

# 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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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Ninety-third Legislature

**1947**

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## Chapter 250

### AN ACT Relating to Tenure of Office of State Liquor Commission.

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

R. S., c. 57, § 3, amended. The 1st sentence of section 3 of chapter 57 of the revised statutes is hereby amended to read as follows:

'The state liquor commission, as heretofore established, shall consist of 3 members to be appointed by the governor, with the advice and consent of the council, to serve for 3 years ~~or during the pleasure of the governor and council~~ and may after notice and hearing be removed for cause by the governor and council.'

Effective August 13, 1947

## Chapter 251

### AN ACT Regulating Fishing for Smelts in Tidewaters of East Machias River.

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

R. S., c. 34, § 35, amended. Section 35 of chapter 34 of the revised statutes is hereby amended by adding thereto a new paragraph, to read as follows:

'It shall be lawful to fish for and take smelts from the tidewaters of the East Machias river within the town limits of Machiasport between the 1st day of October and the 15th day of May. Any fish so taken from said waters may be offered for sale and sold within the state or shipped to such places out of the state as the owner may designate.'

*Revisor's note:* See Sea and Shore Fisheries Revision, §44.

Effective August 13, 1947

## Chapter 252

### AN ACT Relating to Permits for Digging Into and Opening Streets and Highways.

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

Sec. 1. R. S., c. 84, § 115, amended. Section 115 of chapter 84 of the revised statutes, as amended by section 2 of chapter 250 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 115. A record of all permits to be kept; fees for excavation permits. The commissioner of public works, or such officer as the city government may appoint, shall keep a record of all permits granted by him, work done by the city employees excepted. The applicant shall pay to the city treasurer for every permit for making an excavation within the driveways of any public highway paved with broken stone, concrete, bitulithic, granite block, brick, wood block, sheet asphalt, or other pavements the following fees: for sheet asphalt, wood block, brick, and granite block, all on concrete base, \$6 per square yard; for granite block on gravel base, bitulithic, and concrete, \$3.50 per square yard; for broken stone and other similar pavements, \$2.50 per square yard; for bituminous surface, treated gravel or untreated surface, \$1 per square yard; and for untreated shoulder, 50c per square yard for any amount not exceeding 50 square yards, ~~plus actual cost of repairs~~ plus 25c per square yard for any amount exceeding 50 square yards. All such fees paid to the city treasurer shall be regularly accounted for by him in his report to the city government, and shall constitute a special fund for the repaving of said cuts; when such cuts are repaired by the street department, the cost thereof shall be charged to said fund.'

Sec. 2. R. S., c. 46, § 18, repealed and replaced. Section 18 of chapter 46 of the revised statutes, as amended by section 6 of chapter 293 of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Sec. 18. Permits to specify time and place of opening. Every permit for digging up and opening streets, roads and highways granted under the foregoing sections shall specify the time during which said streets, roads or highways may remain open, the place where such opening may be made and the number of square yards of surface which may be disturbed.

Sec. 18-A. Penalty. Any such corporation which shall dig or make an excavation in the driveway of any street, road or highway without first obtaining such permit as provided in the preceding section, or which having obtained such permit shall disturb a greater area of surface than specified in such permit may be punished by a fine of \$25 for each offense.

Sec. 18-B. Fees for excavation permits. The applicant shall pay to the treasurer of the city or town granting such permit for every permit for making an excavation within the driveway of any street or highway paved with broken stone, concrete, bitulithic, granite blocks, brick, wooden blocks, sheet asphalt or other pavements the following fees: for sheet asphalt, wooden blocks, brick and granite blocks all on concrete base, \$6 per square yard; for granite blocks on gravel base, bitulithic and concrete, \$3.50 per square yard; for broken stone and other similar pavements, \$2.50

per square yard; for bituminous surface, treated gravel or untreated surface, \$1 per square yard; for untreated shoulder, 50c per square yard for any amount not exceeding 50 square yards plus 25c per square yard for any amount exceeding 50 square yards. All such fees shall be regularly accounted for and shall constitute a special fund for the repaving of said cuts.

