

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## Ninety-fourth Legislature

OF THE

# STATE OF MAINE

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

As Passed by the Ninety-fourth Legislature

**1949**

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## Chapter 349

### AN ACT to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945 and 1947.

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

Sec. 1. R. S., c. 5, § 64, repealed and replaced. Section 64 of chapter 5 of the revised statutes, as amended by chapter 83 of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 64. Voting. Persons having legal residence in unorganized territory may upon presentation to the proper officials of an adjacent town of satisfactory evidence of such legal residence and of the legal qualifications of a voter, vote therein in all county, state, and national elections, if such town is in the same county; if not so situated, then only in state and national elections.

In the case of unorganized units located in remote sections of the state, the secretary of state shall, upon written request of an elector, designate the town wherein such elector may vote and shall notify the proper town officials thereof.

An elector who shall become a resident of any unorganized territory, or who shall remove from one unorganized unit to another, shall have the privilege of voting in the town where previously registered for 3 months after such change of residence and thereafter as a resident of the unorganized territory under the same conditions as hereinbefore provided.

An elector in unorganized territory, who is unable to present himself because of distance or other good and sufficient reason in the adjacent town where registered as a voter, may vote by absentee ballot.'

Sec. 2. R. S., c. 5, § 122, repealed. Section 122 of chapter 5 of the revised statutes is hereby repealed.

Sec. 3. R. S., c. 6, § 6, amended. The 1st 2 sentences of section 6 of chapter 6 of the revised statutes are hereby amended to read as follows:

'When an application for an official absent voting ballot or physical incapacity voting ballot is received by the clerk of a city ~~or town~~, he shall forthwith transmit it to the officials charged by law with the registration and enrolment of voters in such city ~~or town~~, who shall examine it; and, if they believe the signature thereon to be genuine and the statements therein made by the applicant to be true, they shall execute the certificate thereon and return it to the clerk. They shall keep a record in a book provided for that

purpose of all voters whose applications for official voting ballots are certified to the city ~~or town~~ clerk together with the date of the execution of the certificate on the application.'

Sec. 4. R. S., c. 14, § 98, amended. Section 98 of chapter 14 of the revised statutes is hereby amended to read as follows:

'Sec. 98. Treasurer to issue warrants for taxes. The treasurer of state shall issue warrants or executions against delinquent towns, assessors, constables and collectors to enforce the collection and payment of state taxes in cases prescribed in ~~sections 91 to 96, inclusive, and in~~ chapter 81.'

Sec. 5. R. S., c. 14, §§ 101-A, 101-B, additional. Chapter 14 of the revised statutes is hereby amended by adding thereto 2 new sections to be numbered 101-A and 101-B, to read as follows:

'Sec. 101-A. Poll-taxes in unorganized territory. It shall be the duty of the state tax assessor through agents as hereinafter provided to procure annually, on or as of April 1, a sworn return enumerating all persons, male or female, 21 years of age and upwards, who are residents of the various unorganized units, government reservations excepted, of the unorganized territory as defined in section 142 of chapter 37, and he shall give a certificate of residence to all such residents as shall make written application therefor upon the form provided therefor by him. The enumeration shall designate persons therein as qualified voters, aliens, and others.

He shall have the authority for the purpose of carrying out the provisions of this section to appoint agents for the whole or any portion of the unorganized territory and they shall perform such duties, including the collection of the poll-tax as hereinafter provided, as he may authorize or delegate in each particular appointment. They shall have the same powers and may exercise the same methods in the collection of the poll-tax aforesaid as collectors of taxes in towns are authorized to exercise and use for the collection of personal and poll-taxes committed to them. He may require, in his discretion, the filing of surety bonds by his agents in such penal sums as he may deem necessary.

Poll-taxes shall be assessed annually, on or as of April 1, on all residents in unorganized territory who are required by law to pay a poll-tax, and the tax shall be paid to the state tax assessor or to his duly authorized agent, who shall give a receipt in proper form therefor. Poll-taxes paid to any such agent shall be remitted by such agent to the state tax assessor. The state tax assessor shall have authority to abate such tax in any case where conditions warrant such action, and in such case the person whose tax is abated shall not forfeit any right or privilege to which payment thereof would entitle him.

The poll-taxes assessed and collected by the state tax assessor from electors in unorganized territory who register in a town as voters shall be paid by him to such town for any year in which such electors actually vote therein, provided the state tax assessor receives from the officials thereof a certification of such registration and act of voting by June 1st of the following year, and such payment shall be considered as an assessment on such electors by such town officials. The remainder of the poll-taxes collected, if any, shall be paid to the treasurer of state.

Sec. 101-B. Penalty for failure to remit poll-tax collections. Any agent of the state tax assessor who shall fail to remit poll-taxes collected, to the said assessor within 3 months after collection, upon request therefor by the said assessor, shall be guilty of embezzlement and shall be punished accordingly.'

Sec. 6. R. S., c. 14, § 103, amended. The 1st 2 sentences of section 103 of chapter 14 of the revised statutes, as enacted by section 1 of chapter 42 of the public laws of 1945, are hereby amended to read as follows:

~~'On or before the 1st day of August, 1945, the~~ The secretary of state shall certify to the state tax assessor the corporate name, the name of the treasurer and the amount of authorized capital stock of each of such corporations ~~Thereafter he~~ and shall thus certify to the state tax assessor whenever a new corporation has been organized and whenever a change has occurred in the corporate name or the name of the treasurer or the amount of authorized capital stock of a corporation already organized.'

Sec. 7. R. S., c. 14, § 117, amended. The last sentence of section 117 of chapter 14 of the revised statutes, as enacted by section 9 of chapter 42 of the public laws of 1945, is hereby repealed.

Sec. 8. R. S., c. 14, § 126, amended. Section 126 of chapter 14 of the revised statutes is hereby amended to read as follows:

'Sec. 126. Tax to be in lieu of all taxes. The excise tax collected under the provisions of the 6 7 preceding sections shall be in lieu of all taxes upon any corporation therein designated, upon its shares of capital stock, and its property; provided, however, that the land and buildings thereon owned by such corporation, association, or person shall be taxed in the municipality in which the same are situated. The assessment of taxes on such land and buildings shall be legal, whether assessed as resident or non-resident property.'

Sec. 9. R. S., c. 14, § 160, repealed and replaced. Section 160 of chapter 14 of the revised statutes, as amended by chapter 247 and by section 1 of chapter 349 and by section 1 of chapter 379, all of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 160. Tax levied; rebates. An excise tax is levied and imposed at the rate of 6c per gallon upon internal combustion engine fuel sold or used within this state, including such sales when made to the state or any political subdivision thereof, for any purpose whatsoever, excepting, however, such internal combustion engine fuel sold or used in such form and under such circumstances as shall preclude the collection of this tax by reason of the provisions of the laws of the United States, or sold wholly for exportation from the state, or brought into the state in the ordinary standardized equipment fuel tank attached to and forming a part of a motor vehicle and used in the operation of such vehicle within the state; provided, however, that on the same fuel only 1 tax shall be paid to the state, for which tax the distributor first receiving the fuel in the state shall be primarily liable to the state, except when such fuel has been sold and delivered to another distributor in the state, in which case the purchasing distributor shall be primarily liable to the state for the tax; and provided further, that 5c of the tax so paid, and no more, upon such internal combustion fuel used in motor boats, in tractors used for agricultural purposes not operating on public ways, or in such vehicles as run only on rails or tracks, or in stationary engines, or in the mechanical or industrial arts, shall be refunded as hereinafter provided; and provided further, that 8 mills of the tax so paid on fuel used in motor boats, which is not refunded under the provisions of section 166, shall be paid to the treasurer of state, to be made available to the commissioner of sea and shore fisheries for the purpose of conducting research, development and propagation activities by the department.

It is the responsibility of said commissioner to select activities and projects that will be most beneficial to the commercial fisheries of the state.'

Sec. 10. R. S., c. 14, § 163, repealed and replaced. Section 163 of chapter 14 of the revised statutes, as amended by section 2 of chapter 31 of the public laws of 1945; and by section 3 of chapter 349 and by section 2 of chapter 379, both of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 163. Rules and regulations; reports; assessment of tax. Every distributor shall on or before the last day of each month render a report to the state tax assessor stating the number of gallons of internal combustion engine fuel received, sold and used in the state by him during the preceding calendar month, on forms to be furnished by the state tax assessor. Such report shall contain such further information pertinent thereto as the state tax assessor shall prescribe, and the state tax assessor may make such other reasonable rules and regulations regarding the administration and enforcement of the provisions of the gasoline tax act as he may deem necessary or expedient, copies of which shall be sent to distributors, and

he or his duly authorized agent shall have access during reasonable business hours to the books, invoices and vouchers of the distributor which may show the fuel handled by the distributor. At the time of the filing of said report each distributor shall pay to the state tax assessor a tax of 6c upon each gallon so reported as sold, distributed or used, and the state tax assessor shall pay over all receipts from such tax to the treasurer of state daily. And if such report is not filed by the last day of the month such distributor shall be liable to a penalty of \$5 a day for each day in arrears, due on demand by the state tax assessor and recoverable in an action of debt. Each distributor shall, within 15 days after demand made on him by the state tax assessor, pay a tax of 6c per gallon upon each gallon of such fuel upon which the tax has not been paid, which upon an audit the state tax assessor may find to have been received into the state during the preceding year by the distributor and not properly accounted for in a distributor's report or in accordance with law. An allowance of not more than 1% from the amount of fuel received by the distributor, plus 1% on all transfers in vessels or tank cars by a distributor in the regular course of his business from one of his places of business to another within the state, may be allowed by the tax assessor to cover the loss through shrinkage, evaporation or handling sustained by the distributor; but the total allowance for such losses shall not exceed 2% of the receipts by such distributor and no further deduction shall be allowed unless the state tax assessor is satisfied on definite proof submitted to him that a further deduction should be allowed by him for a loss sustained through fire, accident or some unavoidable calamity.'

Sec. 11. R. S., c. 14, § 166, repealed and replaced. Section 166 of chapter 14 of the revised statutes, as amended by section 3 of chapter 31 of the public laws of 1945; and by section 1 of chapter 101 and by section 4 of chapter 349, both of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 166. Provision for refund of 5/6 of tax collected in certain instances; procedure for obtaining refund; time limit for filing application for refund. Any person, association of persons, firm or corporation who shall buy and use any internal combustion engine fuel as defined in sections 159 to 168, inclusive, for the purpose of operating or propelling motor boats, tractors used for agricultural purposes not operating on public ways, or in such vehicles as run only on rails or tracks, or in stationary engines, or in the mechanical or industrial arts, or for any other commercial use except in motor vehicles operated or intended to be operated upon any of the public highways of this state, or turnpikes operated and maintained by the Maine Turnpike Authority, or except, as provided in section 166-A, for the use in the operation of aircraft, and who shall have paid any



tax on internal combustion engine fuel levied or directed to be paid as provided by sections 159 to 168, inclusive, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of 5/6 of the amount of such tax paid by him upon presenting to the state tax assessor a statement accompanied by the original invoices showing such purchases, which statement shall show the total amount of such fuel so purchased and used by such consumer other than in motor vehicles operated or intended to be operated upon any of the public highways of the state and in the operation of aircraft.

