

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fifth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninety-fifth Legislature

1951

Chapter 265

AN ACT Relating to Investigations by County Attorneys and Sheriffs of Shooting of Humans While Hunting.

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

R. S., c. 33, § 126, amended. Section 126 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 126. County attorney and sheriff to investigate violations; penalty for failure to act. County attorneys and sheriffs, in their respective counties, shall promptly investigate any alleged violations of the preceding section after having knowledge thereof, and prosecute every person accused thereof; for failure so to investigate and prosecute, each of said officers shall be punished by a fine of not more than \$1,000, and shall be removed from office.'

Effective August 20, 1951

Chapter 266

AN ACT to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945, 1947 and 1949.

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

Sec. 1. R. S., c. 12, § 42-A, reallocated. Section 42-A of chapter 12 of the revised statutes, as enacted by section 17 of chapter 326 of the public laws of 1949, is hereby reallocated to be section 40-A of said chapter 12.

Sec. 2. R. S., c. 12, § 50, amended. The last paragraph of section 50 of chapter 12 of the revised statutes is hereby amended to read as follows:

'The clothes, arms, military outfit and accoutrements furnished by or through the state to a member of the active militia and the uniforms, arms and equipment required of commissioned officers and warrant officers shall not be subject to any suit, distress, execution or sale for debt or payment of taxes.'

Sec. 3. R. S., c. 14, § 28, amended. The last sentence of section 28 of chapter 14 of the revised statutes, as repealed and replaced by chapter 368 of the public laws of 1949, is hereby amended to read as follows:

'Provided further, that the rate may be set by the ~~travel~~ supervisor of

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travel at not exceeding 10c per mile on any one trip when more than 1 passenger from one or more departments are assigned by the ~~travel~~ supervisor of travel and that the charges for such mileage shall be apportioned by the ~~travel~~ supervisor of travel to the various departments involved.'

Sec. 4. R. S., c. 14, § 35, sub-§§ VII, VIII, reallocated. Subsections VII and VIII of section 35 of chapter 14 of the revised statutes are hereby reallocated to be subsections XI and XII of section 16 of said chapter 14.

Sec. 5. R. S., c. 14, § 35, sub-§ IX, renumbered. Subsection IX of section 35 of chapter 14 of the revised statutes is hereby renumbered to be subsection VII of said section.

Sec. 6. R. S., c. 14, § 36, amended. The last paragraph of section 36 of chapter 14 of the revised statutes, as amended by section 6 of chapter 378 of the public laws of 1945 and by chapter 80 of the public laws of 1949, is hereby further amended to read as follows:

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

Sec. 7. R. S., c. 14, § 62, amended. The 2nd sentence of section 62 of chapter 14 of the revised statutes is hereby amended to read as follows:

'The state tax assessor or such agent as he may designate shall have power to administer all oaths required under the provisions of sections 54 to ~~221~~ 243, inclusive.'

Sec. 8. R. S., c. 14, § 116, amended. Section 116 of chapter 14 of the revised statutes, as amended by chapter 283 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 116. Taxation of street railroad corporations. Street railroad corporations and associations which own or operate a street railroad are subject to the provisions of the ~~7~~ 8 preceding sections and all street railroad corporations and associations are subject to the provisions of section 4 of chapter 81, except that the annual excise tax shall be ascertained as follows: when the gross average receipts per mile do not exceed \$1,000, the tax shall be equal to $\frac{1}{4}$ of 1% on the gross transportation receipts; and for each \$1,000 additional gross receipts per mile, or fractional part thereof, the rate shall be increased $\frac{1}{4}$ of 1%, provided that the rate shall in no case exceed 4%.

The provisions of this section shall not apply to street railways operating not more than 5 miles of road, and such railways shall be subject to an annual excise tax of \$200.'

Sec. 9. R. S., c. 14, §§ 185-A - 185-L, amended. Wherever in sections 185-A to 185-L, inclusive, of chapter 14 of the revised statutes, which were enacted by section 1 of chapter 362 of the public laws of 1947 and reallocated by section 13 of chapter 349 of the public laws of 1949, the words and figures "sections 244 to 256, inclusive," appear, they are hereby amended to read 'sections 185-A to 185-L, inclusive.'

Sec. 10. R. S., c. 14, § 185-D, amended. Wherever in section 185-D of chapter 14 of the revised statutes, which was enacted by section 1 of chapter 362 of the public laws of 1947 and reallocated by section 13 of chapter 349 of the public laws of 1949, the word and figure "section 246" appear, they are hereby amended to read 'section 185-C.'

Sec. 11. R. S., c. 14, § 185-E, amended. Section 185-E of chapter 14 of the revised statutes, as enacted by section 1 of chapter 362 of the public laws of 1947 and reallocated by section 13 of chapter 349 of the public laws of 1949, is hereby amended by adding after the 1st sentence thereof a new sentence, to read as follows:

'Motor carriers using only motor fuel purchased within the state during any quarterly period may, subject to the approval of the state tax assessor, in lieu of filing the quarterly report required by this section, file a signed statement certifying that no motor fuel used in its operations was purchased without the state during the quarter.'

Sec. 12. R. S., c. 14, § 185-F, amended. Wherever in section 185-F of chapter 14 of the revised statutes, as enacted by section 1 of chapter 362 of the public laws of 1947 and reallocated by section 13 of chapter 349 of the public laws of 1949, the word and figure "section 248" appear, they are hereby amended to read 'section 185-E.'

Sec. 13. R. S., c. 15, § 8, amended. The last sentence of section 8 of chapter 15 of the revised statutes, as amended by section 23 of chapter 41 of the public laws of 1945, is hereby further amended to read as follows: **'The provisions of this section shall not apply to the Maine ~~unemployment compensation~~ employment security commission, or to those taxes collected by the state tax assessor.'**

Sec. 14. R. S., c. 19, § 13-A, amended. Section 13-A of chapter 19 of the revised statutes, as enacted by chapter 23 of the public laws of 1949, is hereby amended by repealing the last sentence thereof.

Sec. 15. R. S., c. 19, § 32, amended. The 2nd sentence of section 32 of

chapter 19 of the revised statutes, as amended by chapter 34 of the public laws of 1947; and by section 2 of chapter 38 and by chapters 42, 130 and 231, all of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

‘No signalling device shall be unnecessarily sounded so as to make a harsh, objectionable or unreasonable noise, and no bell or siren shall be installed or used on any motor vehicle except that fire and police department vehicles and ambulances, and vehicles operated by state, city and town fire inspectors may be so equipped for use only when responding to emergency calls, and such motor vehicles used by deputy sheriffs, and such motor vehicles used by inland fisheries and game wardens as may be designated by the department of inland fisheries and game.’

Sec. 16. R. S., c. 19, § 38, amended. The 1st paragraph of section 38 of chapter 19 of the revised statutes, as amended by chapter 356 of the public laws of 1947; and by chapter 22, and by section 2 of chapter 77, both of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

‘An excise shall be levied annually as herein provided with respect to each calendar year for the privilege of operating upon the public ways, each motor vehicle to be so operated, subject to the provisions of section 44, as follows: a sum equal to 23 mills on each dollar of the maker’s list price for the 1st or current year of model, 16½ mills for the 2nd year, 12½ mills for the 3rd year, 9 mills for the 4th year, 5½ mills for the 5th year, and 3 mills for the 6th and succeeding years; provided, however, that whenever an excise tax has been paid for the previous calendar year on the same motor vehicle the excise tax for the new calendar year shall be assessed as if the vehicle was in its next year of the model; provided, however, that persons registering under the provisions of section 54, the state and political subdivisions thereof, volunteer fire departments, bona fide dealers or manufacturers of motor vehicles, which motor vehicles are solely for the purpose of demonstration and sale and which constitute stock in trade, telephone and telegraph companies subject to the excise tax set forth in sections 120 to 126, inclusive, of chapter 14, express companies subject to the excise tax as set forth in sections 127 to 130, inclusive, of chapter 14, the vehicles of charitable, benevolent, literary and scientific organizations which are used exclusively in carrying on charitable, benevolent, literary or scientific work in this state, railroad companies subject to the excise tax set forth in sections 109 to 119, inclusive, of chapter 14, excepting however, motor buses used exclusively for the transportation of passengers for hire, shall not be subject to the excise herein provided; and provided further, that in all cases where the excise tax under the preceding provisions of this section amounts to less than \$5, a minimum tax of \$5 shall be levied, except that for a bicycle

with motor attached the excise tax shall be \$2.50; and provided further, that in respect to non-commercial vehicles on and after the 7th year of a model, the maximum amount to be levied as an excise tax under the provisions of this section shall be \$10.'

Sec. 17. R. S., c. 20, § 67-B, reallocated. Section 67-B of chapter 20 of the revised statutes, as enacted by chapter 384 of the public laws of 1949, is hereby reallocated to be section 67-A of said chapter 20.

Sec. 18. R. S., c. 21, § 15, sub-§ II, ¶ B, amended. Paragraph B of subsection II of section 15 of chapter 21 of the revised statutes, as repealed and replaced by chapter 389 of the public laws of 1949, is hereby amended to read as follows:

'B. any person who fraudulently forges, counterfeits, alters or falsely makes any certificate authorized under this chapter, or any person who knowingly uses or attempts to use any such fraudulent certificate shall be punished by a fine of not more than \$1,000, or ~~be imprisoned by imprisonment~~ for not more than 3 years, or by both such fine and imprisonment;'

Sec. 19. R. S., c. 21, § 23, amended. The 1st sentence of section 23 of chapter 21 of the revised statutes, as repealed and replaced by chapter 389 of the public laws of 1949, is hereby amended to read as follows:

'Each violation of sections 19 to 24, inclusive, or of any regulations, order or ruling promulgated or made pursuant to sections 19 to 24, inclusive, shall constitute a misdemeanor and shall be ~~punishable~~ punished by a fine of not more than \$300, or by imprisonment for not more than 90 days, or by both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offense.'

Sec. 20. R. S., c. 22, § 151, amended. The 1st sentence of the 1st paragraph of section 151 of chapter 22 of the revised statutes, as repealed and replaced by chapter 330 of the public laws of 1947, is hereby amended to read as follows:

'No person shall sell or lease, or have in his possession with intent to sell or lease, in the state, any article covered by the provisions of sections 147 to 151-C, inclusive, ~~after July 31, 1949~~ unless there be affixed to the tag required by said sections by the person manufacturing, selling or leasing the same, an adhesive stamp prepared and issued by the department.'

Sec. 21. R. S., c. 22, § 223, amended. Section 223 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 223. Purposes of §§ 223-225. The department, through its bureau of social welfare, is authorized to cooperate with the federal government

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through the children's bureau of the department of labor in establishing, extending and strengthening, especially in predominantly rural areas, child welfare services for the protection and care of homeless, dependent and neglected children, and children in danger of becoming delinquent, and in expending funds made available for such purposes, provided, however, that nothing in sections 223 to 225, inclusive, shall be construed as authorizing any public official, agent or representative, in carrying out provisions of said sections, to take charge of any child over the objection of either the father or the mother of such child, or of the person standing in loco parentis to such child, except pursuant to a proper court order.'

Sec. 22. R. S., c. 22, § 224, sub-§§ II and III, amended. Subsections II and III of section 224 of chapter 22 of the revised statutes are hereby amended to read as follows:

'II. Cooperate with the federal government in the establishment and administration of such child welfare services on the basis of plans developed jointly by the state agency and the ~~children's bureau~~ federal government, and acceptable to both.

III. Make such reports in such form and containing such information as the ~~secretary of labor~~ federal government may from time to time require, and comply with such provisions as the ~~secretary of labor~~ federal government may from time to time find necessary to assure the correctness and verification of such reports.'

Sec. 23. R. S., c. 22, § 234, amended. The 1st sentence of section 234 of chapter 22 of the revised statutes, as amended by chapter 416 of the public laws of 1949, is hereby further amended to read as follows:

~~'Effective as of October 1, 1949, the~~ The state shall recover from the city, town or plantation in which the child so aided has legal settlement, 18% of the amount expended for aid to each dependent child, which shall be credited to the regular legislative appropriation for aid to dependent children.'

Sec. 24. R. S., c. 22, § 236, amended. Section 236 of chapter 22 of the revised statutes, as amended by section 36 of chapter 349 of the public laws of 1949, is hereby further 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~~ 11 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. 25. R. S., c. 22, § 237, amended. The last sentence of section 237 of chapter 22 of the revised statutes, as amended by section 37 of chapter 349 of the public laws of 1949, is hereby further amended to read as follows:

'All fines imposed for the punishment of offenses under any of the provisions of the ~~++~~ 10 following sections shall be paid over to the county treasurer of the county in which the offenses may have been committed.'

Sec. 26. R. S., c. 22, § 247, amended. Section 247 of chapter 22 of the revised statutes, as amended by section 38 of chapter 349 of the public laws of 1949, is hereby further 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 ~~++~~ 11 preceding sections shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months.'

Sec. 27. R. S., c. 22, § 249, sub-§§ II and III, amended. Subsections II and III of section 249 of chapter 22 of the revised statutes are hereby amended to read as follows:

'II. Cooperate with the federal government ~~through the children's bureau~~ in matters of mutual concern pertaining to services for crippled children, including such methods of administration as are found to be necessary for the efficient operation of the plan for such aid;

III. Make such report in such form and containing such information as the ~~secretary of labor~~ federal government may require, and comply with such provisions as said ~~secretary~~ federal government may find necessary to assure the correctness and verification of such reports.'

Sec. 28. R. S., c. 22, § 252, sub-§§ II and III, amended. Subsections II and III of section 252 of chapter 22 of the revised statutes are hereby amended to read as follows:

'II. Cooperate with the federal government ~~through the children's bureau~~ in matters of mutual concern pertaining to maternal and child health services, including such methods of administration as are found to be necessary for the efficient operation of the plan for such aid;

III. Make such reports in such form and containing such information as the ~~secretary of labor~~ federal government may require, and comply with such provisions as said ~~secretary~~ federal government may find necessary to assure the correctness and verification of such reports.'

Sec. 29. R. S., c. 23, § 5, amended. Section 5 of chapter 23 of the revised statutes is hereby amended by repealing the last sentence thereof.

Sec. 30. R. S., c. 24, § 19, sub-§ VII, amended. The next to the last sentence of subsection VII of section 19 of chapter 24 of the revised statutes, as repealed and replaced by section 1 of chapter 430 of the public laws of 1949, is hereby amended to read as follows:

‘As a condition of initiating a proceeding for judicial review, or of entering an appeal from the decision of the superior court upon such review, the court may require that an employing unit make payment of the amount of contributions or interest adjudged to be due by the commission or by such court, respectively, together with the cost assessed, if any, or file an approved bond or other appropriate security, in a sum fixed by such court, conditioned upon the payment of the amount of contributions and interest as finally determined, together with any additional amounts which may have become due or may have accrued under this ~~act~~ chapter and costs assessed by such court.’

