

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundredth Legislature

OF THE

# STATE OF MAINE

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the One Hundredth Legislature

**1961**

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Sec. 56. R. S., c. 88, § 9, repealed. Section 9 of chapter 88 of the Revised Statutes, as amended by section 36 of chapter 317 of the public laws of 1959, is repealed.

Effective September 16, 1961

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## Chapter 395

### AN ACT to Correct Errors and Inconsistencies in the Public Laws.

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

Whereas, many acts enacted by previous Legislatures have created inconsistencies and technical errors; and

Whereas, such inconsistencies and errors have created uncertainties and confusions in interpreting legislative intent; and

Whereas, it is vitally necessary that such uncertainties be resolved so that injustices to the people of Maine may be avoided; 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 R. S., c. 3-A, § 194, repealed and replaced. Section 194 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 194. Congressional districts. The districts for the election of Representatives to Congress are comprised as follows:

I. First district. The first district is composed of Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo and York Counties. It is entitled to one Representative to Congress.

II. Second district. The second district is composed of Androscoggin, Aroostook, Franklin, Hancock, Oxford, Penobscot, Piscataquis, Somerset and Washington Counties. It is entitled to one Representative to Congress.'

Sec. 2. R. S., c. 3-A, § 203, repealed; limitation. Section 203 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, relating to special voting place for Connor, is repealed and shall not be printed as part of the session laws of 1961.

Sec. 3. R. S., c. 10, § 22, sub-§ XX, amended. Subsection XX of section 22 of chapter 10 of the Revised Statutes is amended to read as follows:

'XX. The word "municipality", except in chapter 90-A, includes cities, towns and plantations.'

Sec. 4. R. S., c. 16, § 234, amended. The first sentence of section 234 of chapter 16 of the Revised Statutes is amended to read as follows:

'Any person, firm or corporation who shall manufacture, sell, distribute, transport, offer or expose for sale, distribution or transportation in this State any mixed fertilizer shall on or before September 1st in each year file with the State Tax Assessor a ~~sworn~~ statement, in such form as the State Tax Assessor may prescribe, listing exactly the number of net tons of mixed fertilizer sold by him in the State during the 12 months preceding July 1st of the current year.'

Sec. 5. R. S., c. 22, § 16, sub-§ I, ¶ B, amended. Paragraph B of subsection I of section 16 of chapter 22 of the Revised Statutes is amended to read as follows:

'B. Used for livery or hire, double the ~~above fees; provided, however, that private fee provided in paragraph A.~~ Private automobiles occasionally employed for use at funerals by a duly registered or licensed undertaker and not otherwise used for hire shall not be subject to such double ~~fees; provided also that funeral fee.~~ Funeral coaches and funeral hearses used by a duly registered or licensed undertaker incident to the business of a mortician shall pay in accordance with the ~~above fees~~ fee provided in paragraph A, but shall not be required to pay double. All funeral coaches or funeral hearses used for hire for any other purpose than that incident to the business of a mortician shall pay the same registration ~~fees~~ fee as required for motor vehicles used for livery or hire; ~~and provided further, that motor.~~ Motor vehicles used for no other passenger service or hire than for the transportation of school children to and from school are not subject to the double registration fee.'

Sec. 6. R. S., c. 22, § 16, sub-§ I, ¶ C, sub-¶ 2, amended. Subparagraph 2 of paragraph C of subsection I of section 16 of chapter 22 of the Revised Statutes, as amended, is further amended to read as follows:

'2. Operating, regularly or seasonally, in interstate commerce, over regular routes between any point or points in this State and any point or points in any other state or between any point or points in any adjacent foreign country and any point or points in this State more than 15 miles from the place of entry into this State, shall pay double the registration ~~fees~~ fee provided in paragraph A. Except that notwithstanding any other provisions in this section, an owner or operator of interstate motor buses used for the transportation of passengers for hire, operating a fleet of 2 or more motor buses under the authority of the Interstate Commerce Commission and the Public Utilities Commission, shall register and pay registration fees, as scheduled in this section, for that number of motor buses of the owner or operator as the proportion which the mileage of all such motor buses of the owner or operator, operated in this State bears to the total mileage of all such motor buses of the owner or operator operated both within and without the State in accordance with the owner or operator or his or its predecessor's operation of the preceding year, and the Secretary of State is authorized to promulgate such rules and regulations as may be necessary to effectuate such apportionment. Motor vehicles owned by residents of any state, province or

foreign country, where residents of this State registering motor vehicles are required to pay double the fees fee charged against resident owners, shall pay double the fees fee provided in paragraph A, whether for private use or for livery or hire.'