Provided that applications for refunds as provided herein must be filed with the state tax assessor within 9 months from the date of purchase.'

Sec. 12. R. S., c. 14, § 172, repealed and replaced. Section 172 of chapter 14 of the revised statutes, as amended by section 2 of chapter 101 and by section 5 of chapter 349, both of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 172. Levy of tax and exemptions. An excise tax is imposed on all users of fuel upon the use of such fuel by any person within this state, only when such fuel is used in an internal combustion engine for the generation of power to propel motor vehicles of any kind or character on the public highways or turnpikes operated and maintained by the Maine Turnpike Authority, at the rate of 6c per gallon, to be computed in the manner set forth in sections 173 to 185, inclusive; provided, however, that no tax is imposed upon the use of any fuel if the constitution of the United States or of this state precludes such tax.'

Sec. 13. R. S., c. 14, §§ 244-255, reallocated. Sections 244 to 255, inclusive, of chapter 14 of the revised statutes, as enacted by section 1 of chapter 362 of the public laws of 1947, are hereby reallocated to be sections 185-A to 185-L, inclusive, of said chapter 14.

Sec. 14. R. S., c. 14, § 256, repealed. Section 256 of chapter 14 of the revised statutes, as enacted by section 1 of chapter 362 of the public laws of 1947, is hereby repealed.

Sec. 15. R. S., c. 15, § 14, amended. Section 14 of chapter 15 of the revised statutes, as amended by section 1 of chapter 87 of the public laws of 1945, is hereby further amended by striking out the last sentence of the 1st paragraph thereof.

Sec. 16. 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 and by

section 13 of chapter 378, both 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 Authority and the Maine Forestry District ~~and the Maine Teachers' Retirement System~~. The Maine Port Authority and the Maine Forestry District ~~and the Maine Teachers' Retirement System~~ shall pay the expenses of their respective audits;'

Sec. 17. R. S., c. 16, § 5, amended. Section 5 of chapter 16 of the revised statutes is hereby amended to read as follows:

'Sec. 5. No ex officio duties. The state auditor shall not serve in an ex officio capacity on any administrative board or commission ~~except the farm lands loan commission~~ or have any financial interest in the transactions of any department, institution or agency of the state government. He shall not be responsible for the collection of any money belonging to the state, or for the handling or custody of any state funds.'

Sec. 18. R. S., c. 17, § 1, amended. Section 1 of chapter 17 of the revised statutes, as amended by chapter 368 of the public laws of 1945, is hereby further amended by adding after the 3rd paragraph thereof a new paragraph, to read as follows:

'For approval of the agreement under the provisions of section 80 of chapter 49, §20.'

Sec. 19. R. S., c. 19, § 1, repealed and replaced. Section 1 of chapter 19 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 1. Definitions. As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings:

"Curb" shall mean the outer edge of a defined sidewalk or either edge of the wrought or usually travelled part of a way;

"Farm tractor" shall mean any motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;

"Motor-cycle" shall mean all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof, or attached thereto, and having pedals and saddle with driver sitting astride or a platform on which said driver stands;

"Motor truck" shall mean any motor vehicle designed or used for the conveyance of property;

"Motor vehicle" shall mean any self-propelled vehicle not operated exclusively on tracks, including motor-cycles;

"Owner" shall mean any person, firm, corporation or association owning a vehicle or the mortgagor or the vendee in a conditional sales contract;

"Pneumatic tire" shall mean every tire in which confined air is designed to support the load;

"Road tractor" shall mean any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;

"Section" shall refer to this chapter unless otherwise indicated;

"Semi-trailer" shall mean any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so designed that some part of its weight and of its load rests upon or is carried by such motor vehicle, and shall include pole dollies, pole dickeys, so called, and wheels commonly used as a support for the ends of logs or other long articles;

"Solid tires" shall include tires of rubber or other material that do not depend on confined air for the support of the load;

"Team" shall include all kinds of conveyances on ways for persons and for property, except those propelled or drawn by human power or used exclusively on tracks;

"Tractor" shall include any motor truck designed or used for the sole purpose of hauling or partially carrying trailers or semi-trailers;

"Trailer" shall mean any vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, not operated on tracks, and so constructed that no part of its weight rests upon the towing vehicle;

"Truck tractor" shall mean any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and the load so drawn (trucks used as truck tractors shall be rated as truck tractors);

"Way" shall include all kinds of public ways;

"Vehicle" shall include all kinds of conveyances on ways for persons and for property, except those propelled or drawn by human power or used exclusively on tracks.

The words in the context indicating operation or use of a vehicle refer to its operation or use upon any way or bridge in this state, including public parks or parkways.'

Sec. 20. R. S., c. 19, § 13, amended. The last sentence of the 1st paragraph of section 13 of chapter 19 of the revised statutes is hereby amended to read as follows:

'The application shall be signed by the owner and shall contain such particulars as may be required by the secretary of state, including the name, residence and address of the owner, with a brief description of the vehicle, the name of its maker, the motor and serial numbers, the amount of motive power, stated in figures of horse-power, and the actual gross weight of the vehicle ~~and its load capacity~~ if intended for commercial use.'

Sec. 21. R. S., c. 19, § 15, sub-§ VI, amended. The 5th paragraph of subsection VI of section 15 of chapter 19 of the revised statutes, as amended by section 2 of chapter 348 and by section 2 of chapter 352, both of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'In computation of fees for a combination of truck tractor and semi-trailer, the vehicle to be registered for gross weight shall be the truck tractor which shall take the same rating as a truck of similar gross weight.'

Sec. 22. R. S., c. 19, § 27, amended. The 1st paragraph of section 27 of chapter 19 of the revised statutes, as amended by section 6 of chapter 352 of the public laws of 1947, is hereby further amended to read as follows:

'No person shall operate, or cause to be operated, any truck, tractor, trailer or combination of truck tractor and semi-trailer, with a load that is more than 10% above that specified in the registration certificate for such vehicle for trucks of gross weight of not over 15,000 pounds and 5% for trucks of gross weight of over 15,000 pounds; provided, however, that no motor vehicle of either a single unit or combined unit shall be operated on the highway with a load that exceeds 50,000 pounds, gross weight of vehicle and load.'

Sec. 23. R. S., c. 19 § 34-A, amended. The 1st sentence of section 34-A of chapter 19 of the revised statutes, as enacted by chapter 335 of the public laws of 1945, is hereby amended to read as follows:

'All trucks, graders and other vehicles, while being used for the express purpose of plowing snow or sanding on public ways, ~~on or after January 1, 1946~~ unless the 6-inch diameter lights hereinafter described are not

available in the markets of this state, shall be equipped with 2 auxiliary lights to be mounted on the highest practical point on the vehicle, one showing to the front and one to the rear of the vehicle.'

Sec. 24. R. S., c. 19, § 85, repealed and replaced. Section 85 of chapter 19 of the revised statutes, as repealed and replaced by section 4 of chapter 348 and amended by chapter 378, both of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 85. Height and width of motor vehicles and trailers limited. No motor vehicle or trailer which with or without load is wider than 96 inches over all shall be operated upon any way or bridge; except that motor vehicles or trailers hauling firewood, pulpwood, logs or bolts may be operated on any way or bridge if the width of the load does not exceed 102 inches; provided, however, that a strip 3 inches thick shall extend along the sides of the platform securely fastened to the platform of the vehicle or trailer in order that the load shall pitch to the center of said vehicle or trailer; and provided further, that each vehicle or trailer shall carry a solid-boarded tailboard or 5 stakes evenly spaced of sufficient strength to maintain the weight of the load, and such load at no place along its length shall be higher than the tailboard or stakes. No motor vehicle or trailer any structural part of which, permanent or temporary, is more than 12 feet 6 inches in height measured vertically from a plane and level surface of ground or pavement shall be operated upon any way or bridge; provided, however, that the load on any motor vehicle or trailer may extend 1 foot 6 inches above the maximum permissible structural height of such motor vehicle or trailer. No such motor vehicle or trailer shall be operated over any section of way which does not afford adequate structural overhead clearance. No portion of any such vehicle or load, except the reflecting mirror required by this chapter, shall project beyond the side of such vehicle to make a total width greater than herein specified. Provided, however, that the provisions of this section shall not apply to snow plows and equipment used exclusively for the removal of snow or to construction equipment the uses of which are confined to the limits of highway and bridge construction projects; and provided also, that the provisions of this section shall not be construed as limiting the width of a load of loose hay, pea vines or cornstalks.'

Sec. 25. R. S., c. 19, § 92, amended. Section 92 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 92. Log-haulers and traction engines to obtain permits. Log-haulers, traction engines or other motive power to be used in drawing heavily loaded sledges, carts, drays or vans may be operated upon ways; provided the owners or operators thereof shall apply for and obtain a

permit as provided in the ~~§~~ 4 preceding sections and shall deposit a bond as provided in said sections.'

**Sec. 26. R. S., c. 19, § 121, amended.** The last paragraph of section 121 of chapter 19 of the revised statutes, as amended by chapter 232 of the public laws of 1947, is hereby further amended to read as follows:

'No person whose license or right to operate a motor vehicle has been revoked upon conviction of violating the provisions of this section shall be licensed again or permitted to operate a motor vehicle for 3 years, except that, after the expiration of 2 years from the date of such revocation, he may petition the secretary of state for a license or permit, who, after hearing and after his determination that public safety will not be endangered by issuing a new license, may issue such license or permit, with or without conditions thereto attached; upon a 2nd conviction of a violation of the provisions of this section, such person shall not be licensed again or permitted to operate a motor vehicle in this state for 5 years from the date of revocation, provided, however, that after 3 years from the date of such last revocation, he may petition the secretary of state for a license or permit and the secretary of state, after like hearing and determination, again may issue a license or permit to the petitioner, with or without conditions; upon any subsequent conviction for a similar offense, the license or permit shall terminate and no subsequent license or permit shall be granted to such person; except that a person who has had 3 convictions under the provisions of ~~the foregoing~~ this section may petition the secretary of state for a special license, who, after being satisfied beyond a reasonable doubt that the said petitioner has refrained from all use of intoxicating liquor for a period of 6 years next preceding the day of hearing on the said petition, may issue a special permit or license conditioned upon continued non-use of intoxicating liquor; for the purpose of this section, in case a person has been convicted one or more times prior to the 13th day of July, 1929, of a violation of the provisions of this section, such previous conviction or convictions shall be construed as 1 conviction.'

**Sec. 27. R. S., c. 20, § 23-A, reallocated.** Section 23-A of chapter 20 of the revised statutes, as enacted by section 1 of chapter 329 of the public laws of 1945, is hereby reallocated to be section 8-C of said chapter 20.

