determined by dividing the sum of expenditures for instruction, fuel, janitor service, text-books, supplies and ordinary minor repairs by the average daily attendance of all regularly enrolled students. Provided further, that any town not maintaining a high school may pay tuition for any student who with parents or guardian resides in said town and who attends an approved school of secondary grade in a town adjacent to the state of Maine in another state, when distance and transportation facilities make attendance in a Maine high school or academy inexpedient; or who attends an approved school of secondary grade in another state when said school specializes in the correction of physical defects and when by reason of a physical disability the individual requires a specialized type of training available in said school but not obtainable in any approved secondary school in the state of Maine.

Provided, however, that when pupils are sent from one city, town or plantation to an approved secondary school in another, if any accounts for tuition of such pupils are not paid on or before the 1st day of September of that year, the commissioner shall pay such accounts, or so much thereof as he shall find to be rightly due, to the treasurer of the receiving city, town, plantation, academy, institute or seminary at the next regular annual apportionment, together with interest on such accounts at the rate of 6% annually, computed from said 1st day of September, and the commissioner shall charge any such payment against the apportioned fund of the sending city, town or plantation.

When any town shall have been required to pay and has paid board for a youth or youths attending secondary school in accordance with the provisions of section 98, the superintendent of schools of such town shall make a return under oath to the commissioner on a form provided for the purpose before the 1st day of September, annually, for the preceding school year, stating the name and exact residence of each youth for whom board has been paid, the amount paid by the town for each and the name and location of the school which each has attended. Upon the approval of said return, the commissioner shall apportion to such town a sum equal to  $\frac{1}{2}$  the amount thus paid by such town but not to exceed \$700 annually for this purpose.'

Sec. 37. R. S., c. 37, § 164, amended. Section 164 of chapter 37 of the revised statutes, as amended by section 12 of chapter 350 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 164. Courses in manual training, domestic science and agriculture in normal schools and teachers' colleges. The state normal ~~schools~~ school and teachers' college board shall cause to be introduced into all of the ~~said~~ normal schools and teachers' colleges such courses in manual arts, domestic science and agriculture as will enable their graduates to teach elementary courses in those subjects in the rural and grade schools. In not more than one of said schools, the course in manual training shall be so extended as to offer opportunity to persons desiring to qualify as special teachers of that branch, and in not more than one, the course in domestic science shall be so extended as to offer similar opportunity to persons desiring to qualify as special teachers thereof. For the 2 special courses thus offered, the said board is authorized to expend annually such sums as may be available in appropriations for the support of said normal schools and teachers' colleges.'

Sec. 38. R. S., c. 37, § 185, sub-§ V, amended. Subsection V of section 185 of chapter 37 of the revised statutes is hereby amended to read as follows:

'V. The principals of the normal schools and of all other schools in which normal departments are supported, wholly or in part by the state, and presidents of teachers' colleges shall keep a register containing the names of all students entering such schools or departments, the date of entering and leaving, their ages, number of days' attendance, the length of the term, a list of text-books used and all other information required in the blanks furnished by the commissioner. Such register and blanks shall be returned to said commissioner by the 1st day of each December, and the information so furnished shall appear in his annual report, for the use of the legislature.'



Sec. 39. R. S., c. 37, § 186, amended. Section 186 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Sec. 186. Course of study. The course of study at the state normal schools and teachers' colleges shall occupy 2 years with suitable vacations, and, with the terms of admission, shall be arranged by the commissioner. The state normal ~~schools~~ school and teachers' college board may arrange for a course of study, occupying 3 or 4 years, for such students as elect to pursue the same, and it may give such credit as it may deem advisable for successful teaching experience.'

Sec. 40. R. S., c. 37, § 187, amended. Section 187 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Sec. 187. Diplomas to be issued. Any student, who completes the course of study prescribed at a state normal school or teachers' college and otherwise complies with the regulations of the school or college, shall receive a diploma certifying the same, provided further, that the state normal ~~schools~~ school and teachers' college board may confer appropriate educational degrees based upon 4 years of academic and professional instruction with such equipment and faculties as will safeguard the integrity of the degrees conferred.'