Sec. 7. R. S., c. 22, § 16, sub-§ VI, amended. The first 4 paragraphs of subsection VI of section 16 of chapter 22 of the Revised Statutes are repealed, as follows:

~~'In computations under the provisions of this section minor fractions of horsepower shall carry the lower rating, and major fractions shall carry the next higher rating.~~

~~Horsepower specified in this chapter shall be based on the "A.L.A.M." standard, so called.~~

~~"Steam vehicles." In the computation of fees for all vehicles propelled by steam, the horsepower rating shall be based on the system of rating adopted by the United States government.~~

~~"Electric vehicles." For vehicles propelled by electricity the rating shall be the normal horsepower designated by the manufacturers of the electric motor or motors in the vehicle.'~~

Sec. 8. R. S., c. 22, § 27, sub-§ V, amended. Subsection V of section 27 of chapter 22 of the Revised Statutes, as enacted by section 1 of chapter 205 of the public laws of 1955, is amended to read as follows:

'V. Use of registration plate. On proof that dealer or manufacturer or holder of a transit registration plate has used or permitted the use of his dealer or transit registration plate on a motor vehicle not owned or controlled by the dealer or the holder of a transit registration plate or has issued or permitted the issuance of his temporary plate for use on motor vehicles not sold by the dealer, manufacturer or holder of a transit registration plate. The use of any such plate on any vehicle shall be prima facie evidence that such use was permitted by the dealer or transit plate holder.'

Sec. 9. R. S., c. 22, § 166, amended. Section 166 of chapter 22 of the Revised Statutes is amended to read as follows:

'Sec. 166. Court may temporarily suspend operator's license. In addition to any other penalty provided in this chapter and imposed by any court or trial justice upon any person for violation of any provision of this chapter, the court or trial justice may suspend an operator's license for a period not exceeding 10 days, in which case the magistrate shall take up the license certificate of such person, who shall forthwith surrender the same and forward it by registered mail to the Secretary of State. The Secretary of State may thereupon grant a hearing and take such further action relative to suspending, revoking or restoring such license or the registration of the vehicle operated thereunder as he deems necessary.'

Sec. 10. R. S., c. 23, § 14, amended. Section 14 of chapter 23 of the Revised Statutes is amended to read as follows:

'Sec. 14. Record of location and change of location of highways. Whenever the State Highway Commission shall establish and locate or change the location of a state highway or state aid highway, ~~or any county or any town shall establish and locate or change the location of a 3rd class highway that was designated as a 3rd class highway at the time that the 3rd class highway designations were rescinded, in any county of this State where the establishing and locating change the present location of any county road, the said State Highway Commission or the town shall cause to be filed with the county commissioners of the county in which any such road is located an accurate description of its metes and bounds, and courses and distances, and also an accurate plan of such location; and whenever the location of any state highway, or state aid highway or 3rd class highway is changed in any county, an accurate description of such changes setting forth the metes and bounds of the same, its courses and distances, shall be filed with the county commissioners in the county where such state highway, or state aid highway or 3rd class highway is located; and also an accurate plan of such location.~~

Sec. 11. R. S., c. 23, § 28, amended. The first paragraph of section 28 of chapter 23 of the Revised Statutes is amended to read as follows:

'The State Highway Commission may make and shall enforce rules and regulations relating to traffic control and the installation and maintenance of traffic control signals, devices, signs and markings on all state, state aid and federal aid highways. The commission may be consulted by and shall without charge advise municipal officers and road commissioners on the subject of traffic control.'

Sec. 12. R. S., c. 23, § 34, amended. The first sentence of section 34 of chapter 23 of the Revised Statutes is amended to read as follows:

'The commission may appoint any person in its employ whose special duty it shall be to enforce the statutes and orders promulgated thereunder which prohibit or restrict the passage of vehicles and trailers over ways and bridges, or ~~designate designated~~ sections thereof, under such conditions or in such manner as may cause undue damage to any such way or bridge.'

Sec. 13. R. S., c. 23, § 55, amended. Section 55 of chapter 23 of the Revised Statutes, as amended by section 7 of chapter 424 of the public laws of 1955, is further amended to read as follows:

'Sec. 55. Joint fund for state aid construction used with Town Road Improvement Fund. If any town desires that the whole or any portion of the joint fund provided in sections 44, 46 and 49 shall be applied to the construction of unimproved state aid ~~3rd class or 4th class highways or town ways~~ within its boundaries in combination with the Town Road Improvement Fund, the same may be so applied at the discretion of the commission; ~~and all~~. All state aid joint funds so transferred shall be expended in accordance with ~~the provisions of~~ sections 60 to 65. Roads constructed under ~~the provisions of~~ this section shall be maintained by the towns.'

Sec. 14. R. S., c. 23, § 69, amended. Section 69 of chapter 23 of the Revised Statutes is amended to read as follows:

'Sec. 69. Secondary federal aid projects on state highways. Secondary federal aid projects constructed on the state highway system with funds provided

under the provisions of section 7 of the federal act approved June 16, 1936 (Public No. 686 74th) Title 23 of the U. S. Code, approved August 27, 1958 (Public No. 85-767), and all acts amendatory thereof and supplementary thereto, shall be maintained by the State Highway Commission under the same provisions and conditions stated in section 66 for the maintenance of improved state highways; provided, however, that with the exception of snow removal, the provisions and requirements of section 68 shall also apply to secondary federal aid projects constructed on designated state highways within the compact or built up sections of all towns regardless of population.'