**Sec. 28. R. S., c. 20, § 42, amended.** Section 42 of chapter 20 of the revised statutes is hereby amended to read as follows:

'**Sec. 42. Special resolve appropriations regulated.** Notwithstanding the provisions of sections 40, ~~41~~ 42-A to 42-F, inclusive, 54, ~~55~~ 56 and 57, all special road and bridge appropriations shall be expended in accordance with the terms of the resolve appropriating the funds therefor.'

Sec. 29. R. S., c. 20, § 46, amended. The last paragraph of section 46 of chapter 20 of the revised statutes is hereby amended to read as follows:

'The maintenance provisions of sections 43, ~~44~~ 45, 46, 58, 59, 61 and 66 shall not apply to those sections of state highway where houses are nearer than 200 feet apart for a distance of  $\frac{1}{4}$  of a mile in cities or towns whose population according to the last U. S. census exceeds 5,000 inhabitants, except as hereinafter provided for maintenance of secondary federal aid projects, and the snow removal provisions shall not apply to those sections of state highway where houses are nearer than 200 feet apart for a distance of  $\frac{1}{4}$  of a mile in cities or towns whose population according to the last U. S. census exceeds 2,000 inhabitants.'

Sec. 30. R. S., c. 20, § 70, amended. Section 70 of chapter 20 of the revised statutes, as amended by section 2 of chapter 293 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 70. Expense borne by the state. The expense of the erection and maintenance of each warning sign mentioned in sections 68 and 69 shall be borne by the state and paid out of any highway funds not otherwise appropriated.'

Sec. 31. R. S., c. 20, § 113, amended. The last sentence of section 113 of chapter 20 of the revised statutes, as repealed and replaced by chapter 325 of the public laws of 1947, is hereby amended to read as follows:

'All fees for such permits shall be payable annually in advance ~~such fees to become effective January 1, 1948 and thereafter.~~

Sec. 32. R. S., c. 21, § 24, amended. The 1st sentence of section 24 of chapter 21 of the revised statutes, as enacted by chapter 397 of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'The "Airport Construction Fund," as heretofore established, shall be used to aid in the construction, extension and improvement of state or municipal airports within the state.'

Sec. 33. R. S., c. 22, § 121-A, reallocated. Section 121-A of chapter 22 of the revised statutes, as enacted by chapter 305 of the public laws of 1947, is hereby reallocated to be section 122-A.

Sec. 34. R. S., c. 22, § 204, amended. Section 204 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 204. Penalty. Any person, firm or corporation that violates any provision of the preceding provisions of sections 198 to 204, inclusive, or regulation made thereunder, shall be punished by a fine of not more than \$100.'

All fines, forfeitures and costs collected under the provisions of sections 198 to 204, inclusive, shall be paid to the county.'

Sec. 35. R. S., c. 22, § 229-A, amended. The last sentence of section 229-A of chapter 22 of the revised statutes, as enacted by section 1 of chapter 370 of the public laws of 1947, is hereby amended to read as follows:

'The commissioner shall make careful inquiry into the resources of the members of such households and their ability to work or otherwise contribute to the support of such child, and the existence of relatives able to assist in supporting such child; shall take all lawful means to compel all persons liable under the provisions of section 271 ~~thereof~~ hereof to support such child and to enforce any other legal rights for the benefit of such child; shall press all members of the household who are able to work, other than such parent or relative and such child, to secure work; and shall secure all possible aid for such parent or relative and such child which can be secured from relatives or other individuals.'

Sec. 36. R. S., c. 22, § 236, amended. Section 236 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 236. Compensation of probation officers for services. County probation and associate probation officers performing any of the duties specified in the ~~++~~ 12 following sections shall be allowed, by their respective counties, their actual expenses and such compensation as their respective boards of county commissioners may from time to time determine.'

Sec. 37. R. S., c. 22, § 237, amended. The last sentence of section 237 of chapter 22 of the revised statutes is hereby amended to read as follows:

'All fines imposed for the punishment of offenses under any of the provisions of the ~~±0~~ 11 following sections shall be paid over to the county treasurer of the county in which the offenses may have been committed.'

Sec. 38. R. S., c. 22, § 247, amended. Section 247 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 247. Penalty for failure to perform duty. Whoever violates any provision of section 241, or wilfully fails, neglects or refuses to perform any of the duties imposed upon him by the provisions of the ~~++~~ 12 preceding sections shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months.'

Sec. 39. R. S., c. 22, §§ 300-A, 300-B, repealed. Sections 300-A and 300-B of chapter 22 of the revised statutes, as enacted by sections 1 and 2 of chapter 359 of the public laws of 1947, are hereby repealed.



Sec. 40. R. S., c. 22, § 337, amended. The last 3 sentences of section 337 of chapter 22 of the revised statutes are hereby amended to read as follows:

Whenever it shall be shown that any of the children of the Penobscot ~~or of the Passamaquoddy tribes~~ tribe of Indians shall have completed the course of study for elementary schools as prescribed or shall have passed the examination prepared by the commissioner of education for entrance into high school, such children shall be granted entrance to any high school in this state, to which said children may apply under the same conditions as pupils residing in towns that do not maintain a free high school, as provided in section 98 of chapter 37, except that such tuition for such pupils shall be paid by the department from ~~Indians~~ Indian funds. Said tuition shall be based on the average cost per pupil for the year preceding that for which the tuition is paid; ~~provided, however, that the average cost per pupil shall be determined by dividing the sum of expenditures for instruction, fuel, and janitor service, textbooks and supplies, and ordinary minor repairs, by the average daily attendance of all regularly enrolled students~~ and the tuition rates shall be determined by the formula prescribed in section 99 of chapter 37 for secondary schools. Tuition likewise for the children of the Penobscot ~~and Passamaquoddy tribes~~ tribe of Indians who attend the elementary schools of any ~~town or city or town~~ in this state shall be paid to said city or town by the department in similar manner and based on the average cost per pupil in the year preceding that for which tuition is paid; ~~provided, however, that the average cost per pupil shall be determined by dividing the sum of expenditures for instruction, fuel, and janitor service, textbooks and supplies, and ordinary minor repairs, by the average daily attendance of all regularly enrolled students~~ and the tuition rates shall be determined by the formula prescribed in section 99 of chapter 37 for secondary schools.'

Sec. 41. R. S., c. 22, § 347, amended. Section 347 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 347. Conveyances to be by release deed; record; lots on Old Town island. Conveyances made by virtue of section 340 shall be by release deed, executed and acknowledged, and the approval of the agent shall be written thereon; said deed and approval shall be recorded by the agent, without fee, in a suitable book kept by him; also by the register of deeds of Penobscot county in a like book kept in the registry of deeds in said county, upon payment of 25c for each deed so recorded; and until recorded as herein provided, no deed made as aforesaid shall pass any title. Sections ~~308 to 316, 318 to 320, 322 to 354, and 356 to 365~~ 307 to 364, inclusive, apply to house lots on the point of Old Town island, as well as to land allotted for agricultural purposes.'

Sec. 42. R. S., c. 22, § 349, amended. Section 349 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 349. Copies of deeds are evidence. Copies of deeds or certificates recorded as provided in sections ~~308 to 316, 318 to 320, 322 to 354, and 356 to 365~~ 307 to 364, inclusive, duly attested by the register of deeds or by the agent of said tribe, shall be evidence in all actions or controversies relating to title to lands between members of said tribe.'

Sec. 43. R. S., c. 22, § 364, amended. The last sentence of section 364 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Said tuition shall be based on the average instructional cost per pupil for the year preceding that for which the tuition is paid and the tuition rates shall be determined by the formula prescribed in section 99 of chapter 37 for secondary schools. Tuition likewise for the children of the Passamaquoddy tribe of Indians who attend the elementary schools of any city or town in this state shall be paid to said city or town by the department in similar manner and based on the average cost per pupil in the year preceding that for which tuition is paid and the tuition rates shall be determined by the formula prescribed in section 99 of chapter 37 for secondary schools.'

Sec. 44. R. S., c. 22-A, § 1, amended. The 1st paragraph of section 1 of chapter 22-A of the revised statutes, as enacted by section 1 of chapter 386 of the public laws of 1947, is hereby amended to read as follows:

'The division of veterans' affairs, as heretofore established and hereinafter in this chapter called the "division", ~~as established by council order number 240, dated September 6, 1945 under authority of sections 5 and 6 of the public laws of 1947 (Civilian Defense Act)~~ is hereby continued. The division shall be under the control and supervision of the director of veterans' affairs, hereinafter in this chapter called the "director."

Sec. 45. R. S., c. 22-A, § 11-A, additional. Chapter 22-A of the revised statutes, as enacted by section 1 of chapter 386 of the public laws of 1947, is hereby amended by adding thereto a new section to be numbered 11-A, to read as follows:

'Sec. 11-A. Eligibility for assistance under other laws. Any applicant for, or recipient of assistance under the provisions of sections 10 to 18, inclusive, who is found eligible to receive public assistance under any state law for which federal funds are available, shall receive assistance under one of the state laws for which federal funds are available, provided, that aid may be granted under the provisions of sections 10 to 18, inclusive, until payments can be made under one of the state laws for which federal funds are available.'

Sec. 46. R. S., c. 23, § 75, amended. The 1st 2 sentences of section 75 of chapter 23 of the revised statutes, as amended by chapter 211 of the public laws of 1947, are hereby amended to read as follows:

'When a boy between the ages of 9 and 17 years is convicted before any court ~~or trial justice~~ having jurisdiction ~~of the offense~~ of an offense punishable by imprisonment in the state prison, not for life, or in the county jail or in the house of correction, such court ~~or justice~~ may order his commitment to the state school for boys or sentence him to the punishment provided by law for the same offense. If to such school, the commitment shall be conditioned that if such boy is not received or kept there for the full term of his minority, unless sooner discharged by the department as provided in section 78, or released on probation as provided in section 80, he shall then suffer the punishment provided by law, as aforesaid, as ordered by the court ~~or justice~~; but no boy shall be committed to said school who is deaf and dumb, non compos or insane.'

Sec. 47. R. S., c. 23, § 76, amended. Section 76 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Sec. 76. Age, residence and day when minority expires certified in mittimus. When any boy is ordered to be committed to the state school for boys, the court ~~or trial justice~~ by whom such commitment is ordered shall certify in the mittimus the city or town in which such boy resides at the time of his commitment, the age of the boy, and the date on which his term of minority will expire. The finding of the court ~~or justice~~ regarding the age and residence of the boy shall be deemed a decision of a question of fact, and his certificate thereof shall be conclusive evidence of the age and residence of the boy and of the day on which his term of minority will expire.'

Sec. 48. R. S., c. 23, § 86, amended. Section 86 of chapter 23 of the revised statutes, as amended by section 1 of chapter 112 of the public laws of 1945, is hereby amended by adding at the end thereof the following:

'to be determined as provided by the provisions of section 99 of chapter 37.'

Sec. 49. R. S., c. 25, § 28, amended. Section 28 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 28. Labor on perishable goods, exempted. Nothing in the 67 preceding sections shall apply to any manufacturing establishment or business, the materials and products of which are perishable and require immediate labor thereon to prevent decay thereof or damage thereto.'

