

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-eighth 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

1957

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-eighth Legislature

1957

'Sec. 128-A. Computation of telegraph tax. The amount of the annual excise tax on telegraph companies shall be 6% of its total gross operating revenues from its operations within this State during the calendar year preceding the year for which the tax is assessed.'

Sec. 3. R. S., c. 16, § 132, amended. Section 132 of chapter 16 of the Revised Statutes, as amended by section 3 of chapter 399 of the public laws of 1955, is hereby further amended to read as follows:

'Sec. 132. Tax to be in lieu of all taxes. The excise tax collected under the provisions of ~~the 7 preceding~~ sections 125 to 131, inclusive, shall be in lieu of all taxes upon any corporation therein designated, upon its shares of capital stock and its property including, without limiting the generality of the foregoing, poles, wires, conduits, cables, booths, central office equipment, and machinery or equipment incidental and peculiar to the business of such corporation whether located on or off its premises; ~~provided, however, that the~~. The land and buildings thereon owned by such corporation, association or person shall be taxed in the municipality in which the same are situated. The assessment of taxes on such land and buildings shall be legal, whether assessed as resident or nonresident property.'

Effective August 28, 1957

Chapter 358

AN ACT Exempting Bunkering Oil from Sales Tax.

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

R. S., c. 17, § 10, sub-§ IV, amended. Subsection IV of section 10 of chapter 17 of the Revised Statutes is hereby amended to read as follows:

'IV. Ships' stores. Sale of cabin, deck ~~and~~, engine supplies ~~and bunkering oil~~ to ships engaged in transporting cargo or passengers for hire in interstate or foreign commerce, not to include fuel ~~and bunkering oil~~.'

Effective August 28, 1957

Chapter 359

AN ACT Relating to the Measuring of Herring.

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

Sec. 1. R. S., c. 38, § 24, amended. The 2nd sentence of the 2nd paragraph of section 24 of chapter 38 of the Revised Statutes, as revised, is hereby repealed and the following enacted in place thereof:

'The measure shall be in 5 hogshead divisions, measured by liquid measure from a calibrated prover, to the top of the hatch coaming with the measurements plainly marked and permanently sealed in the hold of the boat, both forward and aft, while boat is afloat, in the most practical manner as prescribed by the State

Sealer of Weights and Measures. Each boat owner shall immediately notify the State Sealer of Weights and Measures of any alterations or the breaking of the seal in the hold of the boat.'

Sec. 2. Appropriation. The sum of \$10,000 is appropriated from the general fund to the Department of Agriculture for carrying out the provisions of this act. Said amount shall be repaid to the general fund before January 1, 1959, from measuring fees; and the amount of such fees for each boat shall be determined by the State Sealer of Weights and Measures on an equitable per hog-head carrying capacity basis.

Effective August 28, 1957

Chapter 360

AN ACT Relating to the Taking and Sale of Clams in the Town of Rockport.

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

R. S., c. 38, §§ 90-A - 90-D, additional. Chapter 38 of the Revised Statutes, as revised, is hereby amended by adding thereto 4 new sections to be numbered sections 90-A to 90-D, inclusive, to read as follows:

'Sec. 90-A. License required to dig or take clams in Rockport. No person, firm or corporation shall, within the limits of the town of Rockport in the county of Knox, dig or take any clams without having first obtained a license from the municipal officers of said town of Rockport, who are authorized to grant and issue such licenses and fix the fee therefor. No license shall be granted or issued to any person, firm or corporation unless such person, firm or corporation is a resident of said town of Rockport. Nothing herein shall prohibit a riparian owner of shores or flats in said town of Rockport from digging and taking clams therefrom for food for himself and family without license; provided the amount so taken shall not be in excess of one peck per day per person. For the purposes of sections 90-A to 90-D, inclusive, the term "a resident" shall mean a person, firm or corporation who has resided in this State for a term of at least 6 consecutive months and in the town of Rockport for at least 3 consecutive months prior to making application for license.

Sec. 90-B. Dealers' licenses. No person shall be a dealer in clams in the town of Rockport without having first obtained a license from the municipal officers of said town, who are authorized to issue such license and fix the fee therefor. For the purposes of sections 90-A to 90-D, inclusive, the term "dealer" herein used shall mean any person, firm or corporation buying clams for resale.

Sec. 90-C. Licenses; revocation; appeals. The municipal officers may revoke any license issued by them under the provisions of the 2 preceding sections, upon evidence satisfactory to them that the person taking or selling clams has violated any of the laws of the State regulating the taking and sale of clams. If the municipal officers refuse to issue the license provided for in said sections or if a license has been revoked by the municipal officers, a person aggrieved may apply to any Justice of the Superior Court, in term time or vacation, who may order the issuance or restoration thereof, provided said Justice finds the municipal officers acted fraudulently or corruptly or erred in their conclusion of facts.