Sec. 41. R. S., c. 37, § 188, amended. Section 188 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Sec. 188. Applications for admission, qualifications; tuition. Applicants for admission to state normal schools and teachers' colleges shall signify their intention to become teachers. The state normal ~~schools~~ school and teachers' college board shall charge \$100 for tuition to non-residents of the state, and \$50 for tuition to residents of the state. It may permit not exceeding 10% of the enrolment of residents to pay their tuition charges at such future dates as it may determine.'

Sec. 42. R. S., c. 37, § 189, amended. The 1st sentence of section 189 of chapter 37 of the revised statutes, as amended by chapter 230 of the public laws of 1945, is hereby further amended to read as follows:

'The state normal schools and teachers' colleges shall be under the direction of a board, to be known as the "state normal school and teachers' college board," to be composed of 5 members, 4 of whom shall be appointed by the governor with the advice and consent of the council, for terms of 4 years, and not more than 2 of the 4 appointed members shall be of the same political party.'

Sec. 43. R. S., c. 37, § 189-A, amended. Section 189-A of chapter 37 of the revised statutes, as enacted by chapter 152 of the public laws of 1945, is hereby amended to read as follows:

'Sec. 189-A. State normal schools reserve funds created. Reserve accounts, consisting of the appropriation balances as of ~~the effective date of this act~~ July 21, 1945 as shown in the records of the state controller credited to each of the state normal schools as defined by the provisions of sections 185 and 190, shall be maintained in the general fund by the state controller for each such normal school. The balances of said accounts shall be carried forward each year. To each such reserve account there may be added ~~to each such reserve account~~ annually such amounts as the legislature may appropriate. Surpluses realized from the dormitory activities shall be credited annually to the reserve account of the normal school in which such surplus was realized. The funds in these reserve accounts may be expended for the extension or improvement of the facilities of the respective normal schools by the state controller upon approval of the commissioner.'

Sec. 44. R. S., c. 37, § 190, amended. Section 190 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Sec. 190. Madawaska Training School. The state normal ~~schools~~ school and teachers' college board shall maintain, for not less than 8 months annually, the Madawaska Training School at Fort Kent for the purpose of training persons to teach in the public schools of Madawaska territory, so called, which school shall be under their control and direction in the same manner and to the same extent as the other state normal schools and teachers' colleges.'

Sec. 45. R. S., c. 37, § 197, amended. The 1st paragraph of section 197 of chapter 37 of the revised statutes is hereby amended to read as follows:

'For the purposes of section 99 and sections ~~196 to 209~~ 195 to 207, inclusive, the following terms are defined:'

Sec. 46. R. S., c. 37, § 207, repealed and replaced. Section 207 of chapter 37 of the revised statutes, as amended by section 1 of chapter 47 and by section 22 of chapter 350, both of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Sec. 207. Procedure in case returns are not filed by town. Whenever the information required for the purposes of section 99 and sections 195 to 206, inclusive, is not available because of the failure of the town, through its officers, to make the returns required by law, or because of the loss or destruction of the school records of a town, the commissioner may use as a basis for apportionment numbers on which the apportionment for said town was made for the preceding year less 10%. But no apportionment as provided by said sections shall be paid to any town by the treasurer of state until returns required by law have been filed with the said commissioner.'

Sec. 47. R. S., c. 37, § 221, sub-§ I, amended. Subsection I of section 221 of chapter 37 of the revised statutes is hereby amended to read as follows:

'I. "Teacher" shall mean any teacher, principal, supervisor, school nurse, school secretary or superintendent employed in any day school within the state; also a teacher ~~or~~, principal or president of a normal school or teachers' college, the commissioner or his assistants, and teachers who teach in any school which is supported at least 3/5 by state or town appropriations.'