Sec. 50. R. S., c. 25, § 41-A, repealed. Section 41-A of chapter 25 of the revised statutes, as enacted by chapter 395 of the public laws of 1947, is hereby repealed.

**Sec. 51. R. S., c. 25, § 62, amended.** Section 62 of chapter 25 of the revised statutes, as amended by section 4 of chapter 297 of the public laws of 1945 and by section 3 of chapter 277 of the public laws of 1947, is hereby further amended to read as follows:

**'Sec. 62. Inspection charge; by whom paid; disposition of.** The owner or user of a steam boiler required by the provisions of sections 51 to 65, inclusive, to be inspected by the chief inspector, or his deputy inspectors, shall pay the inspector upon inspection \$10. For the internal and external inspection of a boiler while not under pressure having a grate area of more than 10 square feet or equivalent, the fee shall be \$10 and, in addition, 10c for every square foot of grate area in excess of 10 square feet or equivalent. **In cases of a specially designed boiler wherein no grate area exists, the board is hereby authorized to set the fee on the basis of the maximum horsepower that can be generated.** For the external inspection of a boiler while under operation conditions, the fee shall be \$3. For the inspection of a miniature boiler, the fee shall be \$3. For a hydrostatic test of any boiler except miniature boilers, a fee of \$5 shall be charged in addition to the inspection fees hereinbefore provided for, provided that not more than \$20 shall be collected for such inspection of any one boiler made for any one year exclusive of the fee for hydrostatic test unless additional inspections are required by the owners or users of the same or unless the boiler has been inspected and a certificate has been refused, withheld, or withdrawn, or unless an additional inspection is required because of the change of location of a stationary boiler. The type and size of the miniature boiler to be inspected shall be determined by the board of boiler rules. ~~Provided, however, that in cases of special designed boiler where no grate area exists, the board is hereby authorized to set the fee on the basis of the maximum horsepower that can be generated.~~ The inspector shall give receipts for said fees and shall pay all sums so received to the chief boiler inspector who shall pay the same to the commissioner, who shall turn same over to the treasurer of state to be credited to the general fund.'

**Sec. 52. R. S., c. 27, § 3, amended.** The 1st sentence of section 3 of chapter 27 of the revised statutes is hereby amended to read as follows: 'The commissioner shall make uniform rules and regulations for carrying out the provisions of sections 3 to 8, inclusive, 34 to ~~47~~ 40, inclusive, 124 to 127, inclusive, 129, 157 to 187, inclusive, 196 to 211, inclusive, and 213 to 224, inclusive.'

**Sec. 53. R. S., c. 27, § 4, amended.** Section 4 of chapter 27 of the revised statutes is hereby amended to read as follows:

**'Sec. 4. Hearing in case of violation.** When the commissioner becomes cognizant of the violation of any provision of sections 3 to 8, inclusive, 34

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to ~~4~~ 40, inclusive, 124 to 127, inclusive, 129, 157 to 187, inclusive, 196 to 211, inclusive, and 213 to 224, inclusive, he shall cause notice of such fact, stating the date, hour, and place of hearing, with a copy of the findings, or, in case of a packer of food, a copy of the charge to be preferred, to be given to the person concerned and the person from whom the sample was obtained, and the person whose name appears upon the label, (if a resident of the state), who shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the said commissioner. When the hearing relates to the packing of apples, it shall be held in the county where the inspection was made.'

Sec. 54. R. S., c. 27, § 67, amended. Section 67 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 67. County attorneys to prosecute violations. The several county attorneys shall prosecute all violations of the provisions of sections 52 to 72, inclusive, and ~~sections 122 and~~ section 123, which shall be brought to their notice or knowledge by any person making the complaint under oath; trial justices within their counties shall have, upon complaint, original and concurrent jurisdiction with municipal courts and the superior court in all prosecutions arising under the provisions of said sections.'

Sec. 55. R. S., c. 27, § 117, amended. The 2nd sentence of section 117 of chapter 27 of the revised statutes is hereby amended to read as follows:

'No such permit shall be issued until the officer has satisfied himself by an examination of the shipment for which the permit is requested that the applicant has complied with all the provisions of sections ~~1, 2, 9 to 17, inclusive, 19 to 29, inclusive, 32, 33, 51, 116 to 118, 120 to 121, inclusive and 232 to 240, inclusive.~~

Sec. 56. R. S., c. 27, § 187, amended. Section 187 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 187. Exemption from prosecution. No person shall be prosecuted under the provisions of ~~section 47~~ sections 124 to 127, inclusive, section 129, and sections 157 to 186, inclusive, when he can establish proof of purchase, and a guaranty signed by the person residing in the United States, from whom the purchase was made, to the effect that the article in question is not adulterated or misbranded within the meaning hereof.'

Sec. 57. R. S., c. 32, §§ 49-A, 49-B, reallocated. Sections 49-A and 49-B of chapter 32 of the revised statutes, as enacted by chapter 258 of the public laws of 1947, are hereby reallocated to be sections 2-A and 2-B of chapter 35 of the revised statutes.

Sec. 58. R. S., c. 32, § 86, amended. The 1st sentence of section 86 of

chapter 32 of the revised statutes, as amended by section 29 of chapter 41 of the public laws of 1945, is hereby further amended to read as follows:

'Any incorporated town or organized plantation adjoining any part of the Maine forestry district may, by vote at any meeting of its inhabitants duly called and held, become a part of said forestry district and subject to all the provisions of ~~the 12 preceding~~ sections 73 to 85, inclusive.'

Sec. 59. R. S., c. 33, § 63, amended. The last sentence of the paragraph following subsection IV of section 63 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Each agent shall be entitled to retain the sum of ~~150~~ 250 for each license issued.'

Sec. 60. R. S., c. 33, § 123, amended. The 1st sentence of section 123 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'As soon as practicable after the adjournment of the legislature, ~~the revisor of statutes~~ director of legislative research, with the assistance of the commissioner, shall issue a revision of all the public laws relating to inland fisheries and game.'

Sec. 61. R. S., c. 34, § 8, amended. The last paragraph of section 8 of chapter 34 of the revised statutes, as revised, is hereby amended by adding at the end thereof the following sentence:

'Coastal wardens appointed under the provisions of this section shall hold no other state, county or town office from which they receive compensation.'

Sec. 62. R. S., c. 34, § 9, amended. Section 9 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 9. Sheriffs, deputy sheriffs, police officers and constables to have powers of wardens. Sheriffs, deputy sheriffs, police officers and constables, within their respective jurisdiction, are vested with the powers of coastal wardens, and shall receive for similar services the same fees as those of coastal wardens. ~~Coastal wardens appointed under the provisions of section 8 shall hold no other state, county or town office from which they receive compensation.'~~

Sec. 63. R. S., c. 34, § 17, amended. Section 17 of chapter 34 of the revised statutes, as revised, is hereby amended by deleting subsection VI thereof and the last paragraph of said section 17.

Sec. 64. R. S., c. 34, § 62, amended. The next to the last sentence of section 62 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'This section shall not be construed to effect the repeal of any special privileges enjoyed by the inhabitants of certain towns by virtue of any public or private and special law in force on ~~the effective date of this chapter~~ August 13, 1947; but any town to which any such law applies may in addition have all the advantages of this section if such town shall so vote.'

Sec. 65. R. S., c. 34, § 62-A, additional. Chapter 34 of the revised statutes, as revised, is hereby amended by adding thereto a new section to be numbered 62-A, to read as follows:

'Sec. 62-A. Digging of clams in Cranberry Isles; penalty. It shall be unlawful for any person not a resident of or riparian owner in the town of Cranberry Isles, in the county of Hancock, to dig clams within the limits of said town.

Any person residing therein or the riparian owner of any clam flats may take therefrom not exceeding 5 bushels of clams in 1 day.

Any person taking clams contrary to the provisions of this section shall be punished for each offense by a fine of not more than \$25, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.'

Sec. 66. P. L., 1935, c. 15, repealed. Chapter 15 of the public laws of 1935 is hereby repealed.

Sec. 67. R. S., c. 34, § 145, amended. The 1st sentence of section 145 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'As soon as practicable after the adjournment of the legislature, the ~~revisor of statutes~~ director of legislative research, with the assistance of the commissioner, shall issue a revision of all the public laws relating to sea and shore fisheries.'

Sec. 68. R. S., c. 37, § 1, amended. The last sentence of section 1 of chapter 37 of the revised statutes is hereby amended to read as follows:

'The ~~salaries~~ salary of the commissioner ~~and his bureau chiefs~~ shall be fixed by the governor and council.'

Sec. 69. R. S., c. 37, § 3, sub-§ XIII, amended. Subsection XIII of section 3 of chapter 37 of the revised statutes is hereby amended to read as follows:

'XIII. To supervise the state normal schools and teachers' colleges and to administer the teachers' retirement system.'

Sec. 70. R. S., c. 37, § 70, amended. The 1st 2 sentences of section 70 of chapter 37 of the revised statutes are hereby amended to read as follows:

'The superintending school committees of the towns ~~composing~~ comprising a union shall form a joint committee, and for the purposes of this section and the 9 following sections, said joint committee shall be held to be the agents of each town ~~composing~~ comprising the union, provided, however, that the superintending school committee of any town may authorize one of its members to act for the committee in the meetings of the joint committee, and in such case, the member so authorized, may cast the votes for the full membership of his committee. Said joint committee upon notification by the commissioner shall meet between April 1 and June 30 annually, at a day and place agreed upon by the chairmen of the committees of the several towns ~~composing~~ comprising the union, and shall organize by the choice of a chairman and a secretary.'

Sec. 71. R. S., c. 37, § 71, amended. Section 71 of chapter 37 of the revised statutes, as amended by section 4 of chapter 350 of the public laws of 1945 and by chapter 404 of the public laws of 1947, is hereby further amended to read as follows:

'Sec. 71. Return to be made annually; union superintendents to be paid out of sum specifically appropriated for that purpose; superintendents may be reimbursed for expenses. The chairman and secretary of the joint committee, provided for in the preceding section, shall, upon the election of a superintendent of schools as provided by the preceding section, certify under oath to the commissioner, upon the forms prescribed by him, all facts relative to said union and employment of a superintendent. Annually, and whenever a new superintendent is chosen, said chairman and secretary shall make return of a similar certificate. Upon approval of said certificate, the superintendent so employed shall, on presentation of proper vouchers, receive monthly out of the sum appropriated for superintendence of towns ~~composing~~ comprising school unions a sum equal to the aggregate sum paid by the towns ~~composing~~ comprising the union, provided that the amount so paid for the benefit of a single union of towns shall not exceed \$1,350 in one year nor shall any school union receive less than \$1,150 per year. The commissioner annually shall cause an investigation to be made of the conditions of supervision in unions of towns, including the relative financial support for supervision by towns, the relative distances required to be traveled, and the relative amounts of expenses to be paid by superintendents of schools directly in connection with the supervision and administration of schools in unions of towns. When it appears to the com-



missioner that the efficiency of supervision in any union is or may be lessened because of the financial burden to towns, expenses for travel and other purposes required to be paid by the superintendent of such union because of the number and location of schools, geographical or other conditions, said commissioner, annually in August, shall issue to the governor and council a recommendation relative thereto and the governor and council, on the approval of said recommendation, may draw a warrant for payment out of the sum appropriated for superintendence of towns ~~composing~~ comprising school unions in favor of the superintendent or superintendents of schools employed in said union within the school year ending June 30th immediately preceding, provided, however, that the amount so paid for the benefit of a single union shall not exceed \$350 annually and shall be in addition to other payments made to said superintendent as provided in this section, and provided further, that the amount so available for the equalization of such expenses shall not exceed 1/5 of the appropriation for superintendence of towns ~~composing~~ comprising school unions.'

