

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

As Passed by the Ninety-seventh Legislature

1955

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

Whereas, such construction and maintenance should be started immediately to preserve the roads and furnish transportation for necessities to the people; and

Whereas, in the judgment of the Legislature these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., c. 16, § 160, amended. Section 160 of chapter 16 of the revised statutes is hereby amended to read as follows:

'Sec. 160. Tax levied; rebates. An excise tax is levied and imposed at the rate of ~~6e~~ 7c per gallon upon internal combustion engine fuel sold or used within this State, including such sales when made to the State or any political subdivision thereof, for any purpose whatsoever, excepting, however, such internal combustion engine fuel sold or used in such form and under such circumstances as shall preclude the collection of this tax by reason of the provisions of the laws of the United States, or sold wholly for exportation from the State, or brought into the State in the ordinary standardized equipment fuel tank attached to and forming a part of a motor vehicle and used in the operation of such vehicle within the State; provided, however, that on the same fuel only one tax shall be paid to the State, for which tax the distributor first receiving the fuel in the State shall be primarily liable to the State, except when such fuel has been sold and delivered to another distributor in the State, in which case the purchasing distributor shall be primarily liable to the State for the tax; and provided further, that ~~5e~~ 6c of the tax so paid, and no more, upon such internal combustion fuel used in motor boats, in tractors used for agricultural purposes not operating on public ways, or in such vehicles as run only on rails or tracks, or in stationary engines or in the mechanical or industrial arts, shall be refunded as hereinafter provided; and provided further, that 8 mills of the tax so paid on fuel used in motor boats, which is not refunded under the provisions of section 166, shall be paid to the Treasurer of State, to be made available to the Commissioner of Sea and Shore Fisheries for the purpose of conducting research, development and propagation activities by the Department.

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

Sec. 2. R. S., c. 16, § 162, amended. Section 162 of chapter 16 of the revised statutes is hereby amended to read as follows:

'Sec. 162. Distributor entitled to collect 7c additional. Each distributor paying or becoming liable to pay the tax imposed by sections 158 to 168, inclusive, shall be entitled to charge and collect ~~6e~~ 7c per gallon only as a part of the selling price of the internal combustion engine fuels subject to the tax.'

Sec. 3. R. S., c. 16, § 163, amended. The 3rd, 4th and 5th sentences of section 163 of chapter 16 of the revised statutes are hereby amended to read as follows:

'At the time of the filing of said report each distributor shall pay to the State Tax Assessor a tax of ~~6e~~ 7c upon each gallon so reported as sold, distributed or used and the State Tax Assessor shall pay over all receipts from such tax to the

Treasurer of State daily. If such report is not filed by the last day of the month such distributor shall be liable to a penalty of \$5 a day for each day in arrears, due on demand by the State Tax Assessor and recoverable in an action of debt. Each distributor shall, within 15 days after demand made on him by the State Tax Assessor, pay a tax of ~~6c~~ 7c per gallon upon each gallon of such fuel upon which the tax has not been paid, which upon an audit the State Tax Assessor may find to have been received into the State during the preceding year by the distributor and not properly accounted for in a distributor's report or in accordance with law.'

Sec. 4. R. S., c. 16, § 166, amended. Section 166 of chapter 16 of the revised statutes is hereby amended to read as follows:

'Sec. 166. Refund of 6/7 of tax collected in certain cases; time limit for application. Any person, association of persons, firm or corporation who shall buy and use any internal combustion engine fuel as defined in sections 158 to 168, inclusive, for the purpose of operating or propelling motor boats, tractors used for agricultural purposes not operating on public ways, or in such vehicles as run only on rails or tracks, or in stationary engines, or in the mechanical or industrial arts, or for any other commercial use except in motor vehicles operated or intended to be operated upon any of the public highways of this State, or turnpikes operated and maintained by the Maine Turnpike Authority, or except, as provided in section 167, for the use in the operation of aircraft, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by sections 158 to 168, inclusive, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of ~~5/6~~ 6/7 of the amount of such tax paid by him upon presenting to the State Tax Assessor a sworn statement accompanied by the original invoices showing such purchases, which statement shall show the total amount of such fuel so purchased and used by such consumer other than in motor vehicles operated or intended to be operated upon any of the public highways of the State and in the operation of aircraft.

Provided that applications for refunds as provided herein must be filed with the State Tax Assessor within 9 months from the date of purchase.'

Sec. 4-A. R. S., c. 16, § 167, amended. Section 167 of chapter 16 of the revised statutes is hereby amended to read as follows:

'Sec. 167. Provision for refund of 3/7 of tax paid by users of aircraft. Any person, association of persons, firm or corporation who shall buy and use any internal combustion engine fuel as defined in sections 158 to 168, inclusive, for the purpose of operating aircraft, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by sections 158 to 168, inclusive, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of ~~2/3~~ 3/7 of the amount of such tax paid by him upon presenting to the State Tax Assessor a statement accompanied by the original invoices showing such purchases. Provided that applications for refunds as provided herein must be filed with the State Tax Assessor within 9 months from the date of purchase.'