Sec. 48. R. S., c. 37, § 222, sub-§ I, amended. Subsection I of section 222 of chapter 37 of the revised statutes, as amended by section 3 of chapter 321 of the public laws of 1945, is hereby further amended to read as follows:

'I. All teachers who shall serve in the public schools, or in any academy which receives any of its support directly from the state funds for secondary education based on standards satisfactory to the commissioner of education, or in the absence of such support, whose teachers have heretofore contributed to the Maine teachers' retirement association, or who teach in a normal school or teachers' college which is under the control of the state, or members of the department of education, on or after July 1, 1924, may become members of the association, upon application to and approval by a majority of the retirement board and under such rules and regulations as it may prescribe.'

Sec. 49. R. S., c. 38, § 18-B, amended. Section 18-B of chapter 38 of the revised statutes, as enacted by chapter 7 of the public laws of 1945, is hereby amended to read as follows:

'Sec. 18-B. Distribution and sale. All printed copies of such revised statutes and session laws shall be delivered by the printer to the state librarian for distribution, in accordance with the provisions of section 19; and for sale as ~~hereinbefore~~ hereinafter provided.'

Sec. 50. R. S., c. 40, § 35, amended. The next to last sentence of section 35 of chapter 40 of the revised statutes is hereby amended to read as follows:

'Whenever any carrier shall file with the commission, and also with the interstate commerce commission, a tariff containing both ~~intrastate in-~~trastate rates and interstate rates on the same commodity, and prior to the effective date thereof the interstate rates are suspended by the interstate commerce commission, then the commission shall have power to suspend, at any time within 10 days after the date of the suspension order issued by the interstate commerce commission, the proposed intrastate rates, and

such suspension may be kept in full force and effect so long as the inter-state rates shall continue under suspension with a reasonable time thereafter for preparation of and issue of decision.'

**Sec. 51. R. S., c. 44, § 30, sub-§ VII, amended.** The last sentence of subsection VII of section 30 of chapter 44 of the revised statutes is hereby amended to read as follows:

'Any person aggrieved by the decision of the secretary of state in suspending or annulling any such certificate of registration may appeal to any justice of the superior court in the manner provided by section 97 of chapter 19, but pending said appeal the decision of the secretary of state shall remain in full force.'

**Sec. 52. R. S., c. 54, § 8, amended.** The last sentence of section 8 of chapter 54 of the revised statutes is hereby amended to read as follows:

'Only 1 lot shall be so exempt for any 1 person.'

**Sec. 53. R. S., c. 55, § 2, amended.** The last sentence of the 1st paragraph of section 2 of chapter 55 of the revised statutes, as amended by section 10 of chapter 293 and section 19 of chapter 297, both of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'The aggregate of such payments shall be credited to the general fund.'

**Sec. 54. R. S., c. 55, § 16-K, reallocated.** Section 16-K of chapter 55 of the revised statutes, as enacted by section 1 of chapter 174 of the public laws of 1945, is hereby reallocated to be section 16-A of said chapter 55.

**Sec. 55. R. S., c. 55, § 47, sub-§ VII, amended.** Subsection VII of section 47 of chapter 55 of the revised statutes, as enacted by section 2 of chapter 102 of the public laws of 1945, is hereby amended to read as follows:

'VII. Provided, however, that where ~~such~~ an insurance or pension plan is underwritten by one or more life insurance companies, as authorized by this ~~act~~ section, by a contract for the purpose made either with an individual bank or with an association duly empowered so to act for and on behalf of the individual banks in the association, the rights of such bank or association and of any individual member or beneficiary of such plan as against the insurance company or companies and the obligations of such insurance company or companies shall, in the situations enumerated in subsection VI, be determined by and limited to the rights and obligations of the respective parties as set forth in the insurance or pension contract by which the plan was underwritten.'

**Sec. 56. R. S., c. 55, § 211, amended.** The 1st paragraph of section 211 of chapter 55 of the revised statutes is hereby amended to read as follows:

'As used in sections ~~218~~ 208 to 220, inclusive, the term "dealer" shall mean any individual, partnership, association or corporation engaging in the business of selling or offering for sale securities, except to, or through the medium of, or as agent or salesman of, a registered dealer; but sales made by, or in behalf of, a vendor in the ordinary course of bona fide personal investment, or change of investment, shall not constitute such vendor, or the agent of such vendor, if not otherwise engaged either permanently or temporarily in selling securities, a dealer in securities.'