Sec. 72. R. S., c. 37, § 92-G, amended. Section 92-G of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947, is hereby amended to read as follows:

'Sec. 92-G. Definition of secondary school. "Secondary schools" as used ~~herein~~ in sections 92-A to 92-K, inclusive, may include grades 7 and 8, as well as grades 9 to 12.'

Sec. 73. R. S., c. 37, § 170, repealed and replaced. Section 170 of chapter 37 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 170. Treasurer of state designated as custodian of funds. The treasurer of state is designated as custodian for all moneys received by the state from appropriations under the provisions of the act of congress of the United States referred to in section 169; for all moneys received by the state from the appropriations made by the congress of the United States for the vocational rehabilitation of persons disabled in industry or otherwise; and for all moneys received by the state from the federal government for vocational training, and the said treasurer of state is authorized to receive and provide for the proper custody of the same and to make disbursements therefrom upon the order of the vocational education board or other legal authority.'

Sec. 74. R. S., c. 37, §§ 172, 174, repealed. Sections 172 and 174 of chapter 37 of the revised statutes are hereby repealed.

Sec. 75. R. S., c. 37, § 177-C, repealed. Section 177-C of chapter 37 of the revised statutes, as enacted by chapter 382 of the public laws of 1947, is hereby repealed.

Sec. 76. R. S., c. 37, § 185, amended. The 1st paragraph of section 185 of chapter 37 of the revised statutes is hereby repealed and the following enacted in place thereof:

'The Farmington state teachers' college at Farmington, the Gorham state teachers' college at Gorham, the Washington state normal school at Machias, the Madawaska training school at Fort Kent and the Aroostook state normal school at Presque Isle shall be conducted for the purposes and upon the principles herein set forth.'

Sec. 77. R. S., c. 37, § 195, amended. Section 195 of chapter 37 of the revised statutes, as repealed and replaced by chapter 80 of the public laws of 1947, and as amended by chapter 298 of the public laws of 1947, is hereby further amended so that the last sentence thereof shall read as follows:

'All income received from investments of the "Reserve Against Future Losses" account shall be distributed in the same manner as the income received from investments of the principal of the fund ~~and the said treasurer of state and the state controller are further authorized to charge off impounded income in the amount of \$374.17.~~

Sec. 78. R. S., c. 37, § 197, amended. Section 197 of chapter 37 of the revised statutes, as amended by section 45 of chapter 378 of the public laws of 1945, is hereby further amended by repealing the 5th paragraph thereof.

Sec. 79. R. S., c. 37, § 201, sub-§ I, amended. Subsection I of section 201 of chapter 37 of the revised statutes, as amended by section 1 of chapter 151 of the public laws of 1945 and by section 1 of chapter 403 of the public laws of 1947, is hereby further amended to read as follows:

I. To each town the sum of \$300 for each teaching position or a corresponding fractional part of \$300 for each fractional part of a teaching position which has been maintained by the town in the elementary and secondary schools with approval of the commissioner ~~of education~~ and filled by a person working under a permit or sanction issued by the said commissioner, provided, however, that a town failing to maintain the minimum program ~~prescribed in chapter 151 of the public laws of 1945~~ shall not receive in excess of \$100 per teaching position.'

Sec. 80. R. S., c. 37, § 201, sub-§ II, amended. Subsection II of section 201 of chapter 37 of the revised statutes, as amended by section 1 of chapter

151 of the public laws of 1945 and by section 1 of chapter 403 of the public laws of 1947, is hereby further amended by repealing the 5th sentence thereof.

**Sec. 81. R. S., c. 37, § 202, amended.** Section 202 of chapter 37 of the revised statutes, as amended by section 17 of chapter 350 of the public laws of 1945, is hereby further amended to read as follows:

'**Sec. 202. Apportionment on basis of school returns.** On the basis of the school ~~census~~ returns of the towns on April 1st, annually, as ~~returned~~ reported under the provisions of section 63, the commissioner shall apportion to each town the amount of \$3 for each person ~~returned in the school census for said town~~ for which the town has educational responsibility.'

**Sec. 82. R. S., c. 37, § 204, sub-§ II, amended.** The 2nd sentence of subsection II of section 204 of chapter 37 of the revised statutes, as repealed and replaced by section 2 of chapter 403 of the public laws of 1947, is hereby amended to read as follows:

'The commissioner shall cause a special investigation to be made of the educational facilities of such towns and, whenever it appears to the commissioner that any town should receive special aid or encouragement for the purpose of raising the standard of qualifications of teachers, or of increasing the length of the school year, or otherwise adding to the efficiency of the schools, he shall issue to the governor and council a recommendation relative thereto, and **upon the approval of the governor and council the state controller** may draw a warrant in favor of the treasurer of said town from the equalization fund for an amount to cover the difference between the proceeds of a tax of not less than 12 mills nor more than 20 on the valuation of the town as fixed by the board of equalization together with the apportionment from the state school fund, and the cost of a minimum educational program as hereinbefore defined.'

**Sec. 83. R. S., c. 37, §§ 212, 213 and 214, repealed.** Section 212 of chapter 37 of the revised statutes, as amended by section 1 of chapter 239 of the public laws of 1945 and by section 4 of chapter 384 of the public laws of 1947; section 213 of chapter 37 of the revised statutes, as amended by section 2 of chapter 239 of the public laws of 1945 and by section 5 of chapter 384 of the public laws of 1947; and section 214 of chapter 37 of the revised statutes, as amended by section 3 of chapter 239 of the public laws of 1945 and by section 6 of chapter 384 of the public laws of 1947 are hereby repealed.

**Sec. 84. R. S., c. 37, § 226, repealed.** Section 226 of chapter 37 of the revised statutes, as amended by chapter 66 and repealed by section 1 of chapter 384, both of the public laws of 1947, is hereby repealed.

**Sec. 85. R. S., c. 38, § 18-A, amended.** Section 18-A 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-A. Printing of laws.** When the ~~reviser of statutes~~ director of legislative research shall have prepared material for a revision of the statutes, or for a volume containing the laws passed at a session of the legislature with accompanying material, he shall deliver the same prepared for printing to the state purchasing agent who shall contract for the printing, binding and delivery to the state of a sufficient number of volumes to meet the needs of the state and for sale as hereinafter provided.'

**Sec. 86. R. S., c. 44, § 2, amended.** Section 2 of chapter 44 of the revised statutes is hereby amended to read as follows:

'**Sec. 2. Commission to make rules and regulations governing use of motor vehicles.** The commission is authorized to make from time to time rules and regulations governing the operation of the motor vehicles described in the preceding ~~section~~ sections, which shall include provisions concerning the route of operation, schedule to be operated and maintained, rates of fare to be charged for the carriage of passengers, the safeguarding of passengers and other persons using the streets and highways, and in such cases as the said commission, after notice given to motor carriers operating under the provisions of sections 17 to 30, inclusive, and to the extent therein provided, and after hearing, at which persons protesting shall be heard on such matters as may be applicable under this or other laws, finds it to be in the public interest, it may authorize the transportation of baggage, mail, and express for hire, in the passenger motor vehicles operated by said carrier, subject to such terms, conditions, and restrictions as said commission may prescribe, and such other reasonable regulations as may be deemed necessary for the safety or convenience of the public. The power and authority conferred upon the commission in section 62 of chapter 40 is made applicable to the provisions of sections 1 to 16, inclusive.'

**Sec. 87. R. S., c. 49, § 39, amended.** Section 39 of chapter 49 of the revised statutes is hereby amended to read as follows:

'**Sec. 39. Contents; where filed.** Every corporation incorporated under the laws of this state, excepting religious, charitable, educational, and benevolent corporations, and excepting such corporations as may be organized under the provisions of the first ~~18~~ 19 sections of chapter 50, and such corporations as are liable to a franchise tax other than the tax provided for in section 102 of chapter 14, and such corporations as have been or may hereafter be excused from filing annual returns under the provisions of section 43 so long as their franchises remain unused, shall on or before

the 1st day of June, annually, make a return to the secretary of state, signed by its president or treasurer, verified under oath, containing the names of its directors, president, treasurer, and clerk, with the residence of each, the location of its principal office in this state, and the amount of its authorized capital stock; and for this purpose the secretary of state shall furnish blanks in proper form and safely keep in his office all such returns.'

Sec. 88. R. S., c. 50, § 4, amended. The last sentence of section 4 of chapter 50 of the revised statutes is hereby amended to read as follows:

'No fee shall be required hereunder by the attorney-general or secretary of state, but registers of deeds shall receive for recording such certificate the fee of ~~\$~~ \$2.'

Sec. 89. R. S., c. 55, § 63, amended. The 2nd paragraph of section 63 of chapter 55 of the revised statutes is hereby amended to read as follows:

'All necessary expenses for the purpose of such verification, publication or printing of the results of such verification, as may be necessary for the purpose of this ~~chapter~~ section, shall be ~~appropriated and paid out of the fund received by the state from the tax upon savings banks and trust companies~~ paid out of such sums as may be appropriated by the legislature.'

Sec. 90. R. S., c. 56, § 2, repealed and replaced. Section 2 of chapter 56 of the revised statutes, as amended by chapters 182 and 387, both of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 2. Commissioner, appointment, term and duties; appointment and duties of deputy commissioners. An insurance commissioner, hereinafter in this chapter called the "commissioner," shall be appointed by the governor and council, and shall hold his office for 4 years, and until his successor has been appointed and qualified, but shall not at the same time be bank commissioner. His office shall be at the state capitol. He may administer oaths in the performance of his official duties in any part of the state and at any time. He shall keep a correct account of all his doings, and of all fees and moneys received by him by virtue of his office, and pay over the same to the treasurer of state forthwith. He shall receive an annual salary of \$6,000. He may appoint, subject to the provisions of the personnel law, not to exceed 2 deputy commissioners, one of whom, by virtue of such appointment, shall be and perform all the duties of the first deputy insurance commissioner. In the event of a vacancy in the office of the insurance commissioner or during the absence or disability of that officer, the first deputy insurance commissioner so appointed under the provisions of this section shall become during such vacancy, absence or disability of that officer the acting insurance commissioner.'