Sec. 18-C. Unlawful to leave trench or excavation open; penalty; pavement to be protected on either side of opening. Any such corporation opening a street, road or highway pursuant to such permit shall fully and completely fill up such opening in the surface of the street, road or highway. Such filling shall be puddled or rammed as the nature of the soil may require, and shall be done and completed within the time designated in the permit allowing said opening. Any such corporation failing to comply with the requirements of this section may be punished by a fine of \$50 for each offense. Such corporations shall protect the paving on either side of the opening by the use of sheet piling or such other means as will prevent the escape of sand from underneath it. In determining the number of square yards of paving disturbed, there shall be included such area of paving adjoining the trench actually opened as will, in the opinion of the commissioner of public works or such officer as the municipal officers may appoint, be required to be taken up and relaid by reason of such failure to properly protect the same.

Sec. 18-D. Work of repairing or filling trenches to be skillfully done; penalty. If the work of repairing or filling openings mentioned in sections 18 to 18-C, inclusive, shall be unskillfully or improperly done, the commissioner of public works, or such officer as the municipal officers may appoint, may forthwith cause the same to be skillfully and properly done and shall keep an account of the expenses thereof, and in such case such corporation in default as aforesaid shall forfeit and pay a penalty equal to the whole of said expense incurred by said city or town with an addition of 50%, and thereafter upon the completion of the work and the determination of the costs thereof said city or town shall issue no further or new permit to any corporation so in default until it shall receive, in addition to the fees provided in section 18-B, the amount of the penalty as by this section provided and determined.

Sec. 18-E. Relaying of pavements. When any excavation shall be made in any paved street, road or highway and the opening shall have been filled as required by the 2 preceding sections, the city or town in which the opening occurred shall relay the pavement and the cost thereof including materials, labor and inspection shall be paid out of any funds standing to the credit of the special fund for this purpose.'

Sec. 3. R. S., c. 20, § 10, repealed and replaced. Section 10 of chapter 20 of the revised statutes, as amended by section 4 of chapter 250 of the

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

'Sec. 10. Rights granted commission in connection with highway openings. Wherever highways maintained by the state are affected, whether said highways are situated in cities, in towns or in plantations, the commission shall have all and the same rights, powers and duties in connection therewith as are granted to cities in city streets by the provisions of sections 112 to 120, inclusive, of chapter 84, as amended, and to cities and towns by the provisions of sections 16 and 18, as amended, of chapter 46. Whenever the opening fee provided by section 115 of chapter 84 or by section 18-B of chapter 46 has been paid to the commission and a permit for digging up and opening a highway maintained by the state has been issued by the commission, the holder of said permit shall be entitled to make the opening described therein without the payment of fees to the city or town in which the street, road or highway to be opened is situated.'

Effective August 13, 1947

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## Chapter 253

### AN ACT to Clarify the Military Law.

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

Sec. 1. R. S., c. 12, § 9, amended. The 1st sentence of section 9 of chapter 12 of the revised statutes is hereby amended to read as follows:

'The staff of the commander-in-chief shall consist of the adjutant-general, who shall be ex officio chief of staff, quartermaster-general and paymaster-general with rank of brigadier-general; the senior officer on duty with each of the staff departments; and such aides-de-camp not to exceed 5 in number, one of whom may be a naval aid with rank of ~~lieutenant commander~~ captain, as may be appointed by the governor.'

Sec. 2. R. S., c. 12, § 51, amended. Section 51 of chapter 12 of the revised statutes is hereby amended by adding at the end thereof the following:

'Trial justices and municipal courts within their counties shall have original and concurrent jurisdiction with the superior court in all prosecutions for the violations of the provisions of this section.'

Sec. 3. R. S., c. 12, § 58, amended. The 1st paragraph of section 58 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Each officer and enlisted man of the national guard or other authorized