

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1959

be lost or destroyed, a substitute therefor may be obtained upon payment of a fee of \$2. (R. S. c. 75, § 7, 1957, c. 31; c. 35, §§ 1-3; c. 429, § 76.)

Effect of amendments.—The first 1957 amendment added the words “and the licenses of all his salesmen” in the last sentence of the first paragraph. The second 1957 amendment increased the fee and added the last sentence in the seventh paragraph, increased the fee and made minor changes in language in the ninth paragraph, and added the last paragraph. The third 1957 amendment, which became effective on its approval, October 31, 1957,

substituted the words “for a fee of \$2” for the words “without charge”, which formerly appeared at the end of the first sentence of the eighth paragraph of this section, and deleted the word “theretofore”, formerly appearing after the word “license” and before the word “issued” in the last sentence of the eighth paragraph.

Cited in *United Interchange, Inc. v. Harding*, 154 Me. 128, 145 A. (2d) 94.

Sec. 9. Hearing.

If the commission shall determine that any applicant is not qualified to receive a license, a license shall not be granted to such applicant, and if the commission shall determine that any licensee is guilty of a violation of any of the provisions of this chapter, the license shall be suspended or revoked. The commission, upon request of the applicant or licensee, shall furnish said applicant or licensee with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for suspension of the rights of the licensee or for the revocation of the license, as the case may be. The findings of fact made by the commission acting within its powers shall be conclusive, but the supreme judicial court shall have the power to review questions of law involved in any final decision or determination of the commission; provided that an appeal is taken by the aggrieved party within 30 days after such determination, and said court may make such further orders in respect thereto as justice requires. (R. S. c. 75, § 9, 1959, c. 317, § 35.)

Effect of amendment.—The 1959 amendment rewrote the last sentence of this section which formerly provided for review on application by certiorari, mandamus or other permissible method. As the rest of the section was not affected by the amendment, only the last paragraph is set out.

Effective date and applicability of Public Laws 1959, c. 317.—Section 420, chapter 317, Public Laws 1959, provides as follows: “This act shall become effective

December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail.”

Sec. 10. Nonresident brokers and salesmen.

Cited in *United Interchange, Inc. v. Harding*, 154 Me. 128, 145 A. (2d) 94.

Sec. 12. Penalties.

Cited in *United Interchange, Inc. v. Harding*, 154 Me. 128, 145 A. (2d) 94.

Chapter 85.

Art Commission.

Sec. 2. Powers and duties.

No painting, portrait, statue or tablet shall be accepted or placed in the state house without the permission of the commission. The commission shall advise the state director of public improvements where to hang paintings, portraits and

pictures and where to place statues and other works of art. (R. S. c. 76, § 2. 1957, c. 340, § 7.)

Effect of amendment. — The 1957 amendment substituted "state director of public improvements" for "superintendent of public buildings" in the last paragraph of this section. Section 12 of such amendatory act provided that it should be retroactive to July 1, 1957. As the first two paragraphs were not changed by the amendment, they are not set out.

Chapter 86.

Harness Racing Commission.

Sec. 1. State harness racing commission. — The state harness racing commission, as heretofore established and hereinafter in this chapter called the "commission," shall consist of 3 members who shall be appointed and may be for cause removed by the governor with the advice and consent of the council. No more than 2 members shall be of the same political party. One member shall, in some capacity, be connected with agricultural societies which operate pari mutuel racing. Upon the expiration of the term of office of any member, his successor shall be appointed for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term. The members shall serve until their successors are appointed and qualified. So far as practicable they shall be persons interested in the establishment and development of a Maine breed of standard bred horses and no member of the commission shall have any pecuniary interest in any racing or the sale of pari mutuel pools licensed under the provisions of this chapter. (R. S. c. 77, § 1. 1951, c. 266, § 95. 1953, c. 402. 1955, c. 114.)

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

Sec. 7. Report.—The commission shall make an annual report to the governor on or before the 1st day of January in each year, including therein an account of its actions, receipts derived under the provisions of this chapter, the practical effects of the application of the provisions of this chapter and any recommendation for legislation which the commission deems advisable. (R. S. c. 77, § 8. 1955, c. 44.)

Effect of amendment.—The 1955 amendment substituted "January" for "December" in line two.

Sec. 8. Rules and regulations. — The commission shall make rules and regulations for the holding, conducting and operating of all harness horse races or meets for public exhibition held in this state and for the operation of race tracks on which any such race or meet is held. No such race or meet shall be held on Sunday. No part of this chapter shall be construed to apply to any racing whatever except harness horse races. (R. S. c. 77, § 9. 1947, c. 358. 1949, c. 388, § 3. 1957, c. 46.)

Effect of amendment. — The 1957 amendment omitted two former sentences of this section relative to periods of holding meetings.

Sec. 11. Issuance of license.—If the commission is satisfied that all the provisions of this chapter and the rules and regulations prescribed by the commission have been and will be complied with by the person, association or corporation applying for a license, it may issue a license which shall expire on the 31st day of December; and between the dates of the 1st Monday in August and October 20, it may issue a license to an agricultural fair association for a pari mutuel harness meet in connection with its annual fair, but no other person, association or corporation shall be licensed to operate either a day or night pari mutuel har-