

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1963 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 1

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**Discard Previous Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1963

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 added this section, designated it § 12-A. **Effective date.**—P. L. 1957, c. 429, repealed c. 66. Section 6, c. 429, then added a new section, designated § 12-B, containing provisions identical to those of the repealed section. P. L. 1957, c. 429, § 5, repealed c. 66. Section 6, c. 429, then added a new section, designated § 12-B, containing provisions identical to those of the repealed section.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

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## Chapter 12.

### State Civil Defense and Public Safety Council.

#### Sec. 3. Definitions.

“Political subdivision” includes counties, cities, towns, villages, townships, districts, authorities and other public corporations and entities whether organized and existing under charter or general law. (1949, c. 298. 1951, c. 273, § 2. 1961, c. 171, § 2.)

**Effect of amendment.**—The 1961 amendment rewrote the last paragraph. As the rest of the section was not affected by the amendment, it is not set out.

**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 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 any act or order of the director in enforcing any such rule or regulation, may appeal by filing in the superior court a complaint within 30 days, and the court shall fix a time and place of hearing and cause notice thereof to be given to the director and, after the hearing, the court may affirm or reverse the rule, regulation, act or order of the director and the decision of the court shall be final. (1955, c. 435, § 1-A. 1961, c. 317, § 1.)

**Effect of amendment.**—The 1961 amendment deleted "the provisions of" formerly preceding "this chapter" at the end of the first paragraph of this section, deleted "or the reasonableness of same" formerly preceding "or any act" in the second sentence of the second paragraph, substituted "by filing in" for "to a justice

of," substituted "a complaint within 30 days, and the court" for "by presenting to him a petition therefor in term time or vacation and he," deleted "which may be in the chambers or in vacation" formerly preceding "and cause notice," and substituted "court" for "justice" in two places in such sentence.

**Sec. 6. Emergency; proclamation; publication; powers of the governor; termination.**—Whenever any disaster or catastrophe exists or appears imminent arising from attack, sabotage or other hostile action, or by fire, flood, earthquake or other natural causes, the governor shall by proclamation declare the fact and that an emergency exists in any or all sections of the state. If the governor is temporarily absent from the state or is otherwise unavailable, the next person in the state who would act as governor if the office of governor were vacant shall, by proclamation, declare the fact and that an emergency exists in any or all sections of the state. A copy of such proclamation shall be filed with the secretary of state. The governor shall have general direction and control of the civil defense and public safety agency, and shall be responsible for the carrying out of the provisions of this chapter, and in the event of disaster or catastrophe beyond local control, may assume direct operational control over all or any part of the civil defense and public safety functions within the state.

Whenever the governor is satisfied that an emergency no longer exists, he shall terminate the proclamation by another proclamation affecting the sections of the state covered by the original proclamation, or any part thereof. Said proclamation shall be published in such newspapers of the state and posted in such places as the governor, or the person acting in that capacity, deems appropriate. (1949, c. 298. 1951, c. 273, § 4. 1963, c. 386, §§ 1, 2.)

**Effect of amendment.**—The 1963 amendment rewrote the former second sentence of the first paragraph and split it into the present second and third sentences and also rewrote the last paragraph of this section.

As the rest of the section was not affected by the amendment, only the first and last paragraphs are set out.

### **Sec. 7. Eminent domain and compensation.**

Any owner of property of which possession has been taken under this section to whom no award has been made or who is dissatisfied with the amount awarded him as compensation may bring an action in the superior court in the county in which he lives or has a usual place of business or in the county of Kennebec to have the amount to which he is entitled by way of damages determined. The plaintiff may bring such action within 6 years after the date when possession of the property was taken under this section, except that if the owner of the property is in the military service of the United States at any time during which he should otherwise have brought his action, he may bring the same within 6 years after his discharge from the said military service. The plaintiff and the state shall severally have the right to have such damages assessed by a jury.

In the event, by reason of the death of the owner of property seized under this section, he is unable to bring or to continue the action provided for, the action may be brought or continued by his executor or administrator, as the case may be. (1951, c. 273, § 5. 1961, c. 317, § 2.)

**Effect of amendment.**—The 1961 amendment rewrote the last two paragraphs of this section, which formerly provided for a petitioner to file a petition or make a claim.

As the rest of the section was not affected by the amendment, it is not set out.

### **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. Political subdivisions may accept the services of the state personnel board and adopt the regulations thereof for the purpose of qualifying for federal administrative funds. The state personnel board may enter into agreements with political subdivisions of the state for the purpose of furnishing merit system coverage for civil defense employees, or employees of other agencies and departments assigned full time to civil defense duties. The state personnel board may charge for such services rendered, the fee to

be consistent with the cost of coverage per state employee multiplied by the number of local employees covered. Fees thus received shall be credited to the general fund. 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. Counties shall have concurrent responsibility for civil defense and public safety in the unorganized territories within the respective counties.

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. 1963, c. 386, §§ 3, 4.)

**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 present seventh and eighth sentences of the first paragraph, and added the second and third paragraphs. The 1963 amendment added the present third, fourth, fifth, sixth and tenth sentences to the first paragraph.

**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. 18. Right of way; penalty; jurisdiction.**—Men and equipment required to respond to emergency calls under the provisions of this chapter shall

have the right of way over all public ways and roads and the governor is granted the right to close or restrict traffic on all roads in any area.

Whoever shall fail to give the right of way to men, vehicles and equipment required to respond to emergency calls under this chapter, or whoever shall enter upon roads which have been closed to traffic under the provisions of this chapter, shall, upon conviction, be punished by a fine of not more than \$1,000, or by imprisonment for not more than 11 months, or by both such fine and imprisonment. The district court shall have jurisdiction of all such offenses. (1949, c. 298, 1963, c. 402, § 3.)

**Effect of amendment.**—The 1963 amendment substituted “The district court” for “Municipal courts” at the beginning of the last sentence of the section.

act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

**Application of amending act.** — Section 280 of c. 402, P. L. 1963, provides that the

**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.

Sections 69 to 84-A. General Provisions.

#### Emergency Powers of Governor.

**Sec. 2. Active service national guard or other authorized state military or naval forces.**

In case of a sudden and unexpected tumult, riot, mob or body of men acting together by force with intent to commit felony or to offer violence to persons or property, or by force and violence to break and resist the laws of the state or the United States, or of imminent danger thereof, a justice of the supreme judicial court or of the superior court or the sheriff of a county may call for aid upon a commanding officer of the national guard or other authorized state military or naval forces, and such call shall be in writing. The commanding officer upon whom the call is made shall order out in aid of the civil authorities the military or naval force or any part thereof under his command, and shall make an immediate report of the case to the adjutant general and to his immediate commanding officer. He shall receive only general directions from the civil authority requesting the aid, and shall remain strictly responsible to his military superior for the manner in which the troops shall be used to accomplish the desired end.

In the event of an emergency so imminent as to require immediate action the senior officer of a command may, upon request in writing of the mayor of a city or the selectmen of a town, order out for the defense or protection of the community the forces under his command, or any part thereof, and immediately report his action and the circumstances of the case to the adjutant general and to his immediate commanding officer. (R. S. c. 12, § 2. 1959, c. 378, § 1. 1961, c. 417, § 9.)

**Effect of amendment.**—The 1959 amendment, effective on its approval, January 29, 1960, substituted “selectmen” for “selection” in the last paragraph.

court” in the first sentence of the second paragraph.

As the rest of the section was not affected by the amendments, only the second and third paragraphs are set out.

The 1961 amendment deleted “in term time or vacation” following “superior