

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

Place in Pocket of Corresponding
Volume of Main Set

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

appointment of officers and employees of the state authorized by law, or fixing their compensation, and orders authorizing contracts which may not be wholly performed during the term of the council passing such orders, shall cease to be of any effect or validity at the end of the biennium for which the council passing the order was elected. (R. S. c. 11, § 4. 1957, c. 397, § 6.)

Effect of amendment.—The 1957 line 3 immediately preceding the word amendment substituted “or” for “of” in “fixing”.

Promotion of Maine.

Sec. 12-A. Promotion of Maine.—There is hereby established a special account, to be set up by the state controller, to be designated “Promotion of Maine Account” for the purpose of promoting Maine and to which shall be credited such amounts as are appropriated by the legislature therefor.

This account shall be under the complete supervision and control of the governor and council, and the governor and council is authorized in its discretion to designate any part of this account for meeting necessary expenses in providing for such needs in the promotion of Maine after ample evidence is presented of the need for an allotment from this account.

No allotment or release shall be authorized for any normal operation of the state government for which funds have been provided by the legislature, it being the intent of the legislature that the use of this account be limited to such unusual and unforeseen needs as may arise in the promotion of specific projects which bear a direct positive effect on the economy of Maine. This shall not be construed to authorize the governor and council to create any new department or function, and no part of this account shall be used for attorneys’ fees, increases of salaries, the creation of any new positions in any department of the state government, or for the construction or equipping of any building. (1957, c. 51, § 1.)

Editor’s note.—Public Laws 1957, c. 51, 2 of such act appropriated various sums which added this section, became effective for the fiscal years ending on June 30th on its approval, March 20, 1957. Section of 1957, 1958 and 1959, respectively.

Poetry Day.

Sec. 12-B. Poetry Day.—The state of Maine designates October 15th as Poetry Day, recommending that in the week following schools, churches, libraries, clubs and organizations, the newspapers, radio and television give recognition to the poets who have helped or are helping to make Maine famous in the field of poetry throughout the world. (1957, c. 66.)

Editor’s note.—The act inserting this section designated it § 12-A of this chapter. However, since such number was preempted by P. L. 1957, c. 51, § 1, this section has been codified as § 12-B.

Chapter 12.

State Civil Defense and Public Safety Council.

Sec. 4-A. Rules and regulations.—The director shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations to carry out the provisions of this chapter.

Such rules and regulations shall become effective when approved in writing by the governor and council and when a certified copy thereof has been filed with the secretary of state. Any person aggrieved by any such rule or regulation or the reasonableness of same, or any act or order of the director in enforcing any such rule or regulation, may appeal to a justice of the superior court by presenting to

him a petition therefor in term time or vacation and he shall fix a time and place of hearing which may be in the chambers or in vacation and cause notice thereof to be given to the director and, after the hearing, the justice may affirm or reverse the rule, regulation, act or order of the director and the decision of such justice shall be final (1955. c. 435, § 1-A.)

Sec. 8. Mobile reserve battalions.

Police sections of such mobile reserve battalions shall have the power to make arrests of persons found in violation of any state law or any provisions of this chapter or any rules or regulations promulgated thereunder in times of emergency necessary to carry out the provisions of section 6 of this chapter; and the same power of arrest is vested in such police sections of mobile reserve battalions of other states, foreign countries or their political subdivisions while on active duty within the borders of this state.

(1955, c. 435, § 1.)

Effect of amendment.—The 1955 amendment inserted in the third paragraph the words “in times of emergency necessary to carry out the provisions of section 6 of

this chapter.” As the rest of the section was not changed by the amendment, only the third paragraph is set out.

Sec. 9. Local organization for civil defense and public safety.—Each political subdivision of this state is authorized to establish and shall establish a local organization for civil defense and public safety in accordance with the state civil defense and public safety plan and program. Each local organization for civil defense and public safety shall have a director who shall be appointed by the executive officer or governing body of the political subdivision, and who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense and public safety, subject to the direction and control of such executive officer or governing body. Any director so appointed may be removed by the appointing body for incompetence, misconduct, neglect of duty, disloyalty or subversive activity. The director may also remove any of his appointees for incompetence, misconduct, neglect of duty, disloyalty or subversive activity. Each local organization for civil defense and public safety shall perform civil defense and public safety functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of section 10.

