

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

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tion and training of the national guard or other state military or naval forces as the adjutant general may from time to time direct and he shall make such returns and reports concerning the same as may be required by the adjutant general. (R. S. c. 12, § 12. 1945 c. 363. 1947, c. 388. 1949, c. 326, §§ 6, 7. 1951, c. 161; c. 412, § 2. 1953, c. 308, § 7. 1955, c. 405, § 5; c. 473, § 2.)

Effect of amendments.—The first 1955 changes of a formal nature in the first amendment inserted the provision authorizing promotion of the adjutant general to major general and made certain other paragraph. The second 1955 amendment increased the annual salary of the adjutant general from \$7,000 to \$8,000.

Chapter 15. State Police.

Sections 8-13. Stations for Weighing Vehicles.

State Police.

Sec. 2. Powers and duties; duty of other officers to cooperate.—The specific powers and duties of the state police shall be to patrol the state highways and other important ways, especially outside the compact portion of cities and towns, for the purpose of enforcing the provisions of law and all laws relating to motor driven and horse drawn vehicles and all rules and regulations in regard thereto, and of arresting all violators thereof and prosecuting all offenders against the same. The state police shall also aid the state highway commission in the enforcement of its rules and orders and permit regulations. In addition to such duties and powers, the chief and members of the state police are vested with the same powers and duties throughout the several counties of the state as sheriffs have in their respective counties to serve criminal processes, to investigate and prosecute violators of any law of this state and to arrest the offenders thereof, and also the same power and duty as sheriffs have to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the state until a legal warrant can be obtained. As arresting officers, or aids, or witnesses in any criminal case, they shall be entitled to the same fees as any sheriff or deputy. Such fees shall be taxed on a bill of costs and shall be paid promptly each month to the treasurer of state and credited to the general highway fund. They shall have the same rights as sheriffs to require aid in executing the duties of their office. They may serve any subpoenas, notices and processes issued by the secretary of state or the state highway commission under authority of law. They shall also at all times be subject to the call of the governor for emergency purposes at his discretion.

The state police; sheriffs and deputy sheriffs; constables, city marshals, deputy marshals and police officers of cities and towns shall, so far as possible, cooperate in the detection of crime, the arrest and prosecution of criminals and the preservation of law and order throughout the state. (R. S. c. 13, § 2. 1949, c. 323, § 1. 1955, c. 118, § 2.)

Effect of amendment.—The 1955 amendment inserted the second sentence.

Sec. 3. Uniform and equipment; to hold no other office.—Members of the state police shall be provided at the expense of the state with a distinctive uniform and badge, and with suitable equipment, all of which shall remain the property of the state. When on duty to enforce the laws of the road, and at such other times as the chief may require, state policemen shall be in uniform. They shall hold no other office during their term of service. It shall be unlawful for any person to wear the prescribed uniform or badge of the state police or any distinc-

tive part thereof except on order of the chief of said state police. (R. S. c. 13, § 3. 1955, c. 405, § 6.)

Effect of amendment.—The 1955 amendment deleted the words “including motorcycles for use when requisite to the performance of their official duties” following the word “equipment” in the first sentence.

Sec. 4. Repealed by Public Laws 1955, c. 118, § 1.

Accident Reports.

Sec. 7. Driver of any vehicle involved in accident to report.—The chief of the state police shall prepare and shall, on request, supply to police and sheriffs’ offices and other suitable agencies, forms of accident reports calling for sufficiently detailed information to disclose, with reference to a highway accident the cause, conditions then existing and the persons and vehicles involved. Every accident report required to be made in writing shall be made on the appropriate form furnished by the chief of the state police and shall contain all available information.

The chief of the state police shall receive accident reports required by law and shall tabulate and analyze such reports and may publish annually, or at more frequent intervals, statistical information based thereon as to the number, cause and location of highway accidents.

The driver of any vehicle involved in an accident resulting in injuries to or death of any person or property damage to the estimated amount of \$100 or more, or some person acting for him, or the owner of said vehicle having knowledge of the accident should the operator of same be unknown, shall, immediately by the quickest means of communication, give notice of the accident either to a state police officer, sheriff or other police official, or to the police department of the municipality wherein the accident occurred. Any person failing to comply with the requirements of this paragraph shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Every such notice received by any such official or department shall be promptly investigated.

Every law enforcement officer who investigates a motor vehicle accident of which report is required, shall, either at the time and scene of the accident or elsewhere, interview participants and witnesses and shall, within 48 hours after completing the investigation, transmit his written report to the chief of the state police.

All accident reports made by investigating officers shall be for the purpose of a statistical analysis and for accident prevention purposes and shall not be admissible in evidence in any trial, civil or criminal, arising out of such accident, but the chief of the state police may disclose, upon request of any person, the date, time, location of the accident and the names and addresses of drivers, owners, injured persons, witnesses and the investigating officer. The chief may also upon written request, furnish a photocopy of any report at the expense of the person making the request.

The driver of any vehicle involved in an accident resulting in injury to or death of any person or property damage to the estimated amount of \$100 or more, or some person acting for him, shall, within 48 hours after the accident, make a written report of it to the chief of the state police. The chief may require drivers of vehicles involved in any such accident to file supplemental reports whenever the original report is insufficient in the opinion of the chief.

Such report shall be without prejudice and the fact that it was made shall be admissible in evidence solely to prove a compliance with this section. No report, or any part thereof, or statement contained therein, or statement made, or testimony taken at any hearing before the secretary of state or any of his deputies held under the provisions of section 4 of chapter 22, or decision made as a result there-

of, shall be admissible in evidence for any purpose in any trial, civil or criminal, arising out of such accident.