Sec. 57. R. S., c. 56, § 208, amended. Section 208 of chapter 56 of the revised statutes is hereby amended to read as follows:

'Sec. 208. Corporations to report annually; commissioner may examine any such corporations. Every corporation doing business on the assessment plan under the provisions of this chapter, or its charter, shall annually, on or before the 31st day of January, return to the commissioner, in such manner and form as he shall prescribe, a statement of its affairs for the year ending on the preceding 31st day of December, and the said commissioner, in person or by deputy, shall have the powers of visitation of and examination into the affairs of any such corporation, which are conferred upon him in the case of life insurance companies by this chapter; but such corporation doing business under the provisions of this chapter shall not be subject to any other provisions or requirements of this chapter, except as set forth in sections ~~43~~, 54 to 56, inclusive, and section 113 and in sections 197 to 209, inclusive.'

Sec. 58. R. S., c. 56, § 272, amended. The 6th paragraph of section 272 of chapter 56 of the revised statutes, as amended by section 6 of chapter 118 of the public laws of 1945, is hereby further amended to read as follows:

'For each license issued to a resident agent ~~of~~ of any insurance company except a domestic mutual fire insurance company, or to a resident agent of any fraternal beneficiary association, foreign surety company, credit insurance or title insurance company and each renewal thereof, \$2, and for each non-resident agent of such company, \$10.'

Sec. 59. R. S., c. 60, § 1, sub-§ XII, repealed and replaced. Subsection XII of section 1 of chapter 60 of the revised statutes, as amended by section 12 of chapter 293 and section 1 of chapter 305, both of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'XII. "Average final compensation" shall mean the average annual earnable compensation of a member during his last 5 years of creditable service, or if he has less than 5 years of creditable service, it shall mean his average annual earnable compensation during his total creditable

service. Over-all temporary deductions shall not be considered in computing average final compensation.'

Sec. 60. R. S., c. 63-A, § 1, sub-§ II, ¶ D, amended. Paragraph D of subsection II of section 1 of chapter 63-A of the revised statutes, as enacted by chapter 265 of the public laws of 1945, is hereby amended to read as follows:

'D. Has completed at least 1 year of high school or its equivalent and such other preliminary qualification requirements as the board may prescribe; applicants over 30 years of age ~~and~~ shall have completed at least the ~~eighth~~ 8th grade or its equivalent;'

Sec. 61. R. S., c. 63-A, § 3, amended. Section 3 of chapter 63-A of the revised statutes, as enacted by chapter 265 of the public laws of 1945, is hereby amended to read as follows:

'Sec. 3. Disposition of funds. All moneys received by the board under the provisions of this chapter shall be paid to the treasurer of state. The treasurer of state shall place the money to the credit of the board of registration of nurses fund. All amounts paid into this fund shall be held subject to the order of the board to be used only for the purpose of meeting the necessary expenses incurred in the performance of the purpose of this chapter and the duties imposed thereby, as well as the promotion of nursing education and standards of nursing ~~education~~ care in this state.'

Sec. 62. R. S., c. 74, § 9, amended. The last sentence of section 9 of chapter 74 of the revised statutes is hereby amended to read as follows:

'The board may make other expenditures from this fund, upon itemized vouchers ~~approved~~ approved by the chairman of the board which in the opinion of the board are reasonably necessary for the proper performance of its duties under the provisions of this chapter.'

Sec. 63. R. S., c. 74, § 12, repealed and replaced. Section 12 of chapter 74 of the revised statutes, as amended by section 1 of chapter 43 and section 13 of chapter 293, both of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Sec. 12. General requirements for registration. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer, to wit:

I. Graduation from an approved course in engineering of 4 years or more in a school or college approved by the board as of satisfactory standing; and a specific record of an additional 4 years or more of active practice in engineering work, and indicating that the applicant is competent to be placed in responsible charge of such work; or

II. Successfully passing a written, or written and oral, examination designed to show knowledge and skill approximating that attained through graduation from an approved 4-year engineering course and a specific record of 8 years or more of active practice in engineering work and indicating that the applicant is competent to be placed in responsible charge of such work.