**Sec. 91. R. S., c. 56, § 208, amended.** Section 208 of chapter 56 of the revised statutes, as amended by section 57 of chapter 378 of the public laws of 1945, is hereby further 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 45, 54 to 56, inclusive, section 113 and in sections 197 to 209, inclusive.'

**Sec. 92. R. S., c. 56, § 256, amended.** The last paragraph of section 256 of chapter 56 of the revised statutes, as enacted by chapter 155 of the public laws of 1947, is hereby amended to read as follows:

'Anything to the contrary notwithstanding any person holding an adjuster's license in full force and effect on ~~the effective date of this act~~ August 13, 1947 will not be required to take such examination.'

**Sec. 93. R. S., c. 56, § 264, amended.** The 3rd sentence from the end of section 264 of chapter 56 of the revised statutes is hereby amended to read as follows:

'~~The commissioner~~ commissioner may, after notice and hearing, revoke or suspend any license issued by him, which said order of revocation or suspension shall become effective at the end of 15 days from the date of issuance, and said licensee shall have the same right to an appeal from such suspension or revocation as is above provided.'

**Sec. 94. R. S., c. 56, §§ 289, 290, repealed.** Sections 289 and 290 of chapter 56 of the revised statutes, as enacted by chapter 275 of the public laws of 1947, are hereby repealed.

**Sec. 95. R. S., c. 56, §§ 308, 309, repealed.** Sections 308 and 309 of chapter 56 of the revised statutes, as enacted by chapter 274 of the public laws of 1947, are hereby repealed.

**Sec. 96. R. S., c. 57, § 1, amended.** The 2nd paragraph of that part of section 1 which relates to "Hotel," as enacted by chapter 226 of the public laws of 1947, is hereby further amended to read as follows:

'No additional requirements imposed by the provisions of this section shall affect premises licensed ~~at the time of the effective date of this act on August 13, 1947,~~ and nothing in this section shall be held to prevent the commission from issuing summer or part-time licenses to bona fide summer hotels where accommodations and meals are not provided under one roof, provided that such hotel can in no way be classed as over-night camps, and provided further, that no liquor shall be served or delivered by the licensee, his servants or agents to guests in rooms outside of the main building.'

**Sec. 97. R. S., c. 57, § 2, amended.** Section 2 of chapter 57 of the revised statutes, as amended by section 1 of chapter 273 and by sections 1-A, 1-B and 1-C of chapter 322, all of the public laws of 1947, is hereby further amended to read as follows:

**'Sec. 2. Local option.** The aldermen of cities, the selectmen of towns, and the assessors of plantations are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for the calling and holding of biennial meetings of said inhabitants for the election of senators and representatives, at the time of holding such biennial meeting to give in their votes upon the following questions:

**I.** Shall state stores for the sale of liquor be operated by permission of the state liquor commission in this city or town?

**II.** Shall licenses be granted in this city or town ~~under regulation of state liquor commission~~ for the sale herein of wine and spirits to be consumed on the premises?

**III.** Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale and other malt liquors) to be consumed on the premises?

**III-A.** Shall licenses be granted in this city or town for the sale therein of malt liquor (beer, ale and other malt liquors) to be consumed on the premises of taverns?

**IV.** Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale and other malt liquors) not to be consumed on the premises?

Upon receipt of a petition of electors resident in that city or town in writing addressed to the secretary of state and signed by at least 15% of the number of voters voting for the gubernatorial candidates at the last state-wide election in that city or town, which petition shall be filed with the secretary of state on or before the 1st day of July preceding the day of

the biennial election, the ballots for that city or town shall carry in accordance with the petition any or all of the following additional questions:

V. Shall licenses be granted in this city or town for the sale therein ~~under the regulation of the state liquor commission~~ of wine and spirits to be consumed on the premises of a hotel or club that operates only during the months of June, July, August and September?

VI. Shall licenses be granted in this city or town for the sale therein ~~under the regulation of the state liquor commission~~ of wine and spirits to be consumed on the premises of a club only?

VII. Shall licenses be granted in this city or town for the sale therein ~~under the regulation of the state liquor commission~~ of malt liquor (beer, ale and other malt liquors) to be consumed on the premises of a club only?

The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots in manner and form as prescribed in section 5 of chapter 5 for constitutional amendment or other questions, together with all such other forms including those for instructions and returns as are prescribed in said chapter 5.

The inhabitants of the several cities, towns and plantations shall vote by ballot on said questions, those in favor voting "Yes" on their ballots and those opposed "No", and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and return made to the office of the secretary of state in the same manner as votes for governor and members of the legislature, and the governor and council shall canvass the same and the results shall be determined as provided in section 52 of chapter 5.

If a majority of the votes cast in a city or town in answer to question I is in the affirmative, the commission may operate therein a state store or stores for the sale of liquor for the 2 calendar years next following, subject to all provisions of law.

If a majority of such votes in answer to question II is in the affirmative, the commission may issue licenses for the sale therein of wine and spirits for consumption on the premises for the 2 calendar years next following, subject to all provisions of law.

If a majority of such votes in answer to question III is in the affirmative, the commission may issue licenses for the sale therein of malt liquor to be consumed on the premises for the 2 calendar years next following, subject to all provisions of law.



If a majority of such votes in answer to question III-A is in the affirmative, the commission may issue licenses for the sale therein of malt liquor to be consumed on the premises of a tavern therein for the 2 calendar years next following, subject to all provisions of law.

If a majority of such votes in answer to question IV is in the affirmative, the commission may issue licenses for the sale therein of malt liquor not to be consumed on the premises for the 2 calendar years next following, subject to all provisions of law.

If a majority of the votes cast in a city or town in answer to question V are in the affirmative, the commission may issue licenses for the sale of wines and spirits to be consumed on the premises of a hotel or club therein that operates only during the months of June, July, August and September for the 2 calendar years next following, subject to all provisions of law.

If a majority of the votes cast in a city or town in answer to question VI are in the affirmative, the commission may issue licenses for the sale of wines and spirits to be consumed on the premises of a club only therein for the 2 calendar years next following, subject to all provisions of law.

If a majority of the votes cast in a city or town in answer to question VII are in the affirmative, the commission may issue licenses for the sale of malt liquor (beer, ale and other malt liquors) to be consumed on the premises of a club only therein for the 2 calendar years next following, subject to all provisions of law.

If a majority of such votes cast on question I is in the negative, the operation of state stores in that city or town for a period of the 2 calendar years next following shall be unlawful.

If a majority of such votes cast on question II is in the negative, licenses shall not be issued for the sale therein of wines and spirits for consumption on the premises for the 2 calendar years next following.

If a majority of such votes cast on question III is in the negative, licenses for the sale therein of malt liquor to be consumed on the premises shall not be issued for the 2 calendar years next following.

If a majority of such votes cast on question III-A is in the negative, licenses shall not be issued for the sale therein of malt liquor to be consumed on the premises of taverns for the 2 calendar years next following.

If a majority of such votes cast on question IV is in the negative, licenses for the sale therein of malt liquor not to be consumed on the premises shall not be issued for the 2 calendar years next following.

If a majority of the votes cast on question V are in the negative, licenses shall not be issued for the sale of wines and spirits to be consumed on the premises of a hotel or club that operates therein only during the months of June, July, August and September for the 2 calendar years next following.

If a majority of the votes cast on question VI are in the negative, licenses shall not be issued for the sale of wines and spirits to be consumed on the premises of a club only therein for the 2 calendar years next following.

If a majority of the votes cast on question VII are in the negative, licenses shall not be issued for the sale of malt liquor (beer, ale and other malt liquors) to be consumed on the premises of a club only therein for the 2 calendar years next following.

In case of a tie vote on any of the preceding questions, the law shall remain as it was before the voting.

Upon this ballot no other referendum question shall be printed.'

**Sec. 98. R. S., c. 57, § 17, amended.** Section 17 of chapter 57 of the revised statutes is hereby amended to read as follows:

'**Sec. 17. Illegal manufacture; penalty.** Any person not licensed by the commission who manufactures for sale any liquor, ~~except cider~~ and any person who sells any liquor so manufactured by him in this state, ~~except cider~~ shall be punished by a fine of not less than \$100, nor more than \$1,000, and costs, and by imprisonment for not less than 2 months, nor more than 6 months, and in default of payment of fine and costs, by imprisonment for not less than 60 days, nor more than 6 months, additional.'

**Sec. 99. R. S., c. 57, § 20, amended.** The last 2 sentences of the 1st paragraph of section 20 of chapter 57 of the revised statutes, as enacted by chapter 133 of the public laws of 1945, are hereby repealed.

**Sec. 100. R. S., c. 57, § 22-A, amended.** Section 22-A of chapter 57 of the revised statutes, as enacted by chapter 243 of the public laws of 1947, is hereby amended to read as follows:

'**Sec. 22-A. Notice of application for license to be published.** No new license for the sale of liquor shall be issued, except licenses for sale of malt liquor not to be consumed on the premises, until notice of application for same has been published by the commission in the official state paper and a 10-day period has elapsed from the date of such publication.'

**Sec. 101. R. S., c. 57, § 22-B, amended.** Section 22-B of chapter 57 of the revised statutes, as enacted by section 1 of chapter 197 of the public laws of 1947, is hereby amended to read as follows:

'Sec. 22-B. Premises for which licenses shall not be granted; exception. No new hotel, restaurant, tavern or club licenses shall be granted under the provisions of this chapter to new premises within 300 feet of a public or private school, school dormitory, church, chapel or parish house in existence as such at the time such new license is applied for, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel, except such premises as were in use as hotels or clubs on July 24, 1937; provided, however, that the commission may grant licenses to premises which are within 300 feet of a church, chapel or parish house, measured as aforesaid and which do not adjoin any of the same, when the application therefor has the unanimous approval of the members of the commission and also the written approval of a majority of the officers or the written approval of the officer, person or pastor in charge of such church, chapel or parish house.'

Sec. 102. R. S., c. 57, § 22-C, additional. Chapter 57 of the revised statutes is hereby amended by adding thereto a new section to be numbered 22-C, to read as follows:

'Sec. 22-C. Sale on certain days and hours prohibited. No liquor shall be sold in this state on Sundays or on the day of holding a general election or state-wide primary and no licensee by himself, clerk, servant or agent shall between the hours of midnight and 6 A. M. sell or deliver any liquors, except no liquors shall be sold or delivered on Saturdays after 11:45 P. M.; provided, however, that the commission by rule and regulation may set hours for sale which will give effect to daylight saving time during times when the same is in effect. No licensee shall permit the consumption of liquors on his premises on Sundays or after 15 minutes past the hours prohibited for sale thereof, except by bona fide guests in their rooms.'

Sec. 103. R. S., c. 57, § 36, repealed. Section 36 of chapter 57 of the revised statutes, as amended by section 1 of chapter 97 of the public laws of 1947, is hereby repealed.