Sec. 31. R. S., c. 25, § 28, amended. Section 28 of chapter 25 of the revised statutes, as amended by section 2 of chapter 283 and by section 49 of chapter 349, both of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

‘Sec. 28. Labor on perishable goods, exempted. Nothing in the 7 preceding sections nor in sections 37-A to 37-R, inclusive, 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. 32. R. S., c. 25, § 99-I, amended. The last sentence of section 99-I of chapter 25 of the revised statutes, as enacted by chapter 374 of the public laws of 1949, is hereby amended to read as follows:

‘The operation of any elevator without inspection certificate displayed shall constitute a misdemeanor by the owner, lessee or the agent thereof and shall be ~~punishable~~ punished by a fine of not more than \$50 or by imprisonment for not more than 30 days, or by both such fine and imprisonment.’

Sec. 33. R. S., c. 27, § 16, amended. The 6th sentence of section 16 of chapter 27 of the revised statutes, as amended by section 2 of chapter 366 of the public laws of 1947; and by chapter 89 and by section 2 of chapter 388, both of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

‘No society shall receive any portion of the stipend in excess of \$10,000, except that such limitation shall not apply to any additional stipend provided for by the provisions of section 15 of chapter 77.’

Sec. 34. R. S., c. 27, § 123-E, amended. The last sentence of section 123-E of chapter 27 of the revised statutes, as enacted by chapter 417 of the public laws of 1949, is hereby amended to read as follows:

'Any licensee who feels aggrieved or dissatisfied with the decision of the said ~~commission~~ commissioner may appeal from said decision within 10 days to the superior court in the county where the licensee resides, or in the case of a non-resident, to the superior court in the county of Kennebec.'

Sec. 35. R. S., c. 27, § 127-B, amended. The 1st paragraph of section 127-B of chapter 27 of the revised statutes, as enacted by chapter 153 of the public laws of 1945, is hereby amended to read as follows:

'~~Two of the members shall be designated by the governor to serve until January 1st, 1946 and 2 members until January 1st, 1947 and 2 members until January 1st, 1948, and thereafter each~~ Each appointed member shall serve for a term of 3 years and until his successor has been appointed and qualified.'

Sec. 36. R. S., c. 27, § 163, amended. The 3rd sentence of section 163 of chapter 27 of the revised statutes is hereby amended to read as follows:

'In addition to the requirements of section ~~162~~ 164 the label and certificates shall truly state the minimum and maximum percentage of total lime (calcium oxide), the minimum and maximum percentage of total magnesia (magnesium oxide), the minimum and maximum percentage of lime combined as carbonate (calcium carbonate), and magnesium combined as carbonate (magnesium carbonate), and minimum percentage of lime sulphur (calcium sulphate), in gypsum or land plaster.'

Sec. 37. R. S., c. 27, § 201, amended. The last sentence of section 201 is hereby amended to read as follows:

'The commissioner shall employ inspectors, subject to the provisions of the personnel law, in numbers so that adequate inspection can be performed; ~~the compensation of the inspectors shall be fixed by the said commissioner and~~ it shall be the duty of said inspectors to inspect all the places, shops and factories, in this state, wherever sardines are being packed for sale, and for this purpose such inspectors shall have free access, ingress and egress at all reasonable hours to any sardine packing plant, may open any case or container and may, upon tendering the market price, take samples therefrom.'

Sec. 38. R. S., c. 32, § 13-A, reallocated. Section 13-A of chapter 32 of the revised statutes, as enacted by chapter 124 of the public laws of 1949, is hereby reallocated to be section 13-B of said chapter 32.

Sec. 39. R. S., c. 32, § 29, amended. Section 29 of chapter 32 of the revised statutes, as amended by section 2 of chapter 221 and section 31 of chapter 378, both of the public laws of 1945, and section 1 of chapter 309 of the public laws of 1949, is hereby further amended to read as follows:

'Sec. 29. Certain state parks designated. All that portion of the state lands comprising Fort Machias at Machiasport; Fort Knox at Prospect; Fort Edgecomb at Edgecomb; Fort St. George's at St. George; Fort McClary at Kittery; Fort Baldwin, Fort Popham, and the North and South Sugar Loaf Islands at Phippsburg; Fort William Henry at Pemaquid, including all the property in Pemaquid to which the state now has title; ~~all that portion of the public land situated in Bangor on the west side of Essex Street and near land formerly owned by Samuel Eastman and known as State Arsenal lot and land;~~ and Lamoine Naval Coaling Station, to be known as Lamoine State Park, shall be maintained as public parks under the supervision, direction and control of the state park commission.'

Sec. 40. R. S., c. 32, § 68, amended. The last sentence of section 68 of chapter 32 of the revised statutes, as amended by section 1 of chapter 81 of the public laws of 1947, and repealed and replaced by section 1 of chapter 363 of the public laws of 1949, is hereby amended to read as follows:

'The failure of any person to comply with the provisions of ~~the foregoing sections~~ this section shall constitute a continuing offense and he shall be subject to the penalties herein provided until he complies therewith.'

Sec. 41. R. S., c. 32, §§ 72-A - 72-F, reallocated. Sections 72-A to 72-F, inclusive, of chapter 32 of the revised statutes, as enacted by section 1 of chapter 355 of the public laws of 1949, are hereby reallocated to be sections 72-B to 72-G, inclusive, of said chapter 32; and wherever in said sections 72-A to 72-F, inclusive, the words and figures "sections 72-A to 72-F, inclusive," appear, they are hereby amended to read 'sections 72-B to 72-G, inclusive.'

Sec. 42. R. S., c. 32, § 85, amended. Section 85 of chapter 32 of the revised statutes is hereby amended to read as follows:

'Sec. 85. Appropriation. So much of the funds raised by the tax imposed and paid into the treasury, as may be necessary to pay the claims, accounts and demands arising under the provisions of the ~~12~~ 15 preceding sections, is appropriated to pay the same, and the governor and council may authorize the state controller to draw his warrant therefor at any time. Any balance remaining shall continue from year to year as a fund available for the purpose defined in section 79.'

Sec. 43. R. S., c. 32, § 86, amended. The last sentence of section 86 of chapter 32 of the revised statutes is hereby amended to read as follows:

'All incorporated towns or organized plantations which shall become a part of said district and all officers of such towns or plantations shall be and are exempt from the duties and obligations imposed by the provisions of ~~section~~ sections 58 and 58-A of chapter 85.'

Sec. 44. R. S., c. 33, § 110, amended. The last sentence of the 1st paragraph of section 110 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'All fees, fines and penalties recovered and money received or collected ~~and shall be~~ paid to the treasurer of state ~~as aforesaid shall be~~ and credited to the department of inland fisheries and game for the operation of fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, and for printing the report of said commissioner and other expenses incident to the administration of said department, and shall be expended by the said commissioner for the purposes for which said department is created.'

Sec. 45. R. S., c. 34, § 1, amended. The last paragraph of section 1 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'The commissioner shall make a report to the governor and council on or before the 1st day of January, for the biennium ending June 30th prior thereto. ~~The commissioner now acting will remain in office until his present term expires.~~

Sec. 46. R. S., c. 34, § 16, amended. Section 16 of chapter 34 of the revised statutes, as revised, is hereby amended by inserting in alphabetical order after the 10th paragraph thereof the following paragraph:

'The term "fresh fish" is distinguished from fish that have been smoked, pickled, canned or quick frozen.'

Sec. 47. R. S., c. 34, § 50, amended. The last paragraph of section 50 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'The amount paid for a resident commercial fishing license may be credited on a lobster fishing license or on a scallop fishing license, upon the additional payment of \$2 in the same year in which the resident commercial fishing license was issued, **provided that the holder of such a commercial fishing license is entitled to hold such lobster fishing license or scallop fishing license.**

Sec. 48. R. S., c. 34, § 53, repealed. Section 53 of chapter 34 of the revised statutes, as revised, is hereby repealed.

