

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

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or through any city or town not named in a special act of the Legislature as among the cities or towns to be served by it, shall, within 20 days after final authorization of the Commission as aforesaid, file with the Secretary of State a certificate exhibiting such authorization of the Commission, and thereupon the power to serve as therein provided shall take and be of effect. On filing such certificate there shall be paid to the Secretary of State for the use of the State the sum of \$20. Nothing in this section shall be construed to apply to common carriers by railroad which are subject to the jurisdiction of the Interstate Commerce Commission.'

Effective August 20, 1955

Chapter 187

AN ACT Relating to Waiver of Indictment.

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

R. S., c. 147, § 33, additional. Chapter 147 of the revised statutes is hereby amended by adding thereto a new section to be numbered 33, to read as follows:

'Waiver of Indictment.

Sec. 33. Waiver of indictment; petition; information; notification of rights; additional charges. Any person charged with an offense not punishable by life imprisonment, who has been bound over to await the action of a grand jury in any Superior Court, and who desires to waive indictment and have a prompt arraignment upon waiver of said indictment, may file a petition in writing with the clerk of said court requesting prompt arraignment by information.

After the filing of such petition, and after the accused in open court, or before any Justice of the Superior Court in vacation, has been advised of the nature of the offense and of his rights, said accused may waive in open court prosecution by indictment, which waiver shall be recorded. Thereupon the county attorney may proceed against the accused person by information.

The information shall be a plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the county attorney, and in such cases the Superior Court, or any Justice of the Superior Court in vacation, shall have jurisdiction in term time or in vacation as if an indictment had been found, and upon plea of guilty shall thereupon impose sentence, and upon entry of any other plea shall continue the matter to the next term at which criminal trials are held.

The accused person may then be arraigned upon said information at such time as the court, or any Justice of the Superior Court in vacation, may designate, whether in term time or vacation.

The court which binds over an accused person will notify him of his right to apply for waiver of indictment and prompt arraignment as aforesaid.

If the county attorney desires to charge the accused person hereunder with an offense or offenses not punishable by life imprisonment, and not contained in the complaint upon which such accused person has been so bound over, he may, before consenting to proceedings by information, prepare an information or infor-

mations setting forth such other offenses and file the same with the clerk of courts and cause the accused to be served with attested copy thereof in order that the accused may have an opportunity to waive indictment upon such other offenses, and an affidavit of such waiver by the accused shall be presented to the court, or any Justice of the Superior Court in vacation, and be recorded.

The Superior Court shall, by rule, establish forms and petitions to waive indictment hereunder, and may, by rule, make such other regulations or procedure hereunder as justice may require.'

Effective August 20, 1955

Chapter 188

AN ACT Relating to Shipping of Malt Liquor to Maine Wholesalers.

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

R. S., c. 61, § 21, amended. The 2nd paragraph of section 21 of chapter 61 of the revised statutes is hereby amended to read as follows:

'All purchase order forms are to be furnished by the Commission and all orders are to be executed in quintuplet. The original copy is to be sent direct to the brewery or foreign wholesaler. Three copies are to be mailed to the Commission with a check for the amount of excise taxes required to cover the amount of the order. The Commission shall mail one copy, after having certified thereon that the excise taxes thereon have been paid, to the brewery or foreign wholesaler with whom the order has been placed. One copy shall be mailed to the Maine wholesale licensee with a notation that the excise taxes have been paid. The brewery or foreign wholesaler may ship upon receipt of the original order upon being granted permission to do so by the Commission and shall ship only to a licensed Maine wholesaler.'

Effective August 20, 1955

Chapter 189

AN ACT Relating to Donations or Gifts of Money to a Municipality.

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

R. S., c. 91, § 118-A, additional. Chapter 91 of the revised statutes is hereby amended by adding thereto a new section, to be numbered 118-A to read as follows:

'Sec. 118-A. Donations or gifts of money to a city or town. Whenever the municipal officers of any city or town are notified in writing by any person that he intends to make a donation or gift of money, in behalf of said city or town, for the purpose of supplementing one or more specific appropriations already made, or, to reduce the tax assessment in respect to one or more specific appropriations already made, or, to reduce the permanent city or town debt, the municipal officers have authority to accept such donation or gift and cause same to be applied for the purpose or purposes stated by the donor. If, prior to the