

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

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THE MICHIE COMPANY
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Executive Council.

Sec. 4. Orders of governor and council to expire at end of its term.

—Any order issued by the governor and council, except orders relating to the 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; c. 429, §§ 5, 6.)

Editor’s note.—P. L. 1957, c. 66, which identical to those of the repealed section. added this section, designated it § 12-A. **Effective date.**—P. L. 1957, c. 429. became effective on its approval, October P. L. 1957, c. 429, § 5, repealed c. 66. Section 6, c. 429, then added a new section, designated § 12-B, containing provisions 31, 1957.

Chapter 12.

State Civil Defense and Public Safety Council.

Sec. 4. State civil defense and public safety agency.—Whenever it is deemed advisable by the governor, there shall be created within the executive branch of the state government a department of civil defense and public safety, as heretofore established and hereinafter in this chapter called the “civil defense and public safety agency,” and a director of civil defense and public safety, hereinafter in this chapter called the “director,” who shall be the head thereof.

The director shall be appointed by the governor with the advice and consent of the council and he shall hold office during the pleasure of the governor and council. He shall receive such compensation as shall be fixed by the governor and council and shall hold no other state office.

The director may employ such technical, clerical, stenographic, administrative and operative assistants and other personnel, subject to the provisions of the personnel law, and make such expenditures on approval of the governor and council, as may be necessary to carry out the purposes of this chapter.

(1949, c. 298. 1951, c. 273, § 3. 1959, c. 48.)

Effect of amendment.—Prior to the 1959 amendment the provisions of the first paragraph as to appointment, term and compensation of the director applied also to necessary “administrative and operative assistants” now included the second paragraph.

As the rest of the section was not changed by the amendment, only the first two paragraphs are set out.

Effective date.—The 1959 act amending this section became effective on its approval, March 12, 1959.

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