Sec. 49. R. S., c. 34, § 110-D, amended. The 1st paragraph of section 110-D of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'The funds received from sale of certain licenses, namely, "commercial shellfish licenses," ~~shellfish shucking licenses~~ "shellfish processors' licenses" and "interstate shellfish transportation licenses" shall constitute a shellfish fund, so called, to be expended under the direction of the commissioner ~~of sea and shore fisheries~~ for the sole purpose of restoration, development and conservation of clams, quahogs and mussels in the coastal waters of the state and for establishment and maintenance of facilities therefor.'

Sec. 50. R. S., c. 34, § 113, amended. Section 113 of chapter 34 of the revised statutes, as revised, is hereby amended by repealing the 4th paragraph thereof.

Sec. 51. R. S., c. 37, § 1, repealed and replaced. Section 1 of chapter 37 of the revised statutes, as amended by section 4 of chapter 293 of the public laws of 1945, by section 68 of chapter 349 of the public laws of 1949 and repealed and replaced by section 1 of chapter 403 of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

'Sec. 1. Department of education. The department of education, as heretofore established, shall exercise such powers and perform such duties as are set forth in this chapter. The department of education shall consist of a state board of education, hereinafter in sections 1 to 1-H, inclusive, called the "board", a commissioner of education chosen by the board, and such official and clerical staff as are hereafter provided for.'

Sec. 52. R. S., c. 37, § 3, sub-§ XI, amended. Subsection XI of section 3 of chapter 37 of the revised statutes is hereby amended to read as follows:

'XI. Biennially, to report to the ~~governor and council~~ state board of education the result of his inquiries and investigations and the facts obtained from the school returns, with such suggestions and recommendations as in his judgment will best promote the improvement of public schools;'

Sec. 53. R. S., c. 37, § 3, sub-§ XII, amended. Subsection XII of section 3 of chapter 37 of the revised statutes is hereby amended to read as follows:

'XII. To cause an inspection to be made and to report to the school committee his findings and recommendations whenever the superintending school committee or the superintendent of schools of any town, or any 3 citizens thereof, shall petition him to make an inspection of the schools of said town; and to prepare a list of standards of buildings, equipment, organization and instruction, and to give such ratings upon such list of standards to any schools that are inspected under the provisions of this ~~paragraph~~ subsection as their general condition, equipment and grade of efficiency may entitle them.'

Sec. 54. R. S., c. 37, § 6, repealed. Section 6 of chapter 37 of the revised statutes is hereby repealed.

Sec. 55. R. S., c. 37, § 50-A, amended. The 1st sentence of section 50-A of chapter 37 of the revised statutes, as enacted by chapter 341 of the public laws of 1945 and repealed and replaced by chapter 367 of the public laws of 1947, is hereby amended to read as follows:

'On or before December ~~7, 1947~~, and 1st, biennially thereafter, except that for those persons in whom the disease is arrested the examination shall be annually, all superintendents of schools, supervisors, teachers, school nurses, janitors, school bus drivers and persons employed in the preparation of school lunches shall file with the superintending school committee a certificate that such employee has had a chest x-ray performed and interpreted as showing no significant evidence of tuberculosis by persons recognized as skilled and experienced in such performance and interpretation.'

Sec. 56. R. S., c. 37, § 68, repealed and replaced. Section 68 of chapter 37 of the revised statutes, as amended by chapter 240 of the public laws of 1947 and by section 3 of chapter 403 and by chapter 412, both of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

'Sec. 68. Towns may be combined into unions for supervision; exceptions; appeal. It shall be the duty of the commissioner and the state board of education to regroup all the towns in the state, except as herein provided, into unions for the purpose of employing superintendents of schools. Such supervisory unions as have been formed on June 30, 1946 may be dissolved by the commissioner for the purpose of a more advantageous combination, provided that there has been obtained the approval of a majority vote of the members of the superintending school committees in the towns comprising such supervisory unions. Such approval shall not be required if the superintendent receives a salary of less than \$3,500. Regroupings shall be made only when vacancies in the office of superintendent occur by death, resignation or failure of reelection. Whenever such regroupings are made, the commissioner and the state board of education shall have authority to reallocate any town or towns in the unions affected to unions already or-

ganized. In case of unions already regrouped or not subject to further regrouping, the term of the election of a superintendent may be made for a period not exceeding 5 years but in a union subject to regrouping such term of election shall not exceed 3 years. Provided, however, that any superintending school committee of a town dissatisfied with the combination proposed by the commissioner and the state board of education to include that town may appeal to the governor and council who shall make the final decision relative thereto. Whenever, upon the representation of the superintending school committee of any town, it shall appear to the commissioner to be to the advantage of said town and of the state to change the combination of towns comprising the union of which said town is a part, the commissioner shall have authority to direct the dissolution and organization of unions so that a more advantageous combination may be effected. Provided, however, that any superintending school committee of a town dissatisfied with the change in the combination proposed by the commissioner to include that town may appeal to the governor and council, who shall make the final decision relative thereto.

Provided further, that on presentation of a written plan of organization which has been approved by the superintending school committees of the towns involved, the commissioner and the state board of education are authorized to combine 2 or more school unions, or parts thereof, into a larger supervisory unit administered by a superintendent of schools and staff assistants, who may be employed by the joint committee as provided in section 70, and the commissioner shall have authority to adjust disbursements for supervision so that there will be no loss in state support because of the reorganization.'

Sec. 57. R. S., c. 37, § 71, amended. The last sentence of section 71 of chapter 37 of the revised statutes, as amended by section 71 of chapter 349 of the public laws of 1949, is hereby further amended to read as follows:

'When it appears to the commissioner 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, ~~the state controller upon the approval of the governor and council~~ may draw a warrant for payment out of the sum appropriated for superintendence of towns 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 $\frac{1}{5}$ of the appropriation for superintendence of towns comprising school unions.'

Sec. 58. R. S., c. 37, § 92-E, amended. The 2nd sentence of section 92-E of chapter 37 of the revised statutes, as enacted by chapter 357 of the public laws of 1947 and amended by chapter 9 and by section 5 of chapter 249, both of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

'The trustees shall thereupon issue their warrants, in substantially the same form as the warrant of the treasurer of state for taxes, to the assessors of each participating town, requiring them to assess upon the taxable polls and estates within said town an amount in proportion to the total sum required each year as that town's state valuation bears to the total state valuation of all the participating towns, except that if the apportionment for maintenance and operation of the school results in a per pupil cost to any participating town in excess of 150% of the average per pupil cost for operating the school, the town's apportionment shall be 150% of the average per pupil cost and the balance shall be apportioned among the remaining towns according to the last preceding state valuation; and to commit the assessment to the constable or collector of said town who shall have all the authority and powers to collect said taxes as is in him vested by law to collect state, county and municipal taxes.'

Sec. 59. R. S., c. 37, § 107, amended. Section 107 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Sec. 107. Institutions receiving state aid to make report to commissioner; construction of terms; mode of payment. Every educational institution receiving state aid, and the officers and teachers of every academy receiving money from the state, and of every academy or private school approved for attendance or tuition purposes, shall annually, on or before the 1st day of August, report to the commissioner the total and average attendance, an account of the moneys received and expended during the preceding year, and the number of instructors, and such schools as are approved for state aid or tuition purposes shall report such other items as he may require. ~~Such reports shall be published in the annual report of the commissioner.~~ Every such educational institution failing to comply with the above requirements shall forfeit whatever aid or assistance it would otherwise receive from the state. Wherever in sections 106 and 107 the word "academy" occurs, it shall be construed to include "seminary or institute."

The state controller, upon approval of the governor and council, may draw warrants on the treasurer of state for the payment annually to the legal representatives of such academies as shall be entitled to receive money from the state under the provisions of section 106, at the times and in the manner provided by law for the payment of money in aid of free high schools, of the amounts to which they shall be severally entitled thereunder; provided that no payment shall be made to any academy until the commissioner shall have certified to the governor and council all the facts which by law are made necessary to entitle an academy to receive money from the state under the provisions of said section 106.'

