

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 27 of chapter 10 of the Revised Statutes of 1954.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1955

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

Chapter 435

AN ACT Revising the Laws on Civil Defense and Public Safety.

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

Sec. 1. R. S., c. 12, § 8, amended. The 3rd paragraph of section 8 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Police sections of such mobile reserve battalions shall have the power to make arrests of persons found in violation of any state law or any provisions of this chapter or any rules or regulations promulgated thereunder in times of emergency necessary to carry out the provisions of section 6 of this chapter; and the same power of arrest is vested in such police sections of mobile reserve battalions of other states, foreign countries or their political subdivisions while on active duty within the borders of this State.'

Sec. 1-A. R. S., c. 12, § 4-A, additional. Chapter 12 of the revised statutes is hereby amended by adding thereto a new section to be numbered 4-A, to read as follows:

'Sec. 4-A. Rules and regulations. The Director shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations to carry out the provisions of this chapter.

Such rules and regulations shall become effective when approved in writing by the Governor and Council and when a certified copy thereof has been filed with the Secretary of State. Any person aggrieved by any such rule or regulation or the reasonableness of same, or any act or order of the Director in enforcing any such rule or regulation, may appeal to a Justice of the Superior Court by presenting to him a petition therefor in term time or vacation and he shall fix a time and place of hearing which may be in the chambers or in vacation and cause notice thereof to be given to the Director and, after the hearing, the Justice may affirm or reverse the rule, regulation, act or order of the Director and the decision of such Justice shall be final.'

Sec. 2. R. S., c. 12, § 9, amended. Section 9 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 9. Local organization for civil defense and public safety. Each political subdivision of this State is authorized ~~and directed~~ to establish and shall establish a local organization for civil defense and public safety in accordance with the state civil defense and public safety plan and program. Each local organization for civil defense and public safety shall have a director who shall be appointed by the executive officer or governing body of the political subdivision, and who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense and public safety, subject to the direction and control of such executive officer or governing body. Any director so appointed may be removed by the appointing body for incompetence, misconduct, neglect of duty, disloyalty or subversive activity. The Director may also remove any of his appointees for incompetence, misconduct, neglect of duty, disloyalty or subversive activity. Each local organization for civil defense and public safety shall perform civil defense and public safety functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of section 10.

Duly appointed law enforcement officers of local, state and sheriffs organizations are empowered to enforce any of the provisions of this chapter or any rules or regulations promulgated thereunder in times of an emergency or during authorized alerts including partial or full mobilization necessary to carry out the provisions of section 6. It shall be unlawful for any individual to fail or refuse to comply with any just or reasonable order relative to the above from any such duly appointed law enforcement officer. Such failure to comply with such order shall constitute a misdemeanor.

Duly appointed civil defense and public safety law enforcement officers of local, state and sheriffs organizations shall have power to make arrests of persons found in violation of any provisions of this chapter or any rules and regulations promulgated thereunder in times of emergency necessary to carry out the provisions of section 6 of this chapter.'

Sec. 3. R. S., c. 12, § 12, amended. Section 12 of chapter 12 of the revised statutes is hereby amended by adding at the end thereof the following paragraph:

'The State Director, for purposes of civil defense and public safety, and subject to the approval of the Governor, may convey equipment, supplies, materials or funds by way of sale, lease or grant to any political subdivision of the State, such conveyance to be subject to the terms of the offer and the rules and regulations, if any, imposed by the State.'

Sec. 4. R. S., c. 12, § 13, amended. Section 13 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 13. Utilization of existing services and facilities. In carrying out the provisions of this chapter, the Governor and the executive officers or governing bodies of the political subdivisions of the State are directed ~~to~~ and shall utilize the services and facilities of existing departments, offices and agencies of the State and ~~of~~ all the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed ~~to~~ and shall cooperate with and extend such services and facilities to the Governor and to the civil defense and public safety organizations of ~~the~~ this State upon request.'

Sec. 5. R. S., c. 12, § 19-A, additional. Chapter 12 of the revised statutes is hereby amended by adding thereto a new section to be numbered 19-A, to read as follows:

'Sec. 19-A. Penalty. Every officer of a political subdivision of this State who, having administrative responsibilities under the provisions of this chapter, willfully violates any of the provisions of this chapter shall be punished by a fine of \$20.'

Effective August 20, 1955

Chapter 436

AN ACT Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases.

Emergency preamble. Whereas, the present highway program requires immediate funds in order to match federal funds for the construction of highways and to carry out necessary maintenance of highway; and