

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1961

proceeding before the hearing officer, the court may order the additional evidence to be taken before the hearing officer upon such conditions as the court deems proper. The hearing officer may modify his findings and decision by reason of the additional evidence and shall file with the superior court, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

VI. Conducted by the court. The appeal shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the hearing officer not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

VII. Decision of court. The court may affirm the decision of the hearing officer or remand the case for further proceedings, or it may reverse or modify the decision if the substantial rights of the plaintiffs may have been prejudiced because the findings, inferences, conclusions or decisions are in violation of constitutional provisions; or in excess of the statutory authority or jurisdiction of the agency; or made upon unlawful procedure; or affected by other error of law; or unsupported by competent, material and substantial evidence in view of the entire record as submitted; or arbitrary or capricious. An appeal may be taken to the law court as in other actions. (1961, c. 394, § 1.)

Chapter 21.

Secretary of State.

Office and Duties.

Sec. 1. Secretary of state; office and duties; vacancy; salary; expenses; fees.

The secretary of state shall receive an annual salary of \$10,200. He and his deputy shall also receive such actual traveling expenses incident to the administration of his department as shall be necessary.

(1955, c. 473, § 6. 1957, c. 418, § 6. 1959, c. 361, § 6. 1961, c. 377, § 1.)

Effect of amendments. — The 1955 amendment increased the annual salary of the secretary of state from \$7,000 to \$8,000.

The 1957 amendment, effective July 1, 1957, increased his annual salary from \$8,000 to \$9,000 and carried appropriations for the fiscal years ending in 1958 and 1959.

The 1959 amendment increased the salary of the secretary of state from \$9,000 to \$10,000 and carried appropriations for the fiscal years ending June 30, 1960 and 1961.

The 1961 amendment increased the salary of the secretary of state from \$10,000 to \$10,200 and carried appropriations for fiscal years ending June 30, 1962 and 1963.

As only the second paragraph was changed by the amendments, the rest of the section is not set out.

Effective date. — P. L. 1959, c. 361, amending this section, provided in section 14 thereof as follows: "The provisions of this act shall become effective for the week ending August 22, 1959."

Section 2, c. 377, P. L. 1961, provides that the act shall be retroactive to July 1, 1961.

Sec. 4. Prepare commissions, record qualifications, engross bills.

Cited in Opinion of the Justices, 152 Me. 212, 142 A. (2d) 532.

Sec. 5. Distribute blanks for election returns; penalty for neglect.— He shall cause blanks for all election returns required by law to be seasonably distributed to the clerks of the several towns, by mail. If any clerk fails to receive such blanks by the 20th day of October in any year in which an election is held, of which returns are to be made to the office of the secretary of state, he shall

forthwith notify the secretary of state. If the secretary of state neglects this duty he forfeits \$100 for each neglect. (R. S. c. 18, § 5. 1959, c. 204, § 28.)

Effect of amendment.—The 1959 amendment divided the former first sentence of this section into two sentences, substituted the word “October” for “August” and added the words “of state” after the word “secretary” in the last sentence.

Fees.

Sec. 6. Fees.

For receiving, filing and recording certificate of officers of a proposed fraternal benefit society and issuing certificate of organization, \$5.

(1959, c. 378, § 5.)

Effect of amendment.—The 1959 amendment, effective on its approval, January 29, 1960, substituted “benefit society” for “beneficiary association” in the fourth paragraph from the end of the section. As the rest of the section was not affected by the amendment, it is not set out.

Sec. 7. Fees payable by public officers.—A fee of \$5 shall be paid to the secretary of state by any person appointed to the office of justice of the peace, trial justice, notary public, commissioner to take depositions and disclosures, disclosure commissioner and commissioner appointed under chapter 168, section 24, before such person enters upon the discharge of his official duties. (R. S. c. 18, § 7. 1945, c. 378, § 14. 1959, c. 363, § 8.)

Effect of amendment.—The 1959 amendment struck out the words “inspector of fish”, formerly appearing in the third line of this section. It also struck out the words “section 24 of”, formerly appearing before “chapter 168” and inserted “section 24” after “chapter 168”, near the end of the section.

Chapter 22.

Motor Vehicles. Financial Responsibility Law.

Sections 13 to 47-A. Registration. Fees. Conditions. Transfers. Reserved Plates. Temporary Plates. Manufacture of Plates. Equipment. Inspection.

Section 69-A. Reciprocal Agreements with New Hampshire.

Sections 147-A to 147-C. Operation of Bicycles.

Definitions.

Cross references.—See c. 91-A, §§ 123-132, re excise tax on motor vehicles. See c. 91-A, § 128, re payment of excise tax as prerequisite to registration under this chapter.

Sec. 1. Definitions.

“Antique motor car” shall mean any motor vehicle over 25 years old which is maintained solely for use in exhibitions, club activities, parades and other functions of public interest and which is not used primarily for the transportation of passengers or goods over any way;

IV. Motorcycle. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor.

“Motor truck” shall mean any motor vehicle designed and used for the conveyance of property;

“Muffler” shall mean a device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

IX. Owner. “Owner” for the purposes of registration only shall mean any