Sec. 60. R. S., c. 37, § 164, amended. The 1st sentence of section 164 of chapter 37 of the revised statutes, as amended by section 37 of chapter 378 of the public laws of 1945, is hereby amended to read as follows:

'The state ~~normal school and teachers' college~~ board of education shall cause to be introduced into all of the normal schools and teachers' colleges such courses in manual arts, domestic science and agriculture as will enable their graduates to teach elementary courses in those subjects in the rural and grade schools.'

Sec. 61. R. S., c. 37, § 170, amended. Section 170 of chapter 37 of the revised statutes, as repealed and replaced by section 73 of chapter 349 of the public laws of 1949, is hereby amended to read as follows:

'**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 state ~~vocational education~~ board of education or other legal authority.'

Sec. 62. R. S., c. 37, § 177-A, amended. Section 177-A of chapter 37 of the revised statutes, as enacted by chapter 382 of the public laws of 1947, is hereby amended to read as follows:

'**Sec. 177-A. State board of education to maintain and operate technical and vocational schools.** In addition to its duties connected with vocational education and vocational rehabilitation, the ~~vocational education~~ state board of education shall have authority to establish, maintain and operate state technical and vocational institutes to promote specialized training for

returned veterans of World War II and other persons who give evidence of special aptitude or need and who desire specialized training designed specifically to train for service in trade, industry or commerce.'

Sec. 63. R. S., c. 37, § 177-B, amended. Section 177-B of chapter 37 of the revised statutes, as enacted by chapter 382 of the public laws of 1947, is hereby amended to read as follows:

'Sec. 177-B. Powers and duties. For the purposes of sections 177-A to 177-C, inclusive and 177-B, the ~~vocational education~~ state board of education shall have power to accept and expend all funds received by it from the department of education on appropriation from the general fund of the state or from such gifts and donations either from public or private sources as may be offered unconditionally, together with fees as herein provided. The ~~vocational education~~ said board shall have authority to offer such courses of study, give such diploma or certificate on completion of a course of study, charge such tuition and other reasonable fees, and set up such qualifications for admission as it deems necessary, in any such technical and vocational schools.'

Sec. 64. R. S., c. 37, § 178, amended. The last sentence of section 178 of chapter 37 of the revised statutes is hereby amended to read as follows:

'Such schools shall cover 144 hours per year and meet the standards set up by the ~~vocational education~~ state board of education.'

Sec. 65. R. S., c. 37, § 185, sub-§ I, amended. Subsection I of section 185 of chapter 37 of the revised statutes, as repealed and replaced by section 1 of chapter 379 of the public laws of 1945, is hereby amended to read as follows:

'I. They shall be devoted to the training of teachers for their professional labors and such other post high school work as may be deemed essential by the state ~~normal school and teachers' college~~ board of education. The provisions of section 188 shall apply only to the regular teacher education courses, and the state ~~normal school and teachers' college~~ board may in its discretion establish special tuition charges for other post high school work.'

Sec. 66. R. S., c. 37, § 185, sub-§ V, amended. The last sentence of subsection V of section 185 of chapter 37 of the revised statutes is hereby repealed.

Sec. 67. R. S., c. 37, § 186, amended. The last sentence of section 186 of chapter 37 of the revised statutes, as amended by section 39 of chapter 378 of the public laws of 1945, is hereby further amended to read as follows:

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'The state ~~normal school and teachers' college~~ board of education may arrange for a course of study, occupying 3 or 4 years, for such students as elect to pursue the same, and it may give such credit as it may deem advisable for successful teaching experience.'

Sec. 68. R. S., c. 37, § 187, amended. Section 187 of chapter 37 of the revised statutes, as amended by section 40 of chapter 378 of the public laws of 1945, is hereby further amended to read as follows:

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

Sec. 69. Repealed by P. & S. L., 1951, c. 223, § 5.

Sec. 70. R. S., c. 37, § 189-A, amended. Section 189-A of chapter 37 of the revised statutes, as enacted by chapter 152 of the public laws of 1945 and amended by section 43 of chapter 378 of the public laws of 1945 and by chapter 374 of the public laws of 1947, is hereby further amended to read as follows:

'Sec. 189-A. State normal schools and teachers' colleges reserve funds created. Reserve accounts, consisting of the appropriation balances as of July 21, 1945 as shown in the records of the state controller credited to each of the state normal schools and teachers' colleges as defined by the provisions of sections 185 and 190, shall be maintained in the general fund by the state controller for each such normal school and teachers' college. The balances of said accounts shall be carried forward each year. To each such reserve account there may be added annually such amounts as the legislature may appropriate. Surpluses realized from the dormitory activities shall be retained in the reserve account of the school from which realized and such surpluses shall be expended for maintenance of the dormitories. Other funds in reserve accounts may be expended for the extension or improvement of the facilities of the respective teachers' colleges and normal schools. All balances remaining in the reserve account as of June 30, 1947 shall remain in a separate activity under the reserve and shall be expended for the extension or improvement of the facilities of the respective normal schools and teachers' colleges by the state controller upon approval of the state ~~normal school and teachers' college~~ board of education. Future surpluses realized from dormitory activities shall be transferred at the end

of each fiscal year to the reserve account under a separate activity, and may be expended by the state controller under the supervision of the state ~~normal school and teachers' college~~ board of education for the extension or improvemnet of the dormitory facilities of said schools.'

Sec. 71. R. S., c. 37, § 190, amended. Section 190 of chapter 37 of the revised statutes, as amended by section 44 of chapter 378 of the public laws of 1945, is hereby further amended to read as follows:

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

Sec. 72. R. S., c. 37, § 211-F, amended. The last sentence of section 211-F of chapter 37 of the revised statutes, as enacted by chapter 437 of the public laws of 1949, is hereby amended to read as follows:

'Applications for projects initiated after ~~the effective date of sections 211-B to 211-J~~, inclusive August 6, 1949 shall be filed with said commission before construction is undertaken.'

Sec. 73. R. S., c. 44, § 21, sub-§ III, amended. The last sentence of subsection III of section 21 of chapter 44 of the revised statutes, as amended by chapter 266 of the public laws of 1949, is hereby further amended to read as follows:

'Said amended permit shall specify the territory within which and the general purposes for which the contract carrier may operate, but said ~~new~~ amended permit shall not limit or restrict any rights lawfully existing, as shown by the record on the carrier's application filed in 1933, by virtue of this subsection as originally enacted, and shall not restrict the right of such carrier to substitute or add contracts which are within the scope of his permit or to add to his equipment and facilities within the scope of the permit as the development of the business and the demands of the public have or may require.'

Sec. 74. R. S., c. 56, § 141-D, amended. Section 141-D of chapter 56 of the revised statutes, as enacted by chapter 316 of the public laws of 1949, is hereby amended to read as follows:

'Sec. 141-D. Exceptions. The provisions of sections 141-A to 141-C, inclusive, shall not apply to any contracts or policies entered into or issued prior to ~~the effective date of sections 141-A to 141-D~~, inclusive August 6,

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1949 nor to any extensions, renewals or modifications thereof or amendments thereto whenever made.'

Sec. 75. 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 and by section 91 of chapter 349 of the public laws of 1949, 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~~ 111 and in sections 197 to 209, inclusive.'