**Sec. 15. R. S., c. 23, § 108, amended.** The first sentence of the last paragraph of section 108 of chapter 23 of the Revised Statutes is amended to read as follows:

'When the commission shall deem that any bridge on any ~~state aid or 3rd class highways~~ main thoroughfare must be built or rebuilt, it may notify the municipal officers of the town or city, or the county commissioners having jurisdiction of the roads in any unorganized township in which said bridge is located or may be built, and the county commissioners of the county in which said bridge is located or may be built or rebuilt, to meet with it for the purpose of forming a joint board possessing the same powers and prerogatives as a joint board formed in response to a petition emanating from the municipal officers of a town or city.'

**Sec. 16. R. S., c. 23, § 109, amended.** The last paragraph of section 109 of chapter 23 of the Revised Statutes is amended to read as follows:

'The words "main thoroughfare" as used in sections 108 to 115, section 118 and sections 120 to 122 shall mean only such state aid highways ~~and 3rd class highways~~ as have been so designated, determined and accepted by the commission to receive aid from the State as provided by law. Any bridges on ways that were designated as 3rd class highways at the time that the 3rd class highway designations were rescinded, which bridges have not been reconstructed under sections 108 to 115, section 118 and sections 120 to 122, and which are not maintained by the State, shall be considered as being located on a "main thoroughfare", and the word "bridge" shall mean only such a structure as shall require a span of 10 or more feet between the faces of the abutments thereof.'

**Sec. 17. R. S., c. 23, § 131, amended.** The first sentence of section 131 of chapter 23 of the Revised Statutes is amended to read as follows:

'To provide funds for the construction of state, state aid and ~~3rd class highways~~ town ways, for the maintenance of state and state aid highways, and interstate, intrastate and international bridges, and for other items of expenditure hereinafter specified, there is established a fund to be known as the General Highway Fund.'

**Sec. 18. R. S., c. 27, § 3, amended.** Section 3 of chapter 27 of the Revised Statutes is amended to read as follows:

'Sec. 3. Industrial and vocational training. The department shall establish and maintain suitable courses for vocational trades and industrial training in the ~~state school for boys~~ Boys Training Center at South Portland and the State Reformatory at South Windham, and to install such equipment as may be necessary, and employ such suitable and qualified instructors subject to the approval



of the State Vocational Director as may be necessary to carry out the purposes of this section. The expenses of carrying out ~~the provisions of~~ this section shall be paid from the appropriations for the above-named institutions.'

Sec. 19. R. S., c. 27, § 16, amended. The first paragraph of section 16 of chapter 27 of the Revised Statutes, as amended by section 2 of chapter 21 of the public laws of 1957, is further amended to read as follows:

'The cost of committing and transporting a girl to or from the ~~state school for girls~~ Stevens Training Center, or a boy to or from the ~~state school for boys~~ Boys Training Center, or of a person to or from the Pineland Hospital and Training Center, or of a woman to or from the Reformatory for Women, or of a man to or from the Reformatory for Men, shall, when not otherwise provided for, be paid from the treasury of the county from which such person is committed as the costs of conveying prisoners to the jails are paid; ~~and the~~. The county commissioners of such county shall examine and allow all such reasonable costs.'

Sec. 20. R. S., c. 30, § 50, amended. The first sentence of section 50 of chapter 30 of the Revised Statutes, as amended by section 1 of chapter 94 of the public laws of 1957, is further amended to read as follows:

'Every corporation, person or partnership engaged in a manufacturing, mechanical, mining, quarrying, mercantile, restaurant, hotel, summer camp, beauty parlor, amusement, ~~street railway~~ telegraph or telephone business; in any of the building trades; in logging or lumbering operations; upon public works, or in the construction or repair of ~~street railroads~~ roads, bridges, sewers, gas, water or electric light works, pipes or lines; every incorporated express company or water company; and every steam railroad company or corporation shall pay weekly each employee engaged in his or its business the wages earned by him to within 8 days of the date of such payment.'

Sec. 21. R. S., c. 37, § 121, amended. The last sentence of section 121 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

'After the foregoing ~~appropriation~~ has funds have been exhausted, any further bounties shall be paid from the ~~general appropriation revenues~~ of the Department of Inland Fisheries and Game ~~and, if said appropriation is not exhausted, any balance thereof shall revert to the general fund of the department of inland fisheries and game.~~

Sec. 22. R. S., c. 41, § 154, amended. The first sentence of section 154 of chapter 41 of the Revised Statutes, as last amended by section 1 of chapter 230 of the public laws of 1959, is repealed and the following enacted in place thereof:

'The following days shall be observed as school holidays, namely: Patriot's Day, April 19th; Memorial Day, May 30th; Independence Day, July 4th; Labor Day, first Monday in September; Veterans Day, November 11th; Christmas Day, December 25th; Thanksgiving and Arbor Day, as appointed by the Governor and Council. Arbor Day shall not be recognized as a school holiday unless observed by teacher and pupils for the purpose for which it is designated by the Governor and Council. Lincoln Day shall be observed by devoting some part of the day to the study of the life and character of Abraham Lincoln.'

Sec. 23. R. S., c. 44, § 16, sub-§ III, amended. Subsection III of section 16 of chapter 44 of the Revised Statutes is amended to read as follows:

**III. Common carrier.** "Common carrier" includes every railroad company ~~street railroad company~~ express company, dispatch, sleeping car, dining car, drawing-room car, freight line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other car corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this State; and every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any vessel regularly engaged in the transportation of persons or property for compensation upon the waters of this State or upon the high seas, over regular routes between points within this State.'

**Sec. 24. R. S., c. 46, § 8, amended.** The first 2 sentences of section 8 of chapter 46 of the Revised Statutes are amended to read as follows:

'No person is entitled to transportation over a steam railroad ~~street railroad~~ or upon any steamboat or ferry or in a taxicab or public automobile, who does not on demand first pay the established fare. Whoever, while being transported over any steam railroad, ~~street railroad~~ steamboat, ferry or in a taxicab or public automobile, willfully refuses on demand to pay the established fare, and whoever fraudulently evades payment of the established fare by giving a false answer, or by traveling beyond the place to which he has paid, or by leaving a train, ~~street railroad car~~ steamboat or ferry, or taxicab or public automobile without paying the established fare, whether said fare is demanded or not, forfeits not less than \$5 nor more than \$20, to be recovered on complaint.'

**Sec. 25. R. S., c. 46, § 70, amended.** Section 70 of chapter 46 of the Revised Statutes is amended to read as follows:

'**Sec. 70. Disorderly conduct on any public conveyance.** Any person in a state of intoxication and not in the custody of an officer who enters or remains in or on or loiters about the rolling stock, stations, station grounds, waiting rooms, platforms or yards of any steam ~~or street~~ railroad, bus or other public transportation system or the right-of-way, bridges or tracks of any steam railroad or the boats, wharves or ships of any steamboat or ferry company, and any person who behaves in a disorderly or riotous manner or drinks intoxicating liquors or uses indecent or profane language in any such place, car, vehicle or boat is guilty of a breach of the peace and shall be punished by a fine of not less than \$5 nor more than \$500, or by imprisonment for not less than 30 days nor more than 11 months, in addition to any other penalty provided by law.'

**Sec. 26. R. S., c. 50, § 3, amended.** The last sentence of section 3 of chapter 50 of the Revised Statutes is amended to read as follows:

'No corporation so organized, or person or association shall have authority, without the consent of the Public Utilities Commission, to furnish its service in or to any city or town in or to which another corporation, person or association is furnishing or is authorized to furnish a similar service; ~~provided, however, that any.~~ Any corporation authorized to make, generate, sell, distribute and supply electricity may sell and distribute electricity to any other corporation similarly authorized ~~and may sell and distribute electricity to any street railroad company.~~

**Sec. 27. R. S., c. 53, § 12, amended.** Section 12 of chapter 53 of the Revised Statutes is amended to read as follows:

'Sec. 12. **Quasi-public corporations; fees.** No certificate of organization of any corporation for banking, insurance, construction and operation of railroads, or aiding in the construction thereof, the business of trust companies or corporations intended to derive a profit from the loan or use of money, safe deposit companies, renting of safes and burglar and fire-proof vaults, telegraph and telephone companies, electric or gas light companies, ~~street railroad companies~~ water companies or any corporation authorized to exercise the right of eminent domain shall be received and filed by the Secretary of State except upon payment to him for the use of the State of: \$25 if the capital stock does not exceed \$5,000; \$50 if the capital stock exceeds \$5,000 and does not exceed \$10,000; \$100 if the capital stock exceeds \$10,000 and does not exceed \$50,000; \$200 if the capital stock exceeds \$50,000 and does not exceed \$100,000; \$75 upon every \$100,000 or fraction thereof in excess of \$100,000, if the capital stock exceeds \$100,000; also 1c per share and in no case less than \$10 on all shares authorized without par value.'

Sec. 28. R. S., c. 59, § 155, repealed and replaced. Section 155 of chapter 59 of the Revised Statutes, as last amended by section 2 of chapter 230 of the public laws of 1959, is repealed and the following enacted in place thereof:

'Sec. 155. **Bank holidays.** Any day of public thanksgiving, appointed by the Governor and Council or by the President of the United States, the first day of January, the 22nd day of February, the 19th day of April, the 30th day of May, the 4th day of July, the first Monday of September, Veterans Day, November 11th, and the 25th day of December are declared to be bank holidays. If a bank holiday falls on Sunday, the following Monday shall be deemed a bank holiday for the purposes of this chapter.'

Sec. 29. R. S., c. 61, § 56, sub-§ III, amended. Subsection III of section 56 of chapter 61 of the Revised Statutes, as last repealed and replaced by chapter 218 of the public laws of 1959, is amended to read as follows:

'III. **License subsequent to violation.** Whenever violations by licensees occur in one year's license period and remain undiscovered or carry over into the next license year pending investigation ~~of~~ or final disposition either in criminal courts or before the Hearing Examiner, any license issued subsequent to violation for a new license year may be suspended or revoked by the Hearing Examiner.'

Sec. 30. R. S., c. 89, § 71-A, amended. Section 71-A of chapter 89 of the Revised Statutes, as last repealed and replaced by section 41 of chapter 363 of the public laws of 1959, is amended to read as follows:

'Sec. 71-A. **Assessment for fire protection tax.** The county commissioners of Aroostook County are authorized, on behalf of the inhabitants of Connor and Silver Ridge Townships, of Township 17, R. 4 and Township 17, R. 5, and the county commissioners of Piscataquis County are authorized, on behalf of the inhabitants of Medford and Orneville Townships, and the county commissioners of Oxford County are authorized on behalf of the inhabitants of Albany ~~Township~~ and Milton Townships, and the county commissioners of Penobscot County are authorized, on behalf of the inhabitants of Argyle and Kingman Townships to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fire protection, for the Townships of Connor, Silver Ridge, Township 17, R. 4, Township 17, R. 5, Medford,

Orneville, Albany, Milton, Argyle and Kingman. The county commissioners shall annually assess upon the townships an amount sufficient to provide for such protection, and said assessment shall be certified and transmitted by the county treasurers to the State Tax Assessor not later than April 1st of each year, provided said assessment in respect to Township 17, R. 4 and Township 17, R. 5 shall not exceed \$505 each in any one year. The State Tax Assessor shall determine the amount of tax due, in accordance with ~~the provisions of~~ chapter 16, section 79, and shall include such amounts in the statements referred to in chapter 16, section 82. Collection of such fire protection tax shall be enforced in the same manner as provided for the enforcement of collection of county taxes.'

Sec. 31. R. S., c. 89, § 71-C, repealed. Section 71-C of chapter 89 of the Revised Statutes, as enacted by chapter 288 of the public laws of 1955, is repealed.

Sec. 32. R. S., c. 90-A, § 61, sub-§ I, ¶ A, sub-¶ 5, amended. Subparagraph 5 of paragraph A of subsection I of section 61 of chapter 90-A of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1957, is amended to read as follows:

'5. When a member is unable to act because of interest, physical incapacity ~~or~~, absence from the State or any other reason satisfactory to the chairman, the chairman of the planning board shall designate an associate member to act in his stead. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term.'

Sec. 33. R. S., c. 91-A, § 10, sub-§ I, ¶ F, amended. Paragraph F of subsection I of section 10 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows:

F. The pipes, ~~fixtures~~ fixtures, hydrants, conduits, gatehouses, pumping stations, reservoirs and dams, used only for reservoir purposes, of public municipal corporations engaged in supplying water, power or light, if located outside of the limits of such public municipal corporation.'

Sec. 34. R. S., c. 96, § 55, repealed. Section 55 of chapter 96 of the Revised Statutes is repealed, as follows:

'Sec. 55. Sections 51-54 do not apply to railroads of less than standard gauge. The ~~4~~ preceding sections shall not apply to railroads of less than standard gauge or to street railroads, excepting, however, that in all cases where a street railroad has a right of way in a public way crossing a railroad, the commission shall apportion to such street railroad an equitable share of the damages and expenses of alteration which shall be paid by said street railroad, and the balance of such expenses and damages shall be apportioned as provided in section 51; and in all cases where a street railroad acquires the right to lay its tracks over a crossing which has been altered under the provisions of sections 51 or 52, the public utilities commission shall fix the amount which such railroad shall pay to the state before it shall exercise its right to lay its tracks over such crossing; and in either case the commission shall make such order for the apportionment of the expense of future maintenance of such crossing as they shall deem equitable.'

Sec. 35. R. S., c. 96, § 62, amended. Section 62 of chapter 96 of the Revised Statutes is amended to read as follows:

'Sec. 62. County commissioners notified when certain highways changed. Whenever the location of any state aid or ~~3rd class highway~~ town way that was designated as a 3rd class highway at the time that the 3rd class highway designations were rescinded is changed, added to, discontinued or a new location is established by a town or city, the municipal officers of said town or city shall notify the county commissioners of the county of which said town or city is a part of such change with an accurate description of the courses and distances, within 3 months from such action.'

Sec. 36. R. S., c. 98, § 2, amended. Section 2 of chapter 98 of the Revised Statutes is amended to read as follows:

'Sec. 2. Rules for channel lines; enforcement. The municipal ~~authorities~~ officers of all maritime towns and plantations shall make rules and regulations for the keeping open of convenient channels for the passage of vessels in the harbors and waterways of the towns for which they act, and shall establish the boundary lines of such channels and assign suitable portions of their harbors for anchorages.

Such rules and regulations as may be made by such municipal ~~authorities~~ officers shall be enforced and carried out by the harbor master of said town, who may appoint a deputy to act in case of his absence or disability.'

Sec. 37. R. S., c. 98, § 3, amended. Section 3 of chapter 98 of the Revised Statutes is amended to read as follows:

'Sec. 3. Location where vessels moored. In all harbors wherein channel lines have been established by the municipal ~~authorities~~ officers, as provided in section 2, and in all other harbors where mooring rights of individuals are claimed to be invaded and protection is sought of the harbor master, he shall assign and indicate to the master or owner of boats and vessels the location which they may occupy with or for mooring purposes, the kind of mooring to be used and shall change the location of said moorings from time to time when the crowded condition of such harbor or other conditions render such change desirable; ~~he~~. He shall assign mooring privileges in such waters in all cases where individuals who own the shore rights or have an interest in the same are complainants, and shall locate suitable mooring privileges therefor for boats and vessels, temporarily or permanently as the case may be, fronting their land, if so requested, but not thereby to encroach upon the natural channel or channels established by municipal ~~authorities~~ officers. The municipal officers shall fix the compensation of the harbor master for such services rendered.'

Sec. 38. R. S., c. 107, § 8, repealed. Section 8 of chapter 107 of the Revised Statutes is repealed.

Sec. 39. R. S., c. 107, § 55, amended. The first sentence of section 55 of chapter 107 of the Revised Statutes, as last amended by section 3 of chapter 230 of the public laws of 1959, is repealed and the following enacted in place thereof:

'No court shall be held on Sunday or any day designated for the annual Thanksgiving; or for the choice of presidential electors; New Year's Day, January 1st; Washington's Birthday, February 22nd; the 19th day of April; the 30th day of May; the 4th of July; the first Monday of September; the day of the state-wide primary election; the day of the state election; the day of any special state-wide

election; Veterans Day, November 11th; or on Christmas Day; and when the time fixed for a term of court falls on any of said days, it shall stand adjourned until the next day, which shall be deemed the first day of the term for all purposes.'

Sec. 40. R. S., c. 108-A, § 1, amended. Section 1 of chapter 108-A of the Revised Statutes is amended by adding at the end, a new sentence, as follows:

'It shall be a court of record and the Chief Judge shall establish a seal.'

Sec. 41. R. S., c. 108-A, § 3, sub-§ III, amended. Subsection III of section 3 of chapter 108-A of the Revised Statutes is amended to read as follows:

'III. **Western Aroostook.** Western Aroostook consists of the municipality and unorganized territory known as ~~Grand Isle Hamlin Plt., Cyr Plt., T11 R9, T12 R9, T13 R8, T14 R7, T15 R6, T16 R5, T17 R3, T17 R4,~~ and all municipalities and unorganized territory in Aroostook County lying to the west and north of these. The District Court for Western Aroostook shall be held at Madawaska.'

Sec. 42. R. S., c. 108-A, § 3, sub-§ XIV, amended. Subsection XIV of section 3 of chapter 108-A of the Revised Statutes is amended to read as follows:

'XIV. **Northern Kennebec.** Northern Kennebec consists of the municipalities of Albion, Belgrade, ~~Readfield~~ Fayette, Mount Vernon, Sidney, Vassalboro, Wayne, Winslow and all municipalities in Kennebec County lying to the north of these. The District Court for Northern Kennebec shall be held at Waterville.'

Sec. 43. R. S., c. 108-A, § 5, sub-§ II, amended. Subsection II of section 5 of chapter 108-A of the Revised Statutes is amended to read as follows:

'II. **Forcible entry and detainer; replevin; trustee process; attachment.** An action for forcible entry and detainer or replevin ~~or any action commenced by trustee process~~ shall be brought in the division in which the property involved is located. Any action commenced by trustee process shall be brought in accordance with chapter 114. Any action involving attachment shall be brought in the division where the plaintiff resides or where the defendant resides or where the property involved is located.'

Sec. 44. R. S., c. 108-A, § 5, sub-§ VII, amended. Subsection VII of section 5 of chapter 108-A of the Revised Statutes is amended to read as follows:

'VII. **Improper venue.** If any action or proceeding, civil or criminal, is brought in the wrong division, the court, upon motion or on its own initiative, ~~shall~~ may transfer it to a proper division. Any objection to improper venue is waived unless asserted by motion to transfer the case made before the commencement of trial or, in the event of default in appearance or answer, before the entry of judgment.'

Sec. 45. R. S., c. 108-A, § 14, sub-§ X, amended. Subsection X of section 14 of chapter 108-A of the Revised Statutes is amended to read as follows:

'X. **Courtroom facilities.** Make necessary arrangements for proper courtroom facilities for all branches of the District Court pursuant to section 12;

establish his own headquarters with appropriate facilities at Augusta; and establish quarters and facilities for the judges at large;'

Sec. 46. R. S., c. 112, § 87, amended. The first sentence of section 87 of chapter 112 of the Revised Statutes, as last amended by section 4 of chapter 230 of the public laws of 1959, is repealed and the following enacted in place thereof:

'No person shall be arrested in a civil action, on mesne process, or execution or on a warrant for taxes on the day of annual Thanksgiving; the 19th day of April; the 30th day of May; the 4th of July; the first Monday of September; Veterans Day, November 11th; or Christmas.'

Sec. 47. R. S., c. 114, § 5-A, additional. Chapter 114 of the Revised Statutes is amended by adding a new section 5-A, to read as follows:

'Sec. 5-A. Where brought. In determining where an action commenced by trustee process shall be brought in the District Court under this chapter the word "county" shall mean "division" and the word "counties" shall mean "divisions."

Sec. 48. R. S., c. 131, § 37, amended. Section 37 of chapter 131 of the Revised Statutes, as amended, is further amended to read as follows:

'Sec. 37. Trespass upon lands appurtenant to certain state institutions. Whoever willfully trespasses upon lands which belong to the State and are appurtenant to the Pineland Hospital and Training Center, Reformatory for Women, Reformatory for Men, ~~state school for girls~~ Stevens Training Center, ~~state school for boys~~ Boys Training Center or the Maine State Prison, or whoever shall unlawfully interfere with the inmates of any of said institutions, or, after notice from an officer of any of said institutions to leave said lands, remains thereon, shall be punished by a fine of not more than \$50 or by imprisonment for not more than 3 months.'

Sec. 49. R. S., c. 133, § 25, amended. Section 25 of chapter 133 of the Revised Statutes is amended to read as follows:

'Sec. 25. Fraudulent issue of transfer tickets. Every conductor of a ~~street railroad car or other~~ public conveyance, and every other person whose duty it is to collect fares on such ~~car~~ vehicle or conveyance, or issue a transfer ticket, or written or printed instrument, giving or purporting to give the right of transfer to another person or persons from a public conveyance operated upon one line or route of a street railroad to a public conveyance upon another line or route of a street railroad, or from one car to another car upon the same line of a street railroad to a public conveyance upon the same or different lines or routes, who shall knowingly and with intent to defraud the person or corporation operating such public conveyance or ~~car~~ vehicle issue, sell or give any such transfer ticket or instrument to another person not lawfully entitled thereto, or receive, use or return any such transfer ticket or instrument unlawfully issued or presented for fare in lieu of a regular cash fare, or substitute any such transfer ticket or instrument for any cash fare collected by him; and every person who shall fraudulently and with intent to evade the payment of fare receive and use or offer for passage any transfer ticket or instrument not originally issued to him; and every person, who shall sell or give any such transfer ticket or instrument originally issued to him to another person with intent to have such trans-

fer ticket or instrument used or offered for passage by such other person, shall be punished by a fine of not more than \$50 or by imprisonment for not more than 30 days, or by both ~~such fine and imprisonment.~~'

**Sec. 50. R. S., c. 133, § 26, amended.** Section 26 of chapter 133 of the Revised Statutes is amended to read as follows:

'**Sec. 26. Tampering with fare-box or fare-register of public vehicles or depositing mutilated coins therein with intent to defraud.** Whoever with intent to defraud opens, defaces or in any way tampers with any fare-box or fare-register of any ~~street railway company~~ public vehicles, or in any way disarranges the mechanism thereof; and whoever with intent to defraud deposits, causes to be deposited or furnishes to another person with intent that same shall be deposited in such fare-box or register any coin which has been, or may hereafter be, coined at the mints of the United States, or any foreign coin, of a sort that is in actual use or circulation as money within this State, knowing that said coin has been defaced, mutilated or altered in shape in such fashion that it will not be properly registered in such fare-box or register, shall be punished by a fine of not less than \$25 nor more than \$100, and by imprisonment for not more than 60 days. Whoever with intent to defraud procures or has in his possession any such coin so defaced, mutilated or altered in shape knowing that said coin is so defaced, mutilated or altered in shape and with intent to deposit such coin or cause same to be deposited in any fare-box or fare-register of any ~~street railway company~~ public vehicles, or with intent to furnish same to any third person with intent that same shall be deposited in such fare-box or register, shall be punished by a fine of not less than \$25 nor more than \$100, and by imprisonment for not more than 60 days.'

**Sec. 51. R. S., c. 137, § 17, amended.** Section 17 of chapter 137 of the Revised Statutes is amended to read as follows:

'**Sec. 17. Spitting in public places.** No person shall expectorate or spit on any public sidewalk, or public street crossing or cross walk, or, except in receptacles provided for the purpose, in any city or town hall, in any courthouse or courtroom, in any factory, in any public library or museum, in any church or theatre, in any lecture or music hall, in any ferry boat or steamboat, in any railroad car except a smokingcar, in any ~~street or~~ interurban railroad car, in any public conveyance, in any railroad station or waiting room, or any sidewalk or platform connected therewith. Whoever violates any of the provisions of this section shall be punished by a fine of not more than \$20.'

**Sec. 52. R. S., c. 150, § 12, amended.** Section 12 of chapter 150 of the Revised Statutes is amended to read as follows:

'**Sec. 12. Treasurer to exhibit schedule of securities to county commissioners.** A schedule of all ~~notes and~~ securities with the amount due on each, received by the county treasurer from the sheriff pursuant to ~~the provisions of~~ section 10, shall be by him laid before the county commissioners at their next session, to be filed with the clerk; ~~and the~~. The county commissioners, from time to time, shall examine such ~~notes and~~ securities, order the county attorney to take such measures for their collection as they judge expedient or authorize the treasurer to compound and cancel them on such terms as they direct.'

**Sec. 53. R. S., c. 153, § 9, amended.** Section 9 of chapter 153 of the Revised Statutes is amended to read as follows:



**Sec. 9. Jurisdiction.** Each judge may take the probate of wills and grant letters testamentary or of administration on the estates of all deceased persons who, at the time of their death, were inhabitants or residents of his county or who, not being residents of the State, died leaving estate to be administered in his county, or whose estate is afterwards found therein; ~~also on the estate of any person confined in the State Prison under sentence of imprisonment for life;~~ and has jurisdiction of all matters relating to the settlement of such estates. He may grant leave to adopt children, change the names of persons, appoint guardians for minors and others according to law, and has jurisdiction as to persons under guardianship, and as to whatever else is conferred on him by law.'

**Sec. 54. R. S., c. 160, § 26, amended.** Section 26 of chapter 160 of the Revised Statutes is amended to read as follows:

**Sec. 26. Obligations in trust; amortization.** Where any part of the principal of a trust consists of bonds or other obligations for the payment of money, they shall be deemed principal at their inventory value or in default thereof at their market value at the time the principal was established, or at their cost where purchased later, regardless of their par or maturity value; ~~and upon.~~ **Upon** their respective maturities or upon their sale or other disposition any loss or gain realized thereon shall, unless otherwise provided in the instrument creating the trust, fall upon or inure to principal; except that in the case of bonds bearing ~~on~~ no stated interest and payable at maturity or at a future time at an amount in excess of their issue price, the amount realized upon their respective maturities or upon their sale or other disposition which is in excess of their inventory value or in default thereof of their market value at the time the principal was established, or of their cost where purchased later, shall, unless otherwise provided in the instrument creating the trust, inure to income when received.'

**Sec. 55. P. L., 1961, c. 227, § 12, amended.** Section 12 of chapter 227 of the public laws of 1961 is amended to read as follows:

**Sec. 12. Effective date.** Rentals payable on and after June 1, ~~1960~~ 1961, pursuant to contracts entered into prior thereto, shall be subject to the tax imposed by this act.'

**Sec. 56. P. & S. L., 1943, c. 5, § 2, sub-§ II, amended.** Subsection II of section 2 of chapter 5 of the private and special laws of 1943, as repealed and replaced by section 1 of chapter 68 of the private and special laws of 1961, is amended to read as follows:

**II.** At the first annual town meeting to be held after March ~~19~~, 20, 1961, 2 councillors shall be elected for a term of 3 years, one councillor for a term of 2 years, and thereafter the annual vacancies in the office of town councillor caused by the expiration of terms shall be filled for terms of 3 years. Vacancies that occur in the office of town councillor due to death, resignation or other causes shall be filled for the unexpired term at the next annual town meeting or at a special town meeting called for that purpose. The town meeting shall fix the compensation of the members of the council.'

**Sec. 57. R. S., c. 3-A, § 194, repealed; limitation.** Section 194 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, relating to congressional districts, is repealed and shall not be printed as part of the session laws of 1961.

Sec. 58. **Effective date of certain sections.** Sections 1, 2, 40, 41, 42, 43, 44, 45 and 57 of this act shall become effective on November 1, 1961.

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved except as otherwise provided in this act.

Effective June 17, 1961

## Chapter 396

### AN ACT Relating to Amount of State Retirement Benefits for Teachers.

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

Sec. 1. R. S., c. 63-A, § 6, sub-§ II, ¶ C, amended. Paragraph C of subsection II of section 6 of chapter 63-A of the Revised Statutes, as enacted by section 1 of chapter 417 of the public laws of 1955 and as amended, is further amended to read as follows:

'C. The total amount of the annual service retirement allowance of any member retired in accordance with subsection I of this section who began to teach has taught in the public schools for the first time prior to July 1, 1924 and who, at the time service was rendered, held a teacher's certificate or other authorization issued by the State Department of Education shall be at least equal to the following:

1. ~~\$1,250~~ \$1,350, if the member has at least 35 years of creditable service as a teacher;
2. ~~\$1,150~~ \$1,250, if the member has at least 30 but less than 35 years of creditable service as a teacher; or
3. ~~\$1,050~~ \$1,150, if the member has at least 25 but less than 30 years of creditable service as a teacher.'

Sec. 2. R. S., c. 63-A, § 6, sub-§ II, ¶ D, amended. Paragraph D of subsection II of section 6 of chapter 63-A of the Revised Statutes, as enacted by section 1 of chapter 417 of the public laws of 1955, is amended to read as follows:

'D. The provisions of paragraph Paragraph C of this subsection shall apply to all teachers who have theretofore or shall hereafter retire under the provisions of subsections XIII, XIV and XV of section 6 of chapter 64 of the Revised Statutes of 1954, formerly sections 212, 213 and 214 of chapter 37 of the Revised Statutes of 1944, or the provisions of this chapter, or any amendment thereto.'

Sec. 3. **Appropriation.** There is appropriated from the General Fund to the Maine State Retirement System to carry out the purposes of this act the sum of \$80,000 for the fiscal year ending June 30, 1962 and the sum of \$80,000 for the fiscal year ending June 30, 1963.

Sec. 4. **Effective date.** This act shall become effective October 1, 1961.

Effective October 1, 1961