No person shall be eligible for registration as a professional engineer who in the opinion of the board is not of good character and reputation.

Each year of engineering teaching, or postgraduate or research work in an engineering school or college approved by the board as of satisfactory standing, may be considered as a year of active practice in engineering work, except that 2 years of engineering work, other than engineering teaching, or postgraduate or research work in such engineering school or college, and of a character satisfactory to the board shall be required.

The satisfactory completion of each year of an approved course in engineering in a school or college approved by the board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of active practice. Graduation in a course other than engineering from a college or university of recognized standing shall be considered as equivalent to 2 years of active practice. The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be active practice in engineering work.

The board shall issue certificates of registration only to those applicants who meet the requirements of this section or of section 20.

The board may accept as evidence that the applicant is qualified for registration as a professional engineer a specific record of 12 years or more of lawful active practice in engineering work of a character satisfactory to the board and indicating that the applicant is qualified to design or to supervise construction of engineering works and has had responsible charge of important engineering work for at least 5 years and provided applicant is not less than 35 years of age. Responsible charge of engineering teaching may be construed as responsible charge of engineering work.

Any person having the necessary qualifications prescribed in this chapter to entitle him to registration shall be eligible for such registration though he may not be practicing his profession at the time of making his application.

Sec. 64. R. S., c. 79, § 62, amended. The last sentence of section 62 of chapter 79 of the revised statutes, as amended by chapter III of the

public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Provided, however, that in deorganized towns, an assessment may be made of over 2% of the valuation thereof, in which case, the amount over the 2% may be paid by the state out of the general highway fund by agreement between the county commissioners and state highway commission before the assessment is made.'

Sec. 65. R. S., c. 79, § 63, amended. Section 63 of chapter 79 of the revised statutes, as amended by section 33 of chapter 41 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 63. Proceedings if owner fails to pay his assessments. If any owner fails to pay the sum so assessed on his land, for the expenses of making and opening such new roads, within 2 months from the time fixed therefor as provided in section 61, the county treasurer shall proceed to sell the lands so assessed by advertising the lists of unpaid taxes, with the date of assessment and the time and place of sale, in the state paper, and in some paper, if any, printed in the county where the lands lie, 3 weeks successively, the last publication to be at least 30 days before the time of sale. No bid shall be received at such sale for less than the amount due for the tax, costs and interest at ~~20%~~ 6% a year from the time prescribed for the payment of said tax; and the treasurer shall sell so much of said land as is necessary to pay the unpaid tax, costs and interest as aforesaid, and give a deed thereof to the purchaser, if any; and if no one becomes a purchaser at such sale, it shall be forfeited to the county; and such owner or part owner or tenant in common may redeem his interest therein at any time within 2 years from the sale or forfeiture, by paying to the purchaser or the county the sum for which it was sold or forfeited, with interest at ~~20%~~ 6% a year, and any sums subsequently paid for state and county taxes thereon. Any owner of lands so sold shall receive his share in any overplus of the proceeds of such sale, on exhibiting to the treasurer satisfactory evidence of his title. In addition to the foregoing method for the collection of highway taxes, the county commissioners of any county may, in writing, at any time subsequent to that when the lands so assessed might be sold for nonpayment of the taxes assessed thereon, direct the treasurer of such county to commence an action of debt in the name of the inhabitants of said county against the party liable to pay such taxes; but no such defendant shall be liable for any costs of suit in such action, unless it appears by the declaration and proof that payment of said tax had been duly demanded by said treasurer before the suit was commenced.'

Sec. 66. R. S., c. 79, § 166, sub-§ XXXII, repealed and replaced. Sub-section XXXII of section 166 of chapter 79 of the revised statutes, as



amended by section 14 of chapter 293 and by chapter 318, both of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

**'XXXII.** For attending court and keeping the prisoner in criminal cases, \$1.50, together with such reasonable sum as the court may allow for expenses incurred by the officer in employing a keeper, furnishing meals or other necessities.'