Sec. 76. R. S., c. 56, § 229, amended. Section 229 of chapter 56 of the revised statutes is hereby amended to read as follows:

'Sec. 229. Agents' licenses; fees. The commissioner shall grant a license to sell such service as is provided for in sections 218 to 232, inclusive, in behalf of any individual, firm, association or corporation licensed therefor, to any applicant who shall furnish the commissioner with satisfactory evidence of his integrity and authority to sell the service offered. Such license, when granted, shall expire on January 1st thereafter, and annually thereafter may be renewed so long as the commissioner shall be satisfied of the licensee's integrity, authority and responsibility to provide the service stipulated.

The fee for each license issued shall be \$2, payable to the commissioner for the use of the state.'

Sec. 77. R. S., c. 56, § 231, repealed. Section 231 of chapter 56 of the revised statutes is hereby repealed.

Sec. 78. R. S., c. 56, § 234, amended. Section 234 of chapter 56 of the revised statutes is hereby amended to read as follows:

'Sec. 234. Licenses; fee. If the commissioner is of the opinion that an applicant is reliable and entitled to confidence, such applicant shall be granted a license to perform such road or other service in this state, and

such license shall expire on January 1st succeeding the date of issuance but may be renewed annually thereafter so long as the commissioner shall regard such licensee as financially responsible and entitled to confidence.

The fee for each license issued shall be \$20, payable to the commissioner for the use of the state.'

Sec. 79. R. S., c. 56, § 236, amended. Section 236 of chapter 56 of the revised statutes is hereby amended to read as follows:

'Sec. 236. Agents' licenses; fee. The commissioner shall grant a license to sell such service in behalf of any individual, firm, association or corporation licensed therefor to any applicant who shall furnish the commissioner with satisfactory evidence of his integrity and authority to sell the service offered. Such license, when granted, shall expire on January 1st thereafter, and annually thereafter may be renewed so long as the commissioner shall be satisfied of the licensee's integrity, authority and responsibility to provide the service stipulated.

The fee for each license issued shall be \$2, payable to the commissioner for the use of the state.'

Sec. 80. R. S., c. 56, § 238, repealed. Section 238 of chapter 56 of the revised statutes is hereby repealed.

Sec. 81. R. S., c. 57, § 22-A, repealed and replaced. Section 22-A of chapter 57 of the revised statutes, as enacted by chapter 243 of the public laws of 1947 and amended by chapter 191 and by section 100 of chapter 349, both of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

'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, 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. 82. R. S., c. 57, § 40, repealed and replaced. Section 40 of chapter 57 of the revised statutes, as amended by chapter 185 of the public laws of 1945, by section 3 of chapter 322 and section 4 of chapter 372, both of the public laws of 1947, and by section 104 of chapter 349 and section 1 of chapter 419, both of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

'Sec. 40. Licenses for consumption sale. Licenses for the sale of liquor to be consumed on the premises where sold may be issued to clubs and to bona fide hotels, restaurants, steamboats and railroad dining cars on payment of the fees herein provided; subject, however, to the condition that

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the application therefor be approved by the municipal officers of the town or city in which such intended licensee, if operating a club, restaurant or hotel, is operating the same, and if said hotel, restaurant 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. No licensee for the sale of liquor to be consumed on the premises where sold shall by himself, clerk, servant or agent, sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed premises, except, subject to the provisions of law and the rules and regulations of the commission, hotel licensees may sell liquor in the original packages to bona fide registered room guests.

Except as provided by section 21-A, any applicant aggrieved by the refusal to approve an application as hereinbefore provided or application for transfer of such license may appeal to the commission, who shall hold a public hearing thereon in the town or city for which such license is requested and if it finds the refusal arbitrary or without justifiable cause, it may issue such license or transfer notwithstanding the lack of such approval.'

Sec. 83. R. S., c. 57, § 60, sub-§ IV, renumbered. Subsection IV of section 60 of chapter 57 of the revised statutes, as enacted by chapter 194 of the public laws of 1947, is hereby renumbered to be subsection III of said section 60.

Sec. 84. R. S., c. 59, § 6-C, sub-§ III, amended. The last sentence of subsection III of section 6-C of chapter 59 of the revised statutes, as enacted by section 1 of chapter 357 of the public laws of 1949, is hereby amended to read as follows:

'For the purpose of carrying out the provisions of this subsection, the state personnel director, upon receipt of such certificate, shall immediately file with the proper state officials the certification of payroll provided for by section 21, and payment of such increase is hereby authorized from any appropriation available to such department, institution or other state agency for personal services during the fiscal year in which said award is made, and all such appropriations shall be available for the payment of the additional compensation provided for by this ~~subdivision~~ subsection.'

Sec. 85. R. S., c. 59, § 6-D, amended. Section 6-D of chapter 59 of the revised statutes, as enacted by section 1 of chapter 357 of the public laws of 1949, is hereby amended to read as follows:

'Sec. 6-D. Rules and regulations. The merit award board shall have full power and authority to adopt and promulgate rules and regulations

governing the operation of any plan or plans established under ~~this chapter~~ the provisions of sections 6-A to 6-D, inclusive, the eligibility and qualifications of state employees participating therein, the character and quality of suggestions and accomplishments submitted for consideration, the method of their submission and the procedure for their review, nominations for merit awards, and the kind, character and value of such awards, and such other rules and regulations as may be deemed necessary or appropriate for the proper administration of the provisions of ~~this chapter~~ sections 6-A to 6-D, inclusive, or for the accomplishment of the purposes thereof.'

Sec. 86. R. S., c. 60, § 1, amended. The 1st paragraph of section 1 of chapter 60 of the revised statutes, as revised by section 3 of chapter 384 of the public laws of 1947, is hereby amended to read as follows:

"Retirement system" shall mean the ~~State Employees' Retirement System of the state of Maine~~ Maine State Retirement System, as defined in section 2.'

Sec. 87. R. S., c. 60, § 5, repealed. Section 5 of chapter 60 of the revised statutes is hereby repealed.

Sec. 88. R. S., c. 60, § 5-A, renumbered. Section 5-A of chapter 60 of the revised statutes, as enacted by section 3 of chapter 384 of the public laws of 1947, is hereby renumbered to be section 5 of said chapter 60.

Sec. 89. R. S., c. 60, § 6, repealed. Section 6 of chapter 60 of the revised statutes is hereby repealed.

Sec. 90. R. S., c. 60, § 6-A, renumbered and amended. Section 6-A of chapter 60 of the revised statutes, as enacted by section 3 of chapter 384 of the public laws of 1947, is hereby renumbered to be section 6 of said chapter 60, and amended by adding at the end thereof the following subsections:

'IX. Teachers who may be entitled to an annual pension of \$700. 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 \$700; 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.

X. Teachers who may receive 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 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 \$600.

XI. 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 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 \$500.'

Sec. 91. R. S., c. 60, §§ 6-B, 6-C, 6-D, repealed. Sections 6-B, 6-C and 6-D of chapter 60 of the revised statutes, as enacted by section 107 of chapter 349 of the public laws of 1949, and as amended, are hereby repealed.

Sec. 92. R. S., c. 60, § 15, repealed. Section 15 of chapter 60 of the revised statutes, as amended, is hereby repealed.

Sec. 93. R. S., c. 63, § 1, amended. The 1st 3 sentences of the 2nd paragraph of section 1 of chapter 63 of the revised statutes, as amended by section 2 of chapter 155 of the public laws of 1945 and by chapter 70 of the public laws of 1947, are hereby further amended to read as follows:

~~'First appointments hereunder shall be for terms of 1, 2, 3, 4 and 5 years respectively, all beginning August 1, 1945; and except~~ Except to fill vacancies in unexpired terms, all appointments thereafter shall be for terms of 5 years. ~~First appointments hereunder shall be made from the members of the board in office when such first appointments are made, in so far as the number of members then in office is sufficient therefor; and upon their taking office hereunder, their terms under prior appointments shall cease. Except for such original appointments hereunder, all~~ All appointments shall be made from a list of 3 eligible candidates selected

at a meeting of the executive committee of the Maine State Nurses' Association and submitted to the governor not less than 30 days before the time of appointment.'