Sec. 104. R. S., c. 57, § 40, amended. The 1st sentence of the 1st paragraph of section 40 of chapter 57 of the revised statutes, as amended by chapter 185 of the public laws of 1945 and by section 3 of chapter 322 of the public laws of 1947, is hereby further amended to read as follows:

'Licenses for the sale of liquor to be consumed on the premises where sold may be issued in the discretion of the commission to clubs and to bona fide hotels, restaurants, ~~taverns~~ steamboats and railroad dining cars on payment of the fees herein provided; subject, however, to the condition that the application therefor be approved by the municipal officers of the town or

city in which such intended licensee, if operating a club, restaurant ~~tavern~~ or hotel, is operating the same, and if said hotel, restaurant ~~tavern~~ or club is located in an unorganized place said application shall be approved by the county commissioners of the county, within which such unorganized place is located, and subject to the further condition that licenses issued to restaurants shall be limited to malt liquor and wine.'

**Sec. 105. R. S., c. 57, § 53, repealed.** Section 53 of chapter 57 of the revised statutes, as amended by section 2 of chapter 97 of the public laws of 1947, is hereby repealed.

**Sec. 106. R. S., c. 59, § 7, sub-§ IX, amended.** Subsection IX of section 7 of chapter 59 of the revised statutes is hereby amended to read as follows:

**'IX.** Officers and employees of the University of Maine, of the several state normal schools and teachers' colleges and of the unorganized territory school system.'

**Sec. 107. R. S., c. 60, §§ 6-B, 6-C and 6-D, additional.** Chapter 60 of the revised statutes, as revised by section 3 of chapter 384 of the public laws of 1947, is hereby amended by adding thereto 3 new sections, to be numbered 6-B, 6-C and 6-D, to read as follows:

**'Sec. 6-B.** Teachers who may be entitled to an annual pension of \$600. Except as otherwise provided in this chapter, any person of either sex who, on the 30th day of September, 1913, or thereafter, shall have reached the age of 60 years and who for 35 years shall have been engaged in teaching as his principal occupation, and who shall have been employed as a teacher or teacher and supervisor in the public schools, or in such other schools within this state as are supported wholly or at least  $\frac{3}{5}$  by state or town appropriation and are under public management and control, 20 years of which employment, including the 15 years immediately preceding retirement, shall have been in this state, and who shall be retired by his employer or shall voluntarily retire from active service after completion of the school year next preceding the 30th day of September, 1913, shall, on his formal application, receive from the state for the remainder of his life an annual pension of \$600; provided, however, that after the 30th day of September, 1913, no such employment as teacher within this state shall be included in its provisions unless the teacher shall hold a state teachers' certificate issued under the authority of the commissioner of education.

**Sec. 6-C.** Teachers who may receive an annual pension of \$500. Except as otherwise provided in this chapter, any person of either sex who, on the 30th day of September, 1913, or thereafter, shall have reached the age of

60 years and who for 30 years shall have been engaged in teaching as his principal occupation and who shall have in all other respects met the requirements of the preceding section shall, on his formal application, receive from the state for the remainder of his life an annual pension of \$500.

Sec. 6-D. Teachers who may receive an annual pension of \$400. Except as otherwise provided in this chapter, any person of either sex who, on the 30th day of September, 1913, or thereafter, shall have reached the age of 60 years and who for 25 years shall have been engaged in teaching as his principal occupation, and who shall have in all other respects met the requirements of section 6-B shall, on his formal application, receive from the state for the remainder of his life an annual pension of \$400.'

Sec. 108. R. S., c. 60, § 14, sub-§ II, ¶ F, repealed. Paragraph F of subsection II of section 14 of chapter 60 of the revised statutes, as enacted by section 3 of chapter 384 of the public laws of 1947, is hereby repealed.

Sec. 109. R. S., c. 60, § 14, sub-§ IV, ¶ K, repealed. Paragraph K of subsection IV of section 14 of chapter 60 of the revised statutes, as enacted by section 3 of chapter 384 of the public laws of 1947, is hereby repealed.

Sec. 110. R. S., c. 60, § 15-A, amended. Section 15-A of chapter 60 of the revised statutes, as enacted by section 3 of chapter 384 of the public laws of 1947, is hereby amended by repealing the 2nd sentence thereof.

Sec. 111. R. S., c. 60, § 17, amended. Section 17 of chapter 60 of the revised statutes, as enacted by section 3 of chapter 384 of the public laws of 1947, is hereby amended to read as follows:

'Sec. 17. Saving clause. I. Any county, city, town, water district or any other quasi-municipal corporation of the state which, on July 1, 1947 shall be classified as a participating local district under the provisions of section 15 of chapter 60 of the revised statutes of 1947 shall be subject to the provisions of this chapter, unless it files with the board of trustees before July 1, 1948, a duly certified copy of the resolution of the county commissioners, or of the city council or such corresponding body, or a record of the vote of the town voters certified by the clerk of the town meeting, electing to remain under the provisions granted by said section 15 of chapter 60 of the revised statutes of 1947.

II. The board of trustees shall, immediately after July 1, 1947, notify each participating local district of the benefits provided by this chapter. Such notification shall be in writing and shall be sent postpaid by registered mail. Any participating local district shall be entitled to a revaluation in order to determine the cost of the provisions of this chapter; the expense of making such revaluation shall be assessed and paid by the participating local district.'

Sec. 112. R. S., c. 66, § 20, amended. The 2nd sentence of section 20 of chapter 66 of the revised statutes, as amended by section 2 of chapter 139 of the public laws of 1947, is hereby further amended to read as follows:

'Such dental hygienists may operate x-ray machines for the purpose of dental diagnosis, and make oral examinations by mouth mirror and explorer for the detection of cavities, and remove lime deposits, accretions and stains from the exposed surfaces of the teeth and directly beneath the free margin of the gum, and make local applications of ~~medicants~~ **medicaments** to the surfaces of the teeth and gums, but shall not perform any other operation on the teeth or mouth or on any diseased tissues of the mouth.'

Sec. 113. R. S., c. 79, § 15-A, amended. Section 15-A of chapter 79 of the revised statutes, as enacted by chapter 238 of the public laws of 1945 and amended by chapter 215 of the public laws of 1947, is hereby further amended to read as follows:

'Sec. 15-A. Appropriation for advertising in counties. ~~All counties~~ Each county may expend not exceeding the sum of \$5,000 each, annually, under the direction of the county commissioners of each county, and accounted for as other moneys of each county, for advertising the natural resources, advantages and attractions of each county.'

Sec. 114. R. S., c. 79, § 53, amended. The next to the last sentence of section 53 of chapter 79 of the revised statutes is hereby amended to read as follows:

'The committee shall be allowed a reasonable compensation for their services, to be ~~fixed~~ **fixed** by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts.'

Sec. 115. R. S., c. 79, § 228, amended. The 2nd paragraph of section 228 of chapter 79 of the revised statutes is hereby amended to read as follows:

'Vacancies shall be filled for the **unexpired** term by election as provided for in section 229, at the next September election after their occurrence; and in the meantime the governor, with the advice and consent of the council, may fill vacancies by appointment, and the person so appointed shall hold his office until the 1st day of January, next after the election last mentioned.'

Sec. 116. R. S., c. 80, § 36, amended. Section 36 of chapter 80 of the revised statutes is hereby amended to read as follows:

'Sec. 36. Penalty for refusing to take oath. Every person so notified, as provided in ~~the preceding~~ section 34, neglecting to take such oath within

said 7 days, except officers for whose neglect a different penalty is provided, forfeits \$5,  $\frac{2}{3}$  to the town, and  $\frac{1}{3}$  to the prosecutor.'

**Sec. 117. R. S., c. 84, § 62, amended.** Section 62 of chapter 84 of the revised statutes is hereby amended to read as follows:

'Sec. 62. Ways to be kept open and in repair. Highways, town ways and streets legally established shall be opened and kept in repair so as to be safe and convenient for travelers with motor vehicles, horses, teams and carriages. In default thereof, those liable may be indicted, convicted and a reasonable fine imposed therefor.'

**Sec. 118. R. S., c. 84, § 63, amended.** The 2nd sentence of section 63 of chapter 84 of the revised statutes is hereby amended to read as follows:

'At the time appointed, the commissioners shall view the way alleged to be out of repair and hear the parties interested, and if they adjudge the way to be unsafe and inconvenient for travelers, motor vehicles, horses, teams and carriages, they shall prescribe what repairs shall be made, fix the time in which the town shall make them, give notice thereof to the municipal officers, and award the costs of the proceedings against the town.'

**Sec. 119. R. S., c. 84, § 136, amended.** The 1st sentence of section 136 of chapter 84 of the revised statutes, as amended by chapter 223 of the public laws of 1947, is hereby further amended to read as follows:

'When any town has constructed and completed a public drain or common sewer, the municipal officers shall determine what lots or parcels of land are benefited by such drain or sewer, and shall estimate and assess upon such lots and parcels of land, and against the owner thereof, or person in possession, or against whom the taxes thereon shall be assessed, whether said person to whom the assessment is so made shall be the owner, tenant, lessee or agent, and whether the same is occupied or not, such sum not exceeding such benefit as they may deem just and equitable towards defraying the expenses of constructing and completing such drain or sewer, together with such sewage disposal units and appurtenances as may be necessary, and constructed after the effective date of this act August 13, 1947, the whole of such assessments not to exceed  $\frac{1}{2}$  the cost of such drain or sewer and sewage disposal units, and such drain or sewer shall forever thereafter be maintained and kept in repair by such town.'

**Sec. 120. R. S., c. 85, § 29, amended.** The last paragraph of section 29 of chapter 85 of the revised statutes, as amended by section 8 of chapter 188 of the public laws of 1947, is hereby further amended to read as follows:

'Whenever there shall accumulate in the special fund created by this section a surplus sufficient to defray the expenses of such investigations and

inspections for an ensuing period of 1 year, then, in the discretion of the insurance commissioner, the foregoing special tax for that year may be omitted, and the insurance commissioner shall certify to the state tax assessor that the special tax is to be omitted and said certification is to be made no later than the 31st day of January of the year in which the tax would otherwise be assessed. The premium tax return shall be made at the same time and in the same manner as provided for insurance premium taxes specified in section 136 of chapter 14.'

**Sec. 121.** R. S., c. 85, § 69, amended. Section 69 of chapter 85 of the revised statutes is hereby amended to read as follows:

'Sec. 69. **Penalty for violation.** Whoever violates any provision of sections 60 to ~~69~~ 67, inclusive, shall be punished by a fine of not more than \$50.'

**Sec. 122.** R. S., c. 88, § 7-D, reallocated. Section 7-D of chapter 88 of the revised statutes, as enacted by chapter 263 of the public laws of 1947, is hereby reallocated to be section 7-A of said chapter 88.

**Sec. 123.** R. S., c. 88, § 53-A, reallocated. Section 53-A of chapter 88 of the revised statutes, as enacted by chapter 291 of the public laws of 1947, is hereby reallocated to be section 53-C of said chapter 88.