**Sec. 67.** R. S., c. 80, § 104, amended. The last sentence of section 104 of chapter 80 of the revised statutes is hereby amended to read as follows:

'The provisions of this and the preceding section shall apply only to ~~devices~~ ~~devises~~, bequests and gifts devised and bequeathed or given to cities and towns for educational, benevolent and charitable purposes and objects, or for the care, protection, repair and improvement of cemeteries owned by said cities or towns, or of cemetery lots owned by individuals.'

**Sec. 68.** R. S., c. 80, § 119, repealed and replaced. Section 119 of chapter 80 of the revised statutes, as amended by section 2 of chapter 84 and section 16 of chapter 293, both of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

**'Sec. 119.** Report of audit to be rendered to municipal officers and certified copy to state auditor. Upon the completion of an audit under the provisions of sections 116 and 117, the auditor shall render a report to the municipal officers and a certified copy thereof to the state auditor, embodying the results of his findings, with such suggestions as he may deem advisable for the proper administration of the city, town or village corporation.'

**Sec. 69.** R. S., c. 80, § 137, amended. Section 137 of chapter 80 of the revised statutes is hereby amended to read as follows:

**'Sec. 137.** Penalty for neglect of duties prescribed by § 135. Any city or town which neglects to perform the duties prescribed by section 135 shall forfeit for each month so neglecting the sum of \$10, ½ to the ~~com-~~ ~~plaint~~ complainant and ½ to the county in which such city or town is located.'

**Sec. 70.** R. S., c. 84, § 131, amended. Section 131 of chapter 84 of the revised statutes, as amended by section 1 of chapter 96 of the public laws of 1945, is hereby further amended by adding at the end thereof the following sentence:

**'Police officers and constables shall enforce the provisions of this section.'**

**Sec. 71.** R. S., c. 84, § 132, amended. Section 132 of chapter 84 of the revised statutes, as amended by section 2 of chapter 96 of the public laws of 1945, is hereby further amended by repealing the last sentence thereof.

Sec. 72. R. S., c. 88, § 16, amended. The 7th paragraph of section 16 of chapter 88 of the revised statutes is hereby amended to read as follows:

'All dogs doing such damage and found without leather or metal collar and ~~metal~~ tag as required by law shall be deemed to be unlicensed; provided, however, that if investigation shows such dog or dogs to have been legally licensed, the state shall accept liability and adjust the damage.'

Sec. 73. R. S., c. 89, § 11, amended. Section 11 of chapter 89 of the revised statutes is hereby amended to read as follows:

'Sec. 11. Power to raise and expend money for schools, poor, etc. All plantations may raise and expend money for the support of schools and making and repairing schoolhouses, as provided in sections 23, ~~115~~, and 140 and 141 of chapter 37; for support of the poor, as provided in section 41 of chapter 82; and for sums necessary for legal plantation expenses.'

Sec. 74. R. S., c. 90, § 13, amended. The 2nd sentence of section 13 of chapter 90 of the revised statutes, as amended by section 38 of chapter 41 of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Such state tax assessor shall have the power and authority to assess taxes any time after the act terminating the organization of the town or plantation becomes operative, by making assessment once a year under the laws now relating to the assessment of state taxes in unorganized territory, and the state tax assessor shall have the same power and authority to enforce the collection of said taxes as is now provided for the collection of state taxes.'

Sec. 75. R. S., c. 140, § 9, amended. Section 9 of chapter 140 of the revised statutes is hereby amended to read as follows:

'Sec. 9. Jurisdiction. Each judge may take the probate of wills and grant letters testamentary or of administration on the estates of all deceased persons, who, at the time of their death, were inhabitants or residents of his county, or who, not being residents of the state, died leaving estate to be administered in his county, or whose estate is afterwards found therein; also on the estate of any person confined in the state prison under sentence ~~of death or~~ of imprisonment for life; and has jurisdiction of all matters relating to the settlement of such estates. He may grant leave to adopt children, change the names of persons, appoint guardians for minors and others according to law, and has jurisdiction as to persons under guardianship, and as to whatever else is conferred on him by law.'