Sec. 94. R. S., c. 77, amended. The title of chapter 77 of the revised statutes is hereby amended to read as follows:

'STATE HARNESS RACING COMMISSION.'

Sec. 95. R. S., c. 77, § 1, amended. The 1st sentence of section 1 of chapter 77 of the revised statutes is hereby amended to read as follows:

'The state harness racing commission, as heretofore established, and hereinafter in this chapter called the "commission", shall consist of 3 members who shall be appointed and may be for cause removed by the governor with the advice and consent of the council.'

Sec. 96. R. S., c. 79, §§ 69-76, repealed. Sections 69 to 76, inclusive, of chapter 79 of the revised statutes are hereby repealed.

Sec. 97. R. S., c. 80, § 62, amended. Section 62 of chapter 80 of the revised statutes, as amended by section 3 of chapter 137 of the public laws of 1949, is hereby further amended to read as follows:

'**Sec. 62. Recount proceedings.** Whenever any candidate for any municipal office shall desire a recount of the votes cast for the particular office for which he was a candidate, he shall within 3 days from the date of said inspection file a sworn petition with the clerk of said municipality setting forth the particular office for which he was a candidate, and state on his own knowledge or on information and belief, that because of the closeness of the vote, or a mistake in counting of the ballots or in the return of the ward ~~offices~~ officers, or fraud committed before or during said election, or any other cause, he would like a recount of all the ballots cast in said municipality for the office for which he was a candidate.'

Sec. 98. R. S., c. 80, § 86, amended. The last sentence of the 2nd paragraph of section 86 of chapter 80 of the revised statutes is hereby amended to read as follows:

'No permit shall be issued for any building or structure, except as authorized under the provisions of sections 11 and 17 of chapter 46, or part thereof on any land located between the mapped lines of any street, way or park as shown on the official map except on appeal under the provisions of section ~~88~~ 88-A.'

Sec. 99. R. S., c. 80, § 89, amended. Section 89 of chapter 80 of the revised statutes is hereby amended to read as follows:

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'Sec. 89. Relation to other laws. In a municipality not having a planning board, ordinances and regulations previously enacted under the repealed sections 137 to 144, inclusive, of chapter 5 and sections 31 and 32 of chapter 27 of the revised statutes of 1930, as amended, shall continue in full force and effect and may be amended in accordance with the provisions of such sections until said ordinances and regulations are repealed or suspended by ordinances or regulations under the provisions of sections 84 to ~~§§~~ 88-A, inclusive. Upon establishment of a planning board in such a municipality and in any municipality heretofore having a planning board all provisions of ordinances or regulations enacted under such repealed sections not inconsistent with the provisions of sections 84 to ~~§§~~ 88-A, inclusive, shall continue in full force and effect as though enacted thereunder and any provisions inconsistent with sections 84 to ~~§§~~ 88-A, inclusive, shall be void. If the legislative body of a city or the inhabitants of a town heretofore having a planning board so ordain, such board shall hereafter act as a planning board under the provisions of sections 84 to 87, inclusive.'

Sec. 100. R. S., c. 81, § 36, amended. Section 36 of chapter 81 of the revised statutes is hereby amended to read as follows:

'Sec. 36. Assessors to include in inventory sheep, swine, neat cattle, colts, fowl and goats. Assessors of taxes shall include in the inventory, required to be taken on April 1st, the number and value of all neat cattle 18 months old and under, all sheep to the number of 35, swine to the number of 10, draft colts to the age of 3 years, ~~and~~ domestic fowl to the number of 50, all goats to the number of 35 and all kids less than 1 year old, stated separately. Said property shall not be included in the tax list.'

Sec. 101. R. S., c. 81-A, § 23, repealed. Section 23 of chapter 81-A of the revised statutes, as enacted by chapter 441 of the public laws of 1949, is hereby repealed.

Sec. 102. 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, and amended by section 120 of chapter 349 of the public laws of 1949, and repealed and replaced by chapter 399 of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

'Whenever there shall accumulate in the special fund created by this section a surplus sufficient to defray the expenses of such administration 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 not 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. 103. R. S., c. 85, § 39, amended. Section 39 of chapter 85 of the revised statutes is hereby amended by adding at the end thereof the following paragraph:

'The penalty imposed by this section shall not be considered a substitute.'

Sec. 104. R. S., c. 85, § 58, reallocated. Section 58 of chapter 85 of the revised statutes, as repealed and replaced by chapter 362 of the public laws of 1945 and repealed and replaced by section 1 of chapter 356 of the public laws of 1949, is hereby reallocated to be section 58-A of said chapter 85.

Sec. 105. R. S., c. 85, § 59, repealed. Section 59 of chapter 85 of the revised statutes is hereby repealed.

Sec. 106. R. S., c. 88, § 20, amended. Section 20 of chapter 88 of the revised statutes is hereby amended to read as follows:

'Sec. 20. Penalty, if officer refuses or neglects duty. Any mayor, selectman, clerk, constable or police officer who refuses or wilfully neglects to perform the duties imposed by the ~~22~~ 13 preceding sections shall be punished by a fine of not less than \$10, nor more than \$50, and costs.'

Sec. 107. R. S., c. 88, § 25, amended. The 1st sentence of section 25 of chapter 88 of the revised statutes is hereby amended to read as follows:

'Trial justices shall have original and concurrent jurisdiction with municipal courts and the superior court of all violations of the ~~27~~ 19 preceding sections.'

Sec. 108. R. S., c. 88, §§ 82-A - 82-J, reallocated. Sections 82-A to 82-J, inclusive, of chapter 88 of the revised statutes, as enacted by chapter 376 of the public laws of 1949, are hereby reallocated to be sections 82-I to 82-R, inclusive, of said chapter 88; and wherever in said sections 82-A to 82-J, inclusive, the words and figures "82-A to 82-J, inclusive," appear, they are hereby amended to read 'sections 82-I to 82-R, inclusive,'.

Sec. 109. R. S., c. 88, § 82-A, amended. The 1st paragraph of section 82-A of chapter 88 of the revised statutes, as enacted by chapter 376 of the public laws of 1949, is hereby amended to read as follows:

'The provisions of sections ~~82-A to 82-J~~ 82-I to 82-R, inclusive, shall apply to all installations of electrical conductors, fittings, devices and fixtures, hereinafter referred to as "electrical equipment," made after ~~the effective date of sections 82-A to 82-J, inclusive~~ August 6, 1949, within or

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on public and private buildings and premises, with the following general exceptions which are applicable to all provisions of sections ~~82-A to 82-J~~ 82-I to 82-R, inclusive:'

Sec. 110. R. S., c. 91, § 5, amended. The 1st sentence of section 5 of chapter 91 of the revised statutes, as repealed and replaced by section 1 of chapter 369 of the public laws of 1949, is hereby amended to read as follows:

'Any justice of the supreme judicial court who resigns his office, or ceases to serve at the expiration of any term thereof, after attaining the age of 70 years and after having served as a justice on either the supreme judicial court or the superior court, or both, for at least 7 consecutive years, shall receive annually during the remainder of his life, whether or not he is appointed an active retired justice as provided in the following section, an amount equal to $\frac{3}{4}$ of the salary which was being paid to him at the termination of his service, to be paid in the same manner as the salaries of the justices of said court are paid; provided, however, that such justice shall terminate his service before his 71st birthday, unless he be a justice who has attained or hereafter shall attain the age of 70 years during his continuance in office as such justice under an appointment made prior to ~~90 days after the adjournment of the 94th legislature in regular session~~ August 6, 1949, in which case to be entitled to compensation as aforesaid he shall terminate his service before his 72nd birthday.'