**Sec. 124.** R. S., c. 96-A, § 3, repealed and replaced. Section 3 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, and amended by section 2 of chapter 3 and by section 1 of chapter 278, both of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 3. **Process.** A plaintiff or his authorized attorney hereunder shall state the substance of his claim to the judge, recorder or clerk of the municipal court having jurisdiction thereof who shall briefly record the notice of the claim and set a date for a hearing. The plaintiff or his authorized attorney shall at the same time pay an entry fee of \$2.'

**Sec. 125.** R. S., c. 96-A, § 6, repealed and replaced. Section 6 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, and amended by section 4 of chapter 3 and by section 1 of chapter 278, both of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 6. **Notice to defendant.** The judge shall cause notice of the claim and the substance thereof to be given to the defendant by sending a written statement to the defendant by postpaid registered mail addressed to the defendant at his last known post office address, delivery of said notice to be restricted to the defendant in person, and directing the defendant to ap-



pear at a time and place of hearing, which shall be not less than 14 days from the date said notice is mailed to defendant. A return receipt showing that defendant has received the statement at least 7 days prior to the time set for the hearing shall constitute an essential part of the service.'

Sec. 126. R. S., c. 98, § 1, amended. Section 1 of chapter 98 of the revised statutes is hereby amended to read as follows:

'Sec. 1. When title to real estate is in question, proceedings. ~~When~~ In actions in a municipal court or before a trial justice when it appears by the pleadings or brief statement that the title to real estate is in question, the cause shall, on request of either party, be removed to the superior court in the county; and such party shall recognize to the other in a reasonable sum, with sufficient sureties, to enter the case at the next term thereof; and if he does not so recognize, the trial justice or municipal court judge shall hear and decide the case, as if such request had not been made.'

Sec. 127. R. S., c. 98, § 4, amended. The 1st sentence of section 4 of chapter 98 of the revised statutes is hereby amended to read as follows:

'Any party aggrieved by the judgment of the judge or the trial justice, whether after trial or upon default, may appeal to the next superior court in the same county, and may enter such appeal at any time within 5 days after the judgment, Sunday not included.'

Sec. 128. R. S., c. 99, § 45, sub-§§ I, II, III and IV, amended. Subsections I, II, III and IV of section 45 of chapter 99 of the revised statutes are hereby amended to read as follows:

I. Until he has given him at least 48 hours' written notice of his claim and the true amount thereof; or

II. If the officer or creditor within that time discharges the claim by paying same or tendering the amount due thereon; or

III. If the officer ~~Within~~ within that time restores the property; or

IV. ~~Or where~~ Where the property was attached on a writ or seized on execution while in the hands or possession of the mortgagor, the attaching creditor within that time summons the claimant to answer in the same action such questions as may be put to him relative to the consideration, validity and amount due secured by such mortgage.'

Sec. 129. R. S., c. 100, § 129-A, amended. The last sentence of section 129-A of chapter 100 of the revised statutes, as enacted by section 1 of chapter 290 of the public laws of 1947, is hereby amended to read as follows:

'Whenever any fines or penalties are imposed by any court in any proceeding in which such a police officer or constable is a complainant or a witness, said court may tax costs for such complainant or witness in the usual manner to be paid after recovery by the county treasurer upon approval of the county commissioners to the municipality employing such police ~~office~~ officer or constable.'

**Sec. 130. R. S., c. 100, § 156, amended.** The 6th paragraph of section 156 of chapter 100 of the revised statutes is hereby amended to read as follows:

'In all municipal courts the amount of costs allowed in civil actions shall depend upon the amount recovered and not upon the ad damnum in the writ; and the allowance for travel and attendance to parties recovering costs in municipal courts or before any trial justice shall be limited to ~~three~~ 2 terms, except that the court may, for good and sufficient cause, order such allowance for additional terms.'

**Sec. 131. R. S., c. 106, § 1, sub-§ VIII, amended.** Subsection VIII of section 1 of chapter 106 of the revised statutes, as enacted by chapter 185 of the public laws of 1947, is hereby amended to read as follows:

'VIII. Upon any agreement to refrain from carrying on or engaging in any trade, business, occupation or profession for any term of years or within any defined territory or both; provided that the provisions of this subsection shall not apply to any such agreement made prior to ~~the effective date of this act~~ August 13, 1947;'

**Sec. 132. R. S., c. 122, § 20, amended.** Section 20 of chapter 122 of the revised statutes is hereby amended to read as follows:

'Sec. 20. **Obstructing officer in service of civil process; penalty.** Whoever wilfully obstructs such officer or person in the service of any civil process or order, or of any process for an offense punishable by imprisonment and fine, or either, or whoever obstructs ~~a fish warden an inland fish and game warden or a coastal warden~~ while in the lawful discharge of his official duty, whether with or without process, shall be punished by a fine of not more than \$300, and by imprisonment for not more than 11 months.'

**Sec. 133. R. S., c. 142, § 16, amended.** Section 16 of chapter 142 of the revised statutes, as amended by section 2 of chapter 260 of the public laws of 1947, is hereby further amended to read as follows:

'Sec. 16. **Interest charges on unpaid taxes.** If taxes imposed by the provisions of sections 1 to 41, inclusive, are not paid when due, interest at the rate of 10% annually shall be charged and collected thereon from the

time the same became due. As respects taxes due on estates of persons dying after the effective date of this statute August 13, 1947, said interest rate shall be 6%.'

Sec. 134. R. S., c. 142, § 27, repealed and replaced. Section 27 of chapter 142 of the revised statutes, as amended by section 3 of chapter 260 and by section 11 of chapter 354, both of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 27. State tax assessor to determine amount of tax; procedure. The state tax assessor shall determine the amount of tax due and payable upon any estate or part thereof and shall certify the amount so due and payable to the persons by whom the tax is payable. Such determination and certification may be made upon account of the tax payable upon the estate generally or upon account or in full for any part thereof or any interest therein. Payment of the amount so certified upon account shall be a discharge of the tax to the extent of said certification and upon subsequent determination and certification of the full amount of the tax payable upon the estate generally or upon any interest therein or part thereof, payment of the full amount of said tax shall, except as hereinafter provided, be a discharge of the tax. In determining the amount of any tax payable under the provisions of sections 1 to 41, inclusive, the state tax assessor shall not be required to consider any payments on account of debts, funeral expenses or expenses of administration which have not been allowed by the probate court having jurisdiction of said estate. The amount paid on account of federal estate taxes shall be allowed as a deduction in resident estates. If after determination and certification of the full amount of the tax upon an estate or any interest therein or part thereof the estate shall receive or become entitled to property in addition to that shown in the inventory or disclosed to the state tax assessor, the executor, administrator, trustee or other fiduciary shall forthwith notify the state tax assessor who shall upon being thus or otherwise informed determine the amount of additional tax, if any, due and payable thereon and shall certify the said amount to the person by whom such tax is payable, which amount shall be due and payable 30 days from the date of the certification; provided that a fiduciary shall be personally liable to pay only so much of said additional tax as is computed on the additional property actually received by him and that a beneficiary receiving any part of such additional property shall be liable to pay so much of the tax thereon as is not chargeable as aforesaid to a fiduciary.'

Sec. 135. R. S., c. 142, § 39-E, repealed. Section 39-E of chapter 142 of the revised statutes, as enacted by chapter 269 of the public laws of 1945,

and as repealed by section 1 of chapter 220 and amended by section 22 of chapter 354, both of the public laws of 1947, is hereby repealed.

**Sec. 136. R. S., c. 144, § 24, amended.** Section 24 of chapter 144 of the revised statutes is hereby amended to read as follows:

'Sec. 24. Decree of distribution, when and how made. After 30 days from the time when the report on claims is made, the judge shall ~~made~~ make a decree of distribution of the balance in the hands of the administrator among the creditors, according to the provisions of this chapter. In case of further assets, he shall make another distribution on the same principles.'

**Sec. 137. R. S., c. 153, § 43, amended.** The 1st sentence of section 43 of chapter 153 of the revised statutes is hereby amended to read as follows:

'Whenever a man, having a wife, a minor child or children, residing in this state, and being of sufficient ability, or being able to labor and provide for them, wilfully and without reasonable cause, refuses or neglects to provide suitable maintenance for them, the superior court, the probate ~~courts~~ court, and any municipal court, in term time, or any judge or justice of said courts in vacation, in the county where the wife or such minor child or children reside, on petition of the wife for herself and for such child or children, or of such child or children by their guardian, after such notice to the husband or father as it may order, and hearing, may order him to contribute to the support of his wife and such minor child or children or either of them such sums payable weekly, monthly, or quarterly, as are deemed reasonable and just, and may enforce obedience by appropriate decrees.'

**Sec. 138. R. S., c. 153, § 57-A, reallocated.** Section 57-A of chapter 153 of the revised statutes, as enacted by chapter 67 of the public laws of 1947, is hereby reallocated to be section 61-A of said chapter 153.

**Sec. 139. R. S., c. 156, § 14, amended.** The 2nd sentence of section 14 of chapter 156 of the revised statutes, as amended by chapter 76 of the public laws of 1945, is hereby further amended to read as follows:

'When no provision is made for his widow in the will of a testator who died after the 26th day of April, 1897, or for her widower in the will of a testatrix who died after the 1st day of June, 1903, such widow or widower shall likewise have and receive the same share of the real estate and the same distributive share of the real and personal estate of such testator or testatrix as is provided by law in intestate estates, except that if such testator, or testatrix, died leaving no kindred, such widow or widower shall have and receive the same share of the real estate and the same distributive share of the real and personal estate of such testator or testatrix as is provided by law in intestate estates of persons deceased who ~~died~~ die leaving kindred, provided such widow or widower shall within 6 months after the

probate of such will file in the registry of probate written notice that she or he claims such share of the real and personal estate of such testator or testatrix.'

Effective August 6, 1949

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## Chapter 350

### AN ACT Relating to the Salary of Clerks in the Office of Recorder of the Portland Municipal Court.

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

R. S., c. 79, § 269, amended. The 4th paragraph of section 269 of chapter 79 of the revised statutes, as amended by chapter 225 of the public laws of 1945 and by chapter 254 of the public laws of 1947, is hereby further amended so that said paragraph, so far as it relates to the amount to be paid for clerk hire in the office of the recorder of the Portland municipal court shall read as follows:

'for clerks in the office of the recorder of the Portland municipal court, ~~\$3,744~~ \$4,576, and for special clerk hire, \$1,500, said sum of \$1,500 to be available for a period of 2 years only;'

Effective August 6, 1949

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## Chapter 351

### AN ACT Relating to Wholesale Lobster Dealer's License.

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

R. S., c. 34, § 114, amended. The 2nd and 3rd paragraphs of section 114 of chapter 34 of the revised statutes, as revised, are hereby amended to read as follows:

'The fee for a license, designated as a wholesale lobster dealer's license, shall be ~~\$50~~ \$35 and shall entitle the holder to buy and sell and transport fresh fish, shellfish and lobsters in wholesale trade within the state and to ship the same within and outside the state.

Any person, firm or corporation licensed under the provisions of this section, that maintains any facility for the buying of fresh fish, shellfish or