Sec. 5. R. S., c. 16, § 172, amended. Section 172 of chapter 16 of the revised statutes is hereby amended to read as follows:

Sec. 172. Levy of tax and exemptions. An excise tax is imposed on all users of fuel upon the use of such fuel by any person within this State, only when such fuel is used in an internal combustion engine for the generation of power to propel motor vehicles of any kind or character on the public highways or turnpikes operated and maintained by the Maine Turnpike Authority, at the rate of 6¢ 7c per gallon, to be computed in the manner set forth in sections 173 to 187, inclusive; provided, however, that no tax is imposed upon the use of any fuel if the Constitution of the United States or of this State precludes such tax.

Sec. 5-A. R. S., c. 16, § 182, amended. The 3rd, 4th and 5th paragraphs of section 182 of chapter 16 of the revised statutes are hereby amended to read as follows:

'At the time of the filing of said report each use fuel dealer shall pay to the State Tax Assessor a tax of 6¢ 7c upon each gallon so reported as sold or used, and the State Tax Assessor shall pay over all receipts from such tax to the Treasurer of State daily. If such report is not filed by the last day of the month such dealer shall be liable to a penalty of \$5 a day for each day in arrears, due on demand by the State Tax Assessor and recoverable in an action of debt.

Each dealer shall, within 15 days after demand made on him by the State Tax Assessor, pay a tax of 6¢ 7c per gallon upon each gallon of such fuels upon which the tax has not been paid which, upon an audit, the State Tax Assessor may find to have been received into the State during the preceding year by the dealer and not properly accounted for in a dealer's report or in accordance with law.

Each dealer paying or becoming liable to pay the tax imposed by this section shall be entitled to charge and collect 6¢ 7c per gallon only as a part of the selling price of the fuels subject to the tax.

Sec. 6. Collection of taxes. No tax imposed by the provisions of this act shall be levied prior to June 1, 1955. With respect to internal combustion engine fuel as defined in section 159 of chapter 16 of the revised statutes, this act shall apply only to such fuel which the distributor shall sell, distribute or use on and after June 1, 1955.

Sec. 7. Appropriation for state aid construction and reconstruction in hardship cases. There is hereby allocated from the General Highway Fund the sum of \$1,000,000 for the fiscal year ending June 30, 1956 and the sum of \$1,000,000 for the fiscal year ending June 30, 1957 to be apportioned to the 16 counties on the basis of the number of miles of improved and unimproved designated state aid highways located within each county not on the federal system and to be expended by the State Highway Commission for the reconstruction of highways designated as state aid highways not on the federal system where, because of excessive maintenance or hazardous conditions such reconstruction is desirable; and for the construction of unimproved sections of such highways located between improved sections in instances where the public use and safety require such construction. Any unexpended balance for the fiscal year ending June 30, 1956 shall not lapse but shall be carried to the next fiscal year to be expended for the same purpose.

Sec. 8. Appropriation for Town Road Improvement Fund. Beginning with the fiscal year ending June 30, 1956, there is hereby appropriated annually from the General Highway Fund the sum of \$500,000 to the Town Road Improvement Fund. This appropriation shall be in addition to any other appropriation for the Town Road Improvement Fund made by the 97th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective May 21, 1955

Chapter 437

AN ACT Transferring State Sanatoriums from Department of Institutional Service to Department of Health and Welfare.

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

Sec. 1. R. S., c. 25, §§ 105-C - 105-D, additional. Chapter 25 of the revised statutes is hereby amended by adding two new sections to be numbered 105-C and 105-D to read as follows:

'State Sanatoriums.

Sec. 105-C. Establishment and maintenance of one or more sanatoriums. The State shall maintain by building, lease or by purchase one or more sanatoriums in such districts of the State as shall seem best to serve the needs of the people for the care and treatment of persons affected with tuberculosis. Where lease or purchase is made, the State shall have the right to enlarge or otherwise adapt the property to meet the needs of the situation; and such additions or improvements shall be considered permanent. At the expiration of the original lease of any property for use as a tuberculosis sanatorium, the State shall have the right of renewal or of purchase.

Sec. 105-D. Admittance of patients; charges for treatment. Residents of the State may be admitted to these sanatoriums, if found by any regular practising physician in the State or by the superintendent of any one of the sanatoriums to be suffering from tuberculosis. All patients in said sanatoriums, or relatives liable by law for their support, shall pay to the State for treatment, including board, supplies and incidentals, the amount determined by the Department; provided that the Department may, after proper investigation of the financial circumstances of the patient, or relatives liable by law for his or her support, if it finds that such patient or relatives are unable to pay the amount determined as above, in whole or in part, waive such payment or so much thereof as the circumstances appear to warrant; provided further, that if such patient or relatives are unable to pay, the city, town or plantation in which the patient has a settlement, if any, shall pay to the institution the sum of \$2 per week so long as the patient remains therein.

All funds collected from this source shall be credited to the general fund. No pauper disabilities shall be created by reason of any aid or assistance given under the provisions of this section.

The provisions of this section shall not apply to persons who may be committed under the provisions of section 105.'

Sec. 2. R. S., c. 27, §§ 157-158, repealed. Sections 157 and 158 of chapter 27 of the revised statutes are hereby repealed.