Duly appointed law enforcement officers of local, state and sheriffs organizations are empowered to enforce any of the provisions of this chapter or any rules or regulations promulgated thereunder in times of an emergency or during authorized alerts including partial or full mobilization necessary to carry out the provisions of section 6. It shall be unlawful for any individual to fail or refuse to comply with any just or reasonable order relative to the above from any such duly appointed law enforcement officer. Such failure to comply with such order shall constitute a misdemeanor.

Duly appointed civil defense and public safety law enforcement officers of local, state and sheriffs organizations shall have power to make arrests of persons found in violation of any provisions of this chapter or any rules and regulations promulgated thereunder in times of emergency necessary to carry out the provisions of section 6 of this chapter. (1949, c. 298. 1955, c. 435, § 2.)

Effect of amendment.—The 1955 amendment deleted the words “and directed” formerly appearing after the word “authorized” in the first sentence of the first paragraph and inserted the words “and

shall establish” in the same sentence. It also inserted the third and fourth sentences of the first paragraph, and added the second and third paragraphs.

Sec. 12. Appropriations and authority to accept services, gifts, grants and loans; state director authorized to convey equipment, etc.

The state director, for purposes of civil defense and public safety, and subject

to the approval of the governor, may convey equipment, supplies, materials or funds by way of sale, lease or grant to any political subdivision of the state, such conveyance to be subject to the terms of the offer and the rules and regulations, if any, imposed by the state. (1949, c. 298. 1955, c. 435, § 3.)

Effect of amendment.—The 1955 amendment added the above paragraph at the end of this section. As the rest of the section was not changed, only the paragraph added by the amendment is set out.

Sec. 13. Utilization of existing services and facilities.—In carrying out the provisions of this chapter, the governor and the executive officers or governing bodies of the political subdivisions of the state are directed and shall utilize the services and facilities of existing departments, offices and agencies of the state and all the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed and shall cooperate with and extend such services and facilities to the governor and to the civil defense and public safety organizations of this state upon request. (1949, c. 298. 1955, c. 435, § 4.)

Effect of amendment.—The 1955 amendment substituted "and shall" for "to" after the word "directed" in lines three and six. It also substituted "all" for "of" before the words "the political subdivisions," and "this" for "the" before the word "state" near the end of the section.

Sec. 19-A. Penalty.—Every officer of a political subdivision of this state who, having administrative responsibilities under the provisions of this chapter, willfully violates any of the provisions of this chapter shall be punished by a fine of \$20. (1955, c. 435, § 5.)

Chapter 14.

The Military Law.

Adjutant General.

Sec. 11. Adjutant general, rank, powers and duties; salary; assistant.—The adjutant general of the state shall be appointed by the governor, shall have the rank of brigadier general and may be promoted to the rank of major general. He shall be ex officio, chief of staff, quartermaster general and paymaster general of the state. For the purpose of establishing the relation between the national military establishments, and the various staff departments of the state, he shall be the chief of said departments; and the requisitions, purchases and issues to be made by the senior officer on duty in certain of said departments, as hereinafter prescribed, shall be made by them pursuant and in obedience to his directions and instructions.

He shall control the military department subordinate only to the governor, and may adopt such methods of administration, not inconsistent with the laws, regulations and customs of the service of the national military establishment, so far as the same may be applicable, as he may deem necessary to render the department efficient.

He shall superintend the preparation of all returns, reports, plans and estimates required of the state by the national military establishment; and, on or before the 30th day of June of each year, shall make a report to the governor of the strength and condition of the militia and of the business transactions of the department, including a detailed statement of expenditure for all military purposes.

He shall be responsible for the care, preservation and repair of all military property belonging or issued to the state for the arming and equipping of the militia; and he shall dispose of all military property of the state found unserviceable after a proper inspection, account for the proceeds, and deposit the same into the state treasury, to the credit of the military fund.