Sec. 111. R. S., c. 94, § 3, amended. The 1st sentence of section 3 of chapter 94 of the revised statutes, as repealed and replaced by section 2 of chapter 369 of the public laws of 1949, is hereby amended to read as follows:

'Any justice of the superior court who resigns his office, or ceases to serve at the expiration of any term thereof, after attaining the age of 70 years and after having served as such justice for at least 7 consecutive years, shall receive annually during the remainder of his life, whether or not he is appointed an active retired justice as provided in the following section, an amount equal to $\frac{3}{4}$ of the salary which was being paid to him at the termination of his service, to be paid in the same manner as the salaries of the justices of said court are paid; provided, however, that such justice shall terminate his service before his 71st birthday, unless he be a justice who has attained or hereafter shall attain the age of 70 years during his continuance in office as such justice under an appointment made prior to ~~90 days after the adjournment of the 94th legislature in regular session~~ August 6, 1949, in which case to be entitled to compensation as aforesaid he shall terminate his service before his 72nd birthday.'

Sec. 112. R. S., c. 94, § 11, sub-§ II, amended. The last sentence of

subsection II of section 11 of chapter 94 of the revised statutes, as enacted by chapter 126 of the public laws of 1949, is hereby amended to read as follows:

'All recognizances for appearance to abide action by the grand jury shall be for appearance at the term at which the next regular session of the grand jury is held, but appeals in criminal matters shall be to the next regular term except the February term; ~~and all writs and precepts made returnable to the superior court to be holden in and for said county of Aroostook on the 2nd Tuesday of September, 1949, whether reciting said term to be begun and holden at Houlton or at Caribou, shall be returnable to and cognizable at the September term, 1949, as herein provided.~~

Sec. 113. R. S., c. 96-A, § 4, repealed and replaced. Section 4 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, and amended by section 3 of chapter 3 of the public laws of 1947, and repealed and replaced by section 2 of chapter 278 of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 4. Disposition of fees. Of the amount of the entry fee, the judge shall receive 75c. Of the \$1.25 remaining a sufficient sum shall be applied directly on the registered postage mentioned in section 6 and the balance shall be retained by the clerk or recorder, or in towns where there is no clerk or recorder, by the judge in addition to the 75c fee mentioned above.'

Sec. 114. R. S., c. 100, § 170-C, amended. Section 170-C of chapter 100 of the revised statutes, as enacted by chapter 100 of the public laws of 1945, is hereby amended to read as follows:

'Sec. 170-C. Limitation. Notwithstanding the provisions of any general or special law, the provisions of sections 170-A, 170-B and 170-C shall control, except as to transactions occurring before ~~the provisions of sections 170-A, 170-B and 170-C take effect~~ July 21, 1945, and except that the provisions of sections 170-A, 170-B and 170-C shall not be construed to alter or affect existing law with respect to the transfer of negotiable instruments, or to affect the liens of factors acquired through the provisions of sections 3-A to 3-H, inclusive, of chapter 167.'

Sec. 115. R. S., c. 122, § 21, amended. The 1st sentence of section 21 of chapter 122 of the revised statutes, as amended by chapter 202 of the public laws of 1949, is hereby further amended to read as follows:

'Whoever assaults, intimidates or in any manner wilfully obstructs, intimidates or hinders any sheriff, deputy sheriff, constable, ~~fish warden~~ inland fish and game warden, coastal warden, liquor inspector or police officer while in the lawful discharge of his official duties, whether with

or without process, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months.'

Sec. 116. R. S., c. 142, § 15, amended. Section 15 of chapter 142 of the revised statutes, as amended by section 5 of chapter 354 of the public laws of 1947, is hereby further amended to read as follows:

'Sec. 15. When tax is payable. Except as otherwise provided in ~~section~~ sections 13 and 27, the tax imposed by the provisions of sections 1 to 41, inclusive, shall be payable ~~to the state tax assessor by the executor, administrator, or trustee~~ at the expiration of 15 months from the date of death of the decedent, but if legacies or distributive shares are paid within said period, the tax thereon shall be paid at the same time; provided, however, that the state tax assessor may for cause extend the time of payment.'

Sec. 117. R. S., c. 142, § 41-N, amended. Section 41-N of chapter 142 of the revised statutes, as enacted by chapter 33 of the public laws of 1949, is hereby amended to read as follows:

'Sec. 41-N. Time of taking effect. The provisions of sections 41-A to 41-N, inclusive, shall apply to estates of decedents dying before or after ~~the enactment of said sections~~ August 6, 1949.'

Sec. 118. R. S., c. 142, § 41-S, amended. Section 41-S of chapter 142 of the revised statutes, as enacted by chapter 34 of the public laws of 1949, is hereby amended to read as follows:

'Sec. 41-S. Time of taking effect. The provisions of sections 41-O to 41-S, inclusive, shall apply to estates of decedents dying before or after ~~the enactment of said sections~~ August 6, 1949.'

Sec. 119. R. S., c. 163, § 31-A, amended. Section 31-A of chapter 163 of the revised statutes, as enacted by chapter 166 of the public laws of 1949, is hereby amended to read as follows:

'Sec. 31-A. Validating certain mortgage discharges. All marginal discharges of mortgages recorded prior to ~~the effective date of this section~~ August 6, 1949, duly attested by the register of deeds as being recorded from discharge in margin of original mortgage, are hereby validated and shall have the same effect as if made as provided in section 31.'

Sec. 120. P. L., 1943, certain laws repealed. Section 1 of chapter 15; that part of section 1 of chapter 155 which reads as follows: "or for a total of 36 months within a 3 to 4 year period when such college or university has adopted compressed or accelerated courses during the present war emergency and 6 months thereafter."; chapter 260; and chapter 273, as amended by section 3 of chapter 302 of the public laws of 1945, all of the public laws of 1943, are hereby repealed.

Sec. 121. P. L., 1949, certain laws repealed. Chapters 203, 239, 240, 291, 346; section 32 of chapter 349; chapters 371 and 373; section 2 of chapter 401; and chapter 420, all of the public laws of 1949, are hereby repealed.

Effective August 20, 1951

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AN ACT Relating to Location of Public Utility Structures.

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

Sec. 1. R. S., c. 46, § 17, amended. Section 17 of chapter 46 of the revised statutes is hereby amended to read as follows:

‘Sec. 17. Certain corporations authorized to place wires, pipes, cables, etc. under surface of streets, subject to permit from municipal officers. Telegraph, telephone, gas, water, pipe line, electric light, heat or power companies chartered by special act of legislature or organized under the general laws of the state, and all such companies, wherever chartered or organized, engaged in the business of transmitting intelligence, heat, light or power by electricity, or of transporting or distributing water as a public utility, or of transporting oil, gas, gasoline, petroleum or any other liquids or gases as a common carrier for hire, or of furnishing gas for light, heat or power, may, in any city or town, place their pipes, **hydrants and appurtenances**, wires, and cables and all conduits and other structures for conducting and maintaining such pipes, wires and cables under the surface of those streets and highways in which such companies are empowered to obtain locations for their pipes, **hydrants and appurtenances**, poles and wires; subject, however, to the written permit therefor of the municipal officers of such city or town, and subject also to such rules and regulations as to location and construction as such municipal officers may designate in their permit. Proceedings for obtaining such permit shall be had in accordance with the provisions of sections 30 to 37, inclusive. Permits to open streets and highways for the purpose of relaying or repairing such pipes, **hydrants and appurtenances**, wires, cables, conduits and other structures may be granted without notice.’

Sec. 2. R. S., c. 46, § 17-A, additional. Chapter 46 of the revised statutes is hereby amended by adding thereto a new section to be numbered 17-A, to read as follows: