

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and First 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.

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The Knowlton and McLeary Company  
Farmington, Maine  
1963

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

As Passed by the One Hundred and First Legislature

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of any violation of the laws of the United States or of any other state, territory or district relating to narcotic drugs or marihuana, the offender shall be punished by a fine of not more than ~~\$1,000~~ \$2,000 and by imprisonment for not less than 5 nor more than ~~10~~ 15 years. For a 3rd or subsequent offense, or if the offender shall previously have been convicted 2 or more times in the aggregate of any violation of the laws of the United States or of any other state, territory or district relating to narcotic drugs or marihuana, the offender shall be punished by a fine of not more than ~~\$1,000~~ \$5,000 and by imprisonment for not less than 10 nor more than 20 years.

Except in the case of conviction for a first offense for violation of ~~the provisions of sections 33 29 to 51~~, the imposition or execution of sentence shall not be suspended ~~and probation or parole~~. Parole shall not be granted until the minimum imprisonment herein provided for the offense shall have been served.'

**Sec. 7. R. S., c. 141, § 1, amended.** The first sentence of section 1 of chapter 141 of the Revised Statutes is amended to read as follows:

'All places used as houses of ill fame, or for the illegal sale or keeping of intoxicating liquors or narcotic drugs, or resorted to for lewdness or gambling; all houses, shops or places where intoxicating liquors are sold for tippling purposes, and all places of resort where intoxicating liquors are kept, sold, given away, drunk or dispensed in any manner not provided for by law are common nuisances.'

Effective September 21, 1963

## Chapter 328

### AN ACT Relating to the Joint Bank Account Law and the Inheritance Taxation of Joint Bank Accounts.

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

**Sec. 1. R. S., c. 59, § 19-G, sub-§ V, ¶ B, repealed and replaced.** Paragraph B of subsection V of section 19-G of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 380 of the public laws of 1955 is repealed and the following enacted in place thereof:

'B. All such accounts, whenever opened, or such shares and accounts in loan and building associations whenever issued, payable to either of 2 or more or the survivor, who are husband and wife, parent and child, grandparent and grandchild, or brothers and sisters, up to, but not exceeding an aggregate value of \$5,000, including interest and dividends, in the name of the same persons in all banks, savings banks, loan and building associations or trust companies within this State shall, in the absence of fraud or undue influence, upon the death of any such persons, become the sole and absolute property of the survivor or survivors, even though the intention of all or any one of the parties be in whole, or in part, testamentary and through

a technical joint tenancy be not in law or fact created. The said amount which so becomes the sole and absolute property of the survivor or survivors pursuant to provisions of this paragraph shall be exclusive of, and in addition to, any amounts to which such survivor or survivors are entitled under common law as contributors to such account or accounts, share or shares.'

**Sec. 2.** R. S., c. 59, § 19-G, sub-§ V, ¶¶ C, D, E and F, repealed. Paragraphs C, D and E of subsection V of section 19-G of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 380 of the public laws of 1955, and paragraph F of subsection V of section 19-G, as enacted by section 1 of chapter 380 of the public laws of 1955 and as last repealed and replaced by section 51 of chapter 429 of the public laws of 1957, are repealed.

**Sec. 3. Effective date.** This act shall take effect on January 1, 1964; provided that the laws in effect prior to January 1, 1964 shall remain in full force and effect with respect to all property passing from persons who die before January 1, 1964.

Effective January 1, 1964

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## Chapter 329

### AN ACT Revising Laws Relating to Benefits for State Employees While in the Armed Forces.

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

**Sec. 1.** R. S., c. 63, § 28, amended. Section 28 of chapter 63 of the Revised Statutes, as amended by chapter 25 of the public laws of 1957, is further amended to read as follows:

**Sec. 28. Employees in armed forces.** Whenever any employee, regularly employed for a period of at least 6 months by the State or by any department, bureau, commission or office thereof, or by any county, municipality, township or school district within the State, and who has attained permanent status in such employment, shall in time of war, contemplated war, emergency or limited emergency enlist, enroll, be called or ordered, or be drafted in the ~~military or naval service~~ armed forces of the United States or any branch or unit thereof, or shall be regularly drafted under federal man power regulations, he shall not be deemed or held to have thereby resigned from or abandoned his said employment, nor shall he be removable therefrom during the period of his service ~~but the duties of his said employment shall, if there is no other person authorized by law to perform the powers and duties of such employee during said period, be performed by a substitute who shall be appointed for the interim by the same authority who appointed such employee if such authority shall deem the employment of such substitute necessary.~~

Such employee while in the ~~military or naval service~~ armed forces of the United States or still employed after draft under federal man power regulations shall be considered as on leave of absence without pay and, for the purpose of