Sec. 76. R. S., c. 141, § 19, amended. Section 19 of chapter 141 of the revised statutes is hereby amended to read as follows:

'Sec. 19. Administration on estates of persons civilly dead. When any

person is under sentence ~~of death or~~ of imprisonment for life and is confined in pursuance thereof, he is, from the time of such imprisonment, to all intents and purposes, civilly dead; and his estate shall be administered upon and distributed, and his contracts and relations to persons and things are affected, in all respects, as if he were dead.'

**Sec. 77.** R. S., c. 55, § 34, amended. Section 34 of chapter 55 of the revised statutes is hereby amended to read as follows:

'Sec. 34. Authority to pay any order notwithstanding death of drawer. Any bank, savings bank or trust company may pay any order drawn by any person who has funds on deposit to meet the same, notwithstanding the death of the drawer in the interval of time between signing such order and its presentation for payment, when said presentation is made within 30 days after the date of such order; and at any subsequent period, provided the corporation has not received actual notice of the death of the drawer.'

**Sec. 78.** R. S., c. 55, § 35, amended. Section 35 of chapter 55 of the revised statutes is hereby amended to read as follows:

'Sec. 35. Deposits of married women or minors are property of depositors. Money deposited in a bank, savings bank or trust company by a married woman is her property and she may maintain an action in her own name to recover it. Money deposited in the name of a minor is his or her property, and the corporation may, in the discretion of the officer making the payment, pay the same to such minor or upon his or her order or to his or her guardian, and such payment shall be valid. The foregoing provisions as to ownership do not apply to money belonging to a third person and fraudulently deposited by or in the name of a married woman or minor, but payment to such married woman or minor by said bank, savings bank or trust company, without notice of such fraud, shall be valid. The receipt of such married woman or minor for such deposits and interest, or any part thereof, is a valid release and shall discharge the corporation.'

**Sec. 79.** R. S., c. 55, § 36, amended. Section 36 of chapter 55 of the revised statutes is hereby amended to read as follows:

'Sec. 36. Deposits, or loan and building shares, in the names of 2 or more persons.

I. When a deposit has been made or shall hereafter be made in any bank, savings bank or trust company, or shares have been already issued or shall be hereafter issued in any loan and building association transacting business in this state, in the names of two or more persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or the interest or dividends thereon may be paid to any or either of said persons, whether the other or others be living or not, or to the

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legal representative of the survivor of said persons, and the receipt or acquittance of the persons to whom said payment is so made shall be a valid and sufficient release and discharge to such **bank**, savings bank, trust company or loan and building association for any payment so made.

II. All such accounts opened or such shares in loan and building associations issued on or after the 1st day of August, 1929, payable to either of two or more, or the survivor, up to, but not exceeding an aggregate value of \$3,000, exclusive of interest and dividends, in the name of the same persons in all savings banks, loan and building associations, or trust companies within this state, together with the additions thereto and increment thereof, including interest and dividends, shall, in the absence of fraud or undue influence, upon the death of any of such persons, become the sole and absolute property of the survivor or survivors, even though the intention of all or any one of the parties be in whole, or in part, testamentary, and though a technical joint tenancy be not in law or fact created.

III. Accounts so opened and shares so issued prior to August 1st, 1929 may be brought within the provisions of this section by written declaration in form to be prescribed by the bank commissioner, executed by all such depositors or share owners, and delivered to any such **bank**, savings bank, trust company, or loan and building association, which declaration shall bind each and every signer thereof, his heirs, executors, administrators, and assigns. In case such declaration be signed by one or more, but not all of the depositors named in such account, or share owners, such declaration shall be effective as against the person or persons signing the same, his and their heirs, executors, administrators, and assigns; but shall not be effective as against those not so signing.

IV. The provisions of subsections II and III above mentioned apply only to accounts opened in **banks**, savings banks or trust companies, or shares in loan and building associations, made payable to persons or to either or the survivor who are husband or wife, parent or child.

Effective October 25, 1946

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## Chapter 379

### AN ACT Relating to Additional Training by Normal Schools.

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

Sec. 1. R. S., c. 37, § 185, amended. Subsections I and II of section 185 of chapter 37 of the revised statutes are hereby repealed and the following enacted in place thereof: