

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

CHAP. 78.**CHAPTER 78.**

COUNTY COMMISSIONERS.

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13. To examine jail at each session, and may authorize employment of prisoners.
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PENOBSCOT AND WASHINGTON COUNTIES.

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THEIR ELECTION AND TENURE OF OFFICE.

CHAP. 78.

SEC. 1. There shall be a board of commissioners for each county, consisting of a chairman and two other citizens resident in the county, elected, or, in case of a vacancy, appointed by the governor, with advice of council. The chairman shall be designated by them at their first meeting on or after the first day of January annually, to act for one year.

Board of commissioners to be a chairman and two other resident citizens elected or appointed. Chairman to be designated first of January.

SEC. 2. Vacancies to occur by expiration of the term of office shall be filled by election on the second Monday of September preceding. If but one is elected, he holds office for three years; if two, the one having the highest number of votes holds for three years, and the next highest, for two years; if three, two hold as last provided, and the other, for one year. If two have an equal number of votes, the governor, with advice of council, shall designate who shall hold for the longer, and who for the shorter term.

R. S. c. 78, § 1. 1862, c. 65, § 1. Vacancies by expiration of term, filled by election; tenure of office. R. S. c. 78, § 2.

SEC. 3. When no choice is effected, or a vacancy happens by death, resignation, or removal from the county, the governor, with advice of council, shall appoint a person to fill the vacancy, who shall hold office until the first day of January after another has been chosen to fill the place.

Vacancies happening otherwise, filled by appointment. R. S. c. 78, § 3. 50 Me. 607.

SEC. 4. County commissioners shall be elected on the second Monday of September by the written votes of electors qualified to vote for representatives. The votes shall be received, sorted, counted, and declared, as votes for representatives are; the names of the persons voted for, the number of votes for each, and the whole number of ballots received, shall be recorded by the clerk in the town records, and true copies thereof, sealed and attested as returns of votes for senators, shall be transmitted to the secretary of state within thirty days.

Mode of election. R. S. c. 78, § 4.

SEC. 5. The governor and council, on or before the first day of December in each year, shall open and compare the votes so returned, and may receive testimony on oath to prove that the return from any town does not agree with the record of the vote of such town in the number of votes, or the names of the persons voted for, and to prove which of them is correct; and the return when found to be erroneous may be corrected by the record. No such correction can be made without application within twenty days after the returns are opened, stating the error alleged, and reasonable notice thereof given to the person to be affected by such correction. The persons having the highest number of votes, not exceeding the number to be chosen, shall be declared elected; and shall be notified thereof by the secretary of state, be sworn, and enter upon the discharge of official duties on the first day of January thereafter. If a number of persons, exceeding the number to be chosen, receive an equal number of votes, no one is elected.

Mode of determining who is elected, and when they enter on the discharge of their duties. R. S. c. 78, § 5. 26 Me. 494. 54 Me. 602, 605.

CHAP. 78.

THEIR REGULAR SESSIONS AND CLERK.

Regular sessions, times and places thereof.

R. S. c. 78, § 9.
Androscoggin.

SEC. 6. They shall hold annual sessions in the shire town of each county at the times following:

In the county of Androscoggin, on the first Tuesdays of April and October.

Aroostook.

In the county of Aroostook, on the third Tuesday of January and the first Tuesdays of June and July.

Cumberland.
1862, c. 65, § 2.

In the county of Cumberland, on the first Tuesdays of January and June.

Franklin.

In the county of Franklin, on the last Tuesdays of April and December.

Hancock.
1870, c. 122.

In the county of Hancock, on the fourth Tuesday of January and the second Tuesdays of April and October.

Kennebec.
1865, c. 306.

In the county of Kennebec, on the third Tuesdays of April and August, and the last Tuesday of December.

Knox.
1860, c. 146, § 4.
1868, c. 174.

In the county of Knox, on the first Tuesdays of April and December, and the third Tuesday of August.

Lincoln.
1861, c. 2.
1868, c. 177.

In the county of Lincoln, on the second Tuesday of May, the first Monday of September and the last Monday of December.

Oxford.

In the county of Oxford, on the second Tuesday of May, and first Tuesday of September.

Penobscot.

In the county of Penobscot, on the first Tuesdays of April and August, and the second Tuesday of December.

Piscataquis.
1868, c. 474,
spec.

In the county of Piscataquis, on the first Tuesdays of April, August and December.*

Sagadahoc.

In the county of Sagadahoc, on the first Tuesdays of March, July and November.

Somerset.

In the county of Somerset, on the first Tuesdays of March and August, and the second Tuesday of December.

Waldo.
1860, c. 126.

In the county of Waldo, on the third Tuesdays of April, August and December.

Washington.
1868, c. 176.
1870, c. 149.

In the county of Washington, at Machias, on the first Wednesdays next after the first Tuesdays of January and October, and at Calais, on the first Wednesday next after the fourth Tuesday of April.

York.
1860, c. 155.

In the county of York, at Alfred, on the second Tuesdays of April and October.

Clerk of the court to be clerk of the commissioners. When he may appoint clerk pro tem. His oath and duty.
R. S. c. 78, § 10.

SEC. 7. The clerk of the judicial courts in each county is clerk of the commissioners; and when the supreme judicial court and the commissioners are in session at the same time, he may appoint a clerk pro tempore to the commissioners, for whose doings he is responsible. Such clerk shall be sworn, and make a daily record of their doings, and they shall examine it, and when correct certify it, and it shall be copied into their records by the stated clerk.

THEIR POWERS AND DUTIES.

CHAP. 78.

SEC. 8. Two commissioners constitute a quorum; when only one attends, he may adