

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1965

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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as the commissioner shall take possession of the collection agency under this section.

§ 582. Rule making power

The commissioner may make such reasonable rules and regulations, not inconsistent with this chapter, pertaining to the operation of the business of licensees as he may deem necessary to safeguard the interest of the public. Such rules and regulations shall be adopted in the manner prescribed in Title 9, section 6, subsection 4. The Credit and Collection Board shall perform the functions and enjoy the privileges of the advisory committee referred to in that section.

§ 583. Credit and Collection Board

The commissioner shall appoint a Credit and Collection Board, with each member to serve a term of 3 years from date of appointment, and such board shall have power, jurisdiction and authority to make recommendations to the Department of Banks and Banking relative to collection agencies, their administration and supervision, and to investigate the conditions and ascertain the facts with reference to the collection of accounts and other matters of a particular collection agency when the license of a collection agency has been revoked or suspended by the commissioner. The Credit and Collection Board will be composed of the commissioner and 4 individuals engaged in the collection business in the State and subject to this law. The Credit and Collection Board shall receive no compensation for their services but may be reimbursed for their actual and necessary traveling expenses. Such expenses shall be audited and paid and charged to the Department of Banks and Banking for the administration of this chapter.'

Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Banks and Banking the sum of \$3,300 for the fiscal year ending June 30, 1966 and the sum of \$5,914 for the fiscal year ending June 30, 1967 to carry out the purposes of this Act.

The breakdown shall be as follows:

DEPARTMENT, BANKS AND BANKING	1965-66	1966-67
Personal Services	(1) \$2,500	(1) \$4,914
All Other	800	1,000
	<hr/> \$3,300	<hr/> \$5,914

Sec. 3. Effective date. This Act shall take effect on January 1, 1966.

Effective January 1, 1966

Chapter 431

AN ACT Revising Laws Relating to Search and Seizure.

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

Sec. 1. R. S., T. 10, § 1555, repealed. Section 1555 of Title 10 of the Revised Statutes is repealed.

Sec. 2. R. S., T. 10, § 1803, repealed. Section 1803 of Title 10 of the Revised Statutes is repealed.

Sec. 3. R. S., T. 12, § 3051, repealed and replaced. Section 3051 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 3051. Vehicles must stop on signal

1. Authority of inland fish and game wardens. Any officer whose duty it is to enforce the inland fish and game laws, if in uniform and if he has probable cause to believe that a violation of the inland fish and game laws has taken or is taking place, may, at any time, stop any motor vehicle, boat, vessel, airplane or conveyance of any kind for the purpose of arresting or questioning the operator or occupant thereof or for the purpose of searching said motor vehicle, boat, vessel, airplane or conveyance of any kind.

2. Penalty. Any operator of a motor vehicle, boat, vessel, airplane or conveyance of any kind, who fails or refuses to stop such conveyance immediately upon request or signal of any officer, in uniform, whose duty it is to enforce the inland fish and game laws, shall be punished by a fine of not more than \$400 or by imprisonment for not more than 90 days, or by both.’

Sec. 4. R. S., T. 12, § 3052, repealed and replaced. Section 3052 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 3052. Arrest; jurisdiction; false personation

Any officer authorized to enforce the inland fish and game laws may arrest any violator of said laws or any person who impersonates or represents himself as being a game warden. Any person so arrested shall be taken without unnecessary delay before the division of the District Court nearest to the place of violation.’

Sec. 5. R. S., T. 12, § 3101, amended. The first 2 sentences of section 3101 of Title 12 of the Revised Statutes are amended to read as follows:

‘All birds, fish or animals, or parts thereof, hunted, bought, sold, carried, transported or found in possession of any person in violation of chapters 301 to 335, or equipment possessed in violation of chapters 301 to 335, shall be contraband and shall be forfeited to subject to seizure by the State. In all cases where a warden may find birds, fish or animals, or parts thereof, or equipment possessed in violation of chapters 301 to 335, he may seize the same without a warrant and keep them for a reasonable time.’

Sec. 6. R. S., T. 12, § 3103, repealed. Section 3103 of Title 12 of the Revised Statutes is repealed.

Sec. 7. R. S., T. 12, § 4503, repealed and replaced. Section 4503 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 4503. Arrest

Any officer authorized to enforce the sea and shore fisheries laws may arrest any violator of those laws.’

Sec. 8. R. S., T. 12, § 4551, repealed and replaced. Section 4551 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 4551. Boats, vehicles and persons to stop on request

1. Authority of coastal wardens. Any coastal warden in uniform may, if he has probable cause to believe that a violation of the sea and shore fisheries law has taken or is taking place, at any time stop any motor vehicle, boat, vessel, airplane or conveyance of any kind for the purpose of arresting or questioning the operator or occupant thereof or for the purpose of searching said motor vehicle, boat, vessel, airplane or conveyance of any kind.

2. Violation. It is unlawful for the operator of a motor vehicle, boat, vessel, airplane or conveyance of any kind, or any person:

A. To fail or refuse to stop upon request or signal of any coastal warden;

B. After he has so stopped, to fail to remain stopped until the coastal warden reaches his immediate vicinity and makes known to that operator or other person the reason for the request or signal;

C. To fail or refuse to stand by for inspection on request of any coastal warden in uniform;

D. Who has been requested or signaled to stop by a coastal warden in uniform, to throw or dump into any water any lobster, or any pail, bag, barrel or other container of any type, or the contents thereof, before the coastal warden has inspected the same.

3. Penalty. Whoever violates any provision of subsection 2 shall be punished by a fine of not less than \$25 nor more than \$500, or by imprisonment for not more than 90 days, or by both.’

Sec. 9. R. S., T. 12, § 4552, sub-§1, amended. The first 2 sentences of subsection 1 of section 4552 of Title 12 of the Revised Statutes are amended to read as follows:

~~‘Whenever a coastal warden may find any of the above items, he may seize the same without a warrant and keep them for a reasonable time. If he does seize them~~ Whenever a coastal warden seizes any of the above items and does not return them to the owner, except as provided in subsection 2, he shall within a reasonable time file a libel with a judge.’

Sec. 10. R. S., T. 12, § 4554, repealed. Section 4554 of Title 12 of the Revised Statutes is repealed.

Sec. 11. R. S., T. 17, § 1135, repealed. Section 1135 of Title 17 of the Revised Statutes is repealed.

Sec. 12. R. S., T. 17, § 1802, amended. The first sentence of section 1802 of Title 17 of the Revised Statutes is amended to read as follows:

‘Whoever keeps or assists in keeping a gambling house or tenement or other place occupied, used, kept or resorted to ~~for the purposes described in section~~

~~1812~~ use as a common gambling house, or for the purpose of gambling for money or other property, or is kept, used or occupied for promoting a lottery or for the sale of lottery tickets, or for prompting the game known as policy lottery or policy, or for buying or selling of pools or registering of bets upon any race, game, contest, act or event, or is found gambling or present ~~as described in said section 1812~~ at an establishment as described in this section, or permits any person to gamble in any way in any tenement or other place under his care or control, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 4 months.'

Sec. 13. R. S., T. 17, § 1812, repealed. Section 1812 of Title 17 of the Revised Statutes is repealed.

Sec. 14. R. S., T. 17, § 1813, amended. The last sentence of section 1813 of Title 17 of the Revised Statutes is amended to read as follows:

'All moneys, prizes, furniture and fixtures so seized shall be declared forfeited to the county in which they were seized and turned over to an officer to be sold as provided in section 2301 ~~and in all cases where an officer may seize tools, machines, dies, plates or materials provided for making counterfeit or spurious coin or for forging bank notes or other instruments, burglars' tools or implements prepared or designed for burglary, lottery tickets or materials for a lottery or procured for the purpose of a lottery, gambling apparatus or implements for gambling and all moneys therein contained, prizes, furniture and fixtures, upon a warrant, he may seize the same without a warrant and keep them in some safe place for a reasonable time until he can procure such warrant.~~

