

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-sixth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninety-sixth Legislature

1953

PUBLIC LAWS, 1953

CHAP. 396

with reasonable diligence, cause him to be taken before a municipal court in the county in which the offense is alleged to have been committed, for a warrant and trial; or if a municipal court in an adjoining county is the nearest court to the place of arrest, jurisdiction is given to such municipal court to hear and try such case.

Provided, however, that if there is a trial justice whose usual place of holding court is in the county in which the offense is alleged to have been committed, such violator may be taken before such trial justice for warrant and trial. Any game warden may arrest with or without warrant any person who impersonates or represents himself as being a game warden.'

Effective August 8, 1953

Chapter 395

AN ACT Relating to Burial Expenses Under Workmen's Compensation Act.

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

Sec. 1. R. S., c. 26, § 16, amended. Section 16 of chapter 26 of the revised statutes is hereby amended to read as follows:

'Sec. 16. Burial expenses. If the employee dies as a result of the injury, the employer shall pay, in addition to any compensation and medical benefits provided for in this act, the reasonable expenses of burial, not to exceed ~~\$250~~ \$350.'

Sec. 2. Effective date. This act shall become effective on November 30, 1953.

Effective November 30, 1953

Chapter 396

AN ACT Relating to the Administration of the Liquor Law.

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

Sec. 1. R. S., c. 57, § 4, amended. Section 4 of chapter 57 of the revised statutes is hereby amended to read as follows:

'Sec. 4. Eligibility of members and employees. No person shall be eligible for appointment as a member of the commission or as an employee of the commission in any capacity, including the business administrator and the director of licensing and enforcement, who has any connection with, official, professional or otherwise, or who owns any stock in a corporation interested either directly or indirectly in the manufacture or sale of liquor or who has been convicted of the breach of any state or federal law regulating the manufacture, sale or transportation of intoxicating liquor.'

Sec. 2. R. S., c. 57, §§ 5-A, 5-B, additional. Chapter 57 of the revised statutes is hereby amended by adding thereto 2 new sections to be numbered 5-A and 5-B, to read as follows:

'Sec. 5-A. Business administrator. The commission shall appoint a business administrator whose term of office shall be continuous, subject only to removal for cause by a majority vote of the governor, the individual members of the council and the commission, acting as one body, after notice and public hearing if requested by the administrator. The salary of the administrator shall be fixed by the governor and council.

In appointing a business administrator, consideration shall be given to the following qualifications: sound judgment, practical experience and ability in merchandising, executive administration, salesmanship and sound business principles.

Sec. 5-B. Director of licensing and enforcement. The commission shall appoint a director of licensing and enforcement whose term of office shall be continuous, subject only to removal for cause by a majority vote of the governor, the individual members of the council and the commission, acting as one body, after notice and public hearing if requested by the director. The salary of the director shall be fixed by the governor and council.

In appointing a director of licensing and enforcement, consideration shall be given to the following qualifications: sound judgment and practical experience in all phases of licensing, law enforcement and knowledge of the liquor laws.'

Sec. 3. R. S., c. 57, § 6, sub-§ I, amended. Subsection I of section 6 of chapter 57 of the revised statutes is hereby amended to read as follows:

'I. To have general supervision of manufacturing, importing, storing, transporting and ~~exclusive control of the~~ sale of all liquors.'

Sec. 4. R. S., c. 57, § 6, sub-§§ X-A, X-B, X-C, additional. Section 6 of chapter 57 of the revised statutes, as amended, is hereby further amended by adding thereto 3 new subsections to be numbered X-A, X-B and X-C, to read as follows:

X-A. To assign to the business administrator under its supervision all powers and duties relating to all phases of the merchandising of liquor.

X-B. To assign to the director of licensing and enforcement under its supervision all powers and duties relating to licensing, and to enforcement of the liquor laws.

X-C. To act as a review board on the decisions of the administrator and on all appeals from the decisions of the director of licensing and enforcement, and municipal officers, and except as provided by section 60-A the decisions of the commission shall be final. All decisions of the commission acting as a review board must be approved by at least 2 members.'

Sec. 5. R. S., c. 57, § 6, sub-§ XVII, amended. Subsection XVII of section 6 of chapter 57 of the revised statutes, as amended, is hereby further amended to read as follows:

XVII. Any member of the commission, the administrator and the director may administer oaths and issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books and papers relating to any question in dispute before them or to any matter involved in a hearing. Witness fees in all proceedings shall be the same as for witnesses before the superior court. Whoever, having been summoned as a witness by any member of the commission, the administrator or the director to appear before the commission, the administrator or the director, without reasonable cause fails to appear at the time and place designated in the subpoena or summons shall be punished, on complaint or indictment by a fine of not more than \$100, or by imprisonment for less than 1 year.'

Sec. 6. R. S., c. 57, § 60-B, additional. Chapter 57 of the revised statutes, as amended, is hereby further amended by adding thereto a new section to be numbered 60-B, to read as follows:

Sec. 60-B. Appeals. Any person, firm or corporation aggrieved by the decision of the director of licensing and enforcement by refusal to issue any license applied for may, within 5 days, request in writing a hearing and review without delay of such decision by the commission. Pending the review or appeal, the decision of the director shall remain in full force and effect.'

Sec. 7. R. S., c. 57, §§ 61-A, 61-B, additional. Chapter 57 of the revised statutes is hereby amended by adding thereto 2 new sections to be numbered 61-A and 61-B, to read as follows:

'Salesmen

Sec. 61-A. Salesmen. All concerns selling liquor to the state shall furnish to the commission a list of all officers and directors, if a corporation, or a list of all partners, if a partnership, and also the name of the salesman representing the concern within the state.

Such salesman shall apply to the director of licensing and enforcement for a license disclosing the person, firm or corporation for whom he is employed. The license fee shall be \$10 and shall expire on the last day of December of the year in which it is obtained. It may be renewed annually on payment of \$10.

Licenses so issued by the director of licensing and enforcement shall be revoked for the violation of the liquor laws or any rule or regulation promulgated by the commission.

Sec. 61-B. Appeal. If any person is aggrieved by the decision of the director of licensing and enforcement in revoking the license of the salesman, he may, within 10 days thereafter, appeal to the commission and the decision of the commission shall be final. Pending judgment of the commission, the decision of the director of licensing and enforcement in revoking such license shall remain in full force and effect.'

Sec. 8. Amendatory clause. Wherever in this chapter references are made to powers and duties of the commission, which powers and duties have been specifically assigned under its supervision to the business administrator or the director of licensing and enforcement by the provisions of this act, such references shall be amended accordingly.

Effective August 8, 1953

Chapter 397

AN ACT to Control Vesicular Diseases.

Emergency preamble. Whereas, vesicular exanthema has been positively diagnosed in Maine; and

Whereas, symptoms of vesicular exanthema and foot and mouth disease are identical; and