Whoever is required to make a report as herein provided and fails to do so, or willfully fails to give correct information required of him by the chief of the state police pertinent to any requisite report shall be deemed answerable to the secretary of state, and the secretary for either of said causes may suspend or revoke the operator's license of such person or the certificate of registration, or both, of any or all motor vehicles owned by him; and on like failure by a nonresident the secretary may suspend or revoke the privileges of such nonresident to operate a motor vehicle in this state and the operation within this state of any motor vehicle owned by him. (R. S. c. 13, § 6. 1945, c. 306. 1947, c. 85. 1953, c. 112. 1955, c. 306, §§ 1, 2.)

Effect of amendment.—The 1955 amendment inserted in the first sentence of the third paragraph the words "or the owner of said vehicle having knowledge of the accident should the operator of same be

unknown." The amendment also substituted "Such" for "Every" at the beginning of the seventh paragraph and divided that paragraph into two sentences.

Stations for Weighing Vehicles.

Sec. 9. Operators of vehicles.—The operator of any vehicle entering or leaving the state, or operating within the state, upon request or direction of any state police officer shall drive such vehicle upon said scales and permit the weighing thereof together with its load, and shall permit examination of the registration certificate covering such vehicle. (R. S. c. 13, § 8. 1955, c. 88, § 1.)

Effect of amendment.—The 1955 amendment substituted "vehicle" for "truck" and

deleted the words "sheriff or deputy sheriff" after the word "officer" in line three.

Sec. 10. Fees.—The driver or owner of such vehicle shall pay to the officer in charge of such weighing point, station or barracks, or to the officer weighing such vehicle any deficiency, if any there may be, in the legal registration fee of such vehicle before it may be permitted to proceed. All deficiency fees so collected shall be reported to the secretary of state, in such manner as he may require, and said fees shall be sent to him and special record kept thereof. (R. S. c. 13, § 9. 1955, c. 88, § 2.)

Effect of amendment.—The 1955 amendment substituted "vehicle" for "truck" and

deleted the words "sheriff or deputy sheriff" after the word "officer" in line two.

Sec. 11. Issuance of certificate.—Upon the payment of any deficiency as hereinbefore provided, the officer in charge of such weighing point, station or barracks, or the officer weighing such vehicle shall give to the operator of the vehicle a clearance certificate in such form as may be prescribed by the chief of the state police. (R. S. c. 13, § 10. 1955, c. 88, § 3.)

Effect of amendment.—The 1955 amendment substituted "vehicle" for "truck" and

deleted the words "sheriff or deputy sheriff" after the word "officer" in line three.

Sec. 12. Penalty for violation of §§ 8-13.—The operator or owner of any vehicle entering or leaving the state, or operating within the state, who refuses to permit the weighing of such vehicle, as aforesaid, shall be punished by a fine of not more than \$100, or by imprisonment for not more than 90 days, or by both such fine and imprisonment; and all fines and forfeitures collected shall accrue to the general highway fund. (R. S. c. 13, § 11; c. 19, § 135. 1951, c. 176. 1955, c. 88, § 4.)

Effect of amendment.—The 1955 amendment substituted "vehicle" for "truck" in two places in this section.

Sec. 13. Enforcement of §§ 8-13; records.—Every state police officer is authorized and directed to enforce the provisions of sections 8 to 13, inclusive,

and to keep a complete record of each vehicle weighed by him, and he shall send a copy of each such record, prior to the close of the month following that during which the weighing took place, to the chief of the state police who shall file the same as a public record. Forms for making such records shall be prepared by the chief of the state police and by him furnished, together with a copy of sections 8 to 13, inclusive, to all state police officers. (R. S. c. 13, § 12. 1955, c. 88, § 5.)

Effect of amendment.—The 1955 amendment substituted “vehicle” for “truck” in the first and second sentences. The first sentence and deleted references to

Sec. 19-A. Courts to submit criminal records.—Every court and trial justice in every case wherein a person is convicted of the violation of any criminal statute shall forthwith transmit to the state bureau of identification an abstract, duly certified, setting forth therein the names of the parties, the nature of the offense, the date of hearing, the plea, the judgment and the result. For this purpose the state bureau of identification shall furnish to said courts proper abstract forms. (1955, c. 120.)

Chapter 16.

Department of Finance and Administration. Accounts and Control. Purchasing. Taxation.

Sections 77-A to 77-D. Assessment of State Property Taxes.
Sections 200-221. Cigarette Tax.

Commissioner of Finance and Administration. Bureau Chiefs.

Sec. 1. Commissioner of finance and administration; bureau chiefs; appointment; duties; employees; salaries.

The commissioner of finance and administration shall have the duty and authority:

I. To serve as the principal administrative and fiscal aide to the governor.

II. To serve as budget officer and supervise development and execution of the biennial budget.

III. To coordinate financial planning and programming activities of departments for review and action by governor and council.

IV. To constantly review the administrative activities of other departments and agencies of the state, study organization and administration, investigate duplication of work and to formulate plans for better and more efficient management, and to report periodically to the governor and on request to the legislature.

V. To prepare and report to the governor or to the legislature such financial data or statistics which may be required or requested by them.

VI. To supervise and direct the activities of the departments or the bureaus which may by statute be designated as being under the department of finance and administration.

VII. To develop over-all long range capital improvement programs for all agencies of the state government and present recommendations to the governor and the legislature for the implementation and financing of such programs. (1955, c. 456, § 1.)

The commissioner of finance and administration shall also perform such other duties as heretofore have been designated by statute. (R. S. c. 14, § 1. 1953, c. 265, § 1. 1955, c. 456, § 1.)

Effect of amendment.—The 1955 amendment added subsection VII to the third paragraph. As the first and second paragraphs of this section were not changed by the amendment, they are not set out.