Sec. 15. R. S., T. 17, § 2004, amended. That part of section 2004 of Title 17 of the Revised Statutes, which relates to "Form of Libel," is amended to read as follows:

'Form of Libel

STATE OF MAINE

District
Division of
"County of, ss.—To A. B., District Court Judge
Clerk
Complaint Justice

The libel of C. D., of, shows that he had, by ~~virtue of a warrant duly issued on the day of, A. D. 19...., by officer of said District Court~~ lawful seizure, seized certain intoxicating liquors and the vessels in which the same were contained, described as follows:....." (here follows a description of the liquors.) "because the same were kept and deposited at" (describing the place) "in the said county of, and were intended for sale, in violation of law. Wherefore he prays for a decree of forfeiture of said liquors and vessels, according to the provisions of law in such case made and provided.

Dated at, in said county, this day of, in the year of our Lord nineteen hundred

(Signed.)

..... " ,

Sec. 15-A. R. S., T. 17, § 2004, amended. That part of section 2004 of Title 17 of the Revised Statutes, which relates to "Form of Recognizance in Case of a Single Sale", "Form of Mittimus" and "Form of Recognizance in Case of Seizure" are repealed.

Sec. 16. R. S., T. 22, § 2367, repealed and replaced. Section 2367 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2367. Narcotic drugs; contraband; procedure

Narcotic drugs unlawfully in the possession or under the control of any person and which are kept and deposited in the State intended for unlawful sale in the State, and the vessels in which they are contained, are contraband and forfeited to the county in which they are so kept at the time when they are seized.

The destruction of any substance by any person on or about the premises which are about to be or are being searched, for the purpose of preventing the seizure of that substance by officers authorized to make such search and seizure, shall be prima facie evidence that the substance destroyed was a narcotic unlawfully possessed by the person causing the destruction.'

Sec. 17. R. S., T. 28, § 1155, repealed and replaced. Section 1155 of Title 28 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1155. Power of police officers to stop vehicles, restrictions

Any sheriff, deputy sheriff, constable, municipal or state police officer, or liquor enforcement officer, if he has probable cause to believe that a violation of the liquor laws has taken or is taking place, may, at any time, stop any motor vehicle, boat, vessel, airplane or conveyance of any kind for the purpose of arresting or questioning the operator or occupant thereof or for the purpose of searching said motor vehicle, boat, vessel, airplane or conveyance of any kind.'

Sec. 18. R. S., T. 28, § 1203, repealed and replaced. Section 1203 of Title 28 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1203. Dumping of evidence; prima facie evidence of common sellers

If any place in the State is searched for liquors which are unlawfully kept or deposited and which are intended for sale in violation of law, and if such liquors are there found, they shall be seized with the vessels in which they are contained, and safely kept until final action thereon. The person who is found to be unlawfully keeping such liquors shall be arrested and held to answer as keeping such liquors intended for unlawful sale. The pouring out or other destruction of fluids by any person on or about the premises which are about to be or are being searched, for the purpose of preventing the seizure of those fluids by officers authorized to make such search and seizure, shall be prima facie evidence that the fluids poured out or destroyed were liquor intended for unlawful sale. Any person found guilty of a violation of this section shall be punished by a fine of not less than \$100 nor more than \$500, and costs, and in addition thereto, by imprisonment for not less than 2 months nor more than 6 months, and in default of payment of said fine and costs, by imprisonment for 6 months additional. Notice of any kind in any place or resort, indicating that liquors are there unlawfully kept, sold or given away shall be held to be prima facie evidence that the

person or persons displaying such notice are common sellers of liquors, and that the premises so kept by them are common nuisances.'

Sec. 19. R. S., T. 28, § 1206, repealed. Section 1206 of Title 28 of the Revised Statutes is repealed.

Sec. 20. R. S., T. 28, § 1208, amended. The first sentence of section 1208 of Title 28 of the Revised Statutes is amended to read as follows:

'If an officer, having a warrant ~~issued under this Title~~ directing him to seize any liquors and to arrest the owner or keeper thereof, is prevented from seizing the liquors by their being poured out or otherwise destroyed, he shall arrest the alleged owner or keeper named in the warrant and bring him before the court or judge, and make return upon the warrant that he was prevented from seizing such liquors by their being poured out or otherwise destroyed as the case may be.'

Sec. 21. R. S., T. 29, § 2121, amended. Section 2121 of Title 29 of the Revised Statutes is amended to read as follows:

'§ 2121. Examination of vehicles by police officers

~~All police officers in uniform may at all times, with or without process, stop any motor vehicle to examine identification numbers and marks thereon, raising the hood or engine cover if necessary to accomplish this purpose, and may demand and inspect the driver's license, registration certificate and permits.~~

Any law enforcement officer in uniform whose duty it is to enforce the motor vehicle laws may stop and examine any motor vehicle for the purpose of ascertaining whether its equipment complies with the requirements of section 2122, and the officer may demand and inspect the operator's license, certificate of registration and permits. He may also examine the identification numbers of said motor vehicle and any marks thereon. Such law enforcement officer if in uniform and if he has probable cause to believe that a violation of law has taken or is taking place may, at any time, stop a motor vehicle for the purpose of arresting or questioning the owner or occupant thereof, or for the purpose of searching said motor vehicle.

It shall be unlawful for the operator of any motor vehicle to fail or refuse to stop ~~any~~ such vehicle, upon request or signal of any such officer ~~whose duty it is to enforce the motor vehicle laws when such officer is in uniform.~~

Whenever a motor vehicle is being operated by a person not having upon his person or in such vehicle the registration certificate covering such vehicle, or if it be operated by a person other than the person in whose name it is registered, and such operator is unable to present reasonable evidence of his authority to operate such motor vehicle, such ~~police law enforcement officer, or any sheriff or his deputy other law enforcement officer,~~ may impound such vehicle and hold it until the same is claimed and taken by the registered owner thereof, who shall be forthwith notified of the impounding. ~~Said officers if wearing a badge may also at all times, with or without process, and with or without uniform, enter public garages, parking places and buildings where motor vehicles are stored or kept, for the purpose of examining identification numbers and marks thereon and may also examine any vehicle standing in any public way~~

~~or place; or until the registered owner shall verify the authority of the operator to so operate.~~

~~Any such officer may in like manner and under like circumstances examine any vehicle to ascertain whether its equipment complies with the requirements of this Title.~~

Whoever while operating a vehicle in violation of any of the provisions of this Title shall fail or refuse when requested by an officer authorized to make arrests to give his correct name and address shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.'

Sec. 22. R. S., T. 38, § 205, repealed and replaced. Section 205 of Title 38 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 205. Enforcement

Inland fish and game wardens, coastal wardens, state police officers and all other law enforcement officers of this State have authority to enforce this subchapter and to arrest persons who violate it. Such officers, when in uniform, may stop any watercraft for the purpose of inspecting said craft, its equipment, and its documents or certificates and may board all watercraft where necessary to enforce this subchapter or to make arrests.'

Effective September 3, 1965

Chapter 432

AN ACT Approving the Course of Study in Private Schools.

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

R. S., T. 20, § 102, sub-§ 7, amended. Subsection 7 of section 102 of Title 20 of the Revised Statutes is amended by adding at the end, 2 new paragraphs, to read as follows:

'The officers in charge of a private school founded after the effective date of this Act shall furnish the commissioner (of Education) with a copy of the course of study arranged by said officers.

Schools in good standing in the Independent Secondary School Division of the New England Association of Colleges and Secondary Schools shall be exempted from the preceding paragraph.'

Effective September 3, 1965

Chapter 433

AN ACT Relating to Relocation Assistance in State Highway Projects.

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