

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

One Hundredth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1961

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

PUBLIC LAWS, 1961

CHAP. 201

354 of the public laws of 1955, and section 188, all of chapter 59 of the Revised Statutes, are repealed.

Effective September 16, 1961

Chapter 199

AN ACT Prohibiting Wrongful Removal of Fish from Private Ponds.

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

R. S., c. 131, § 38, amended. Section 38 of chapter 131 of the Revised Statutes is amended to read as follows:

'Sec. 38. Trespasses on improved lands and private ponds. Whoever willfully commits any trespass or knowingly authorizes or employs another to do so by entering the garden, orchard, pasture, cranberry ground, improved blueberry ground, arboretum, botanic garden or improved land of another or pond of another used for the lawful cultivation of fish, with intent to take, carry away, destroy or injure trees, shrubs, plants, flowers, grain, grass, hay, fruit, vegetables, turf or soil thereon or the fish in such pond, shall be punished by a fine of not more than \$100 and by imprisonment for not more than 90 days.'

Effective September 16, 1961

Chapter 200

AN ACT Relating to Penalty for First Offense for Driving Motor Vehicle Under the Influence of Intoxicating Liquor.

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

R. S., c. 22, § 150, amended. The first sentence of section 150 of chapter 22 of the Revised Statutes is amended to read as follows:

'Whoever shall operate or attempt to operate a motor vehicle upon any way, or in any other place when intoxicated or at all under the influence of intoxicating liquor or drugs, upon conviction, shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not less than 30 10 days nor more than 11 months, or by both such fine and imprisonment.'

Effective September 16, 1961

Chapter 201

AN ACT to Clarify Definition of "Class A Restaurant" under Liquor Law.

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, equal application of the law to all citizens of Maine is vitally necessary in order to promote fairness and justice; and

Whereas, the following legislation is necessary to place Class A Restaurant licensees who have operated restaurants in the same status as new applicants for Class A Restaurant liquor licenses; and

Whereas, since Maine's recreational industry should be encouraged as much as possible, it is vital that the following legislation be in effect for the summer of 1961; 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:

R. S., c. 61, § 1, amended. The last 2 sentences of that part of section 1 of chapter 61 of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1959, which defines "Class A restaurant" are repealed and the following enacted in place thereof:

'The commission, in the case of an applicant for an initial "Class A restaurant" license, is authorized to and shall exercise its judgment as to the applicant's probable qualification with the income provisions of this paragraph during the applicant's initial license period where the applicant is the owner or operator of a year-round or part-time restaurant which operated in the calendar year prior to making application and substantially met the income requirements of this paragraph and where the applicant is a new restaurant establishment, either year-round or part-time, which operated as such for a minimum of 3 months prior to making application. If the judgment of the commission is that the applicant would probably so qualify, then a license shall issue. In no case shall the commission renew any license for the sale of liquor under this paragraph unless they are furnished with proof that the previous year's business conformed to the income provisions of this paragraph. The commission is specifically authorized to make such rules and regulations as they deem necessary for carrying out the provisions of this paragraph.'

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

Effective April 14, 1961

Chapter 202

AN ACT Relating to Nonforfeiture Benefits and Valuation Standards for Life Insurance Policies.

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

Sec. 1. R. S., c. 60, § 132, sub-§ VI, repealed and replaced. Subsection VI of section 132 of chapter 60 of the Revised Statutes is repealed and the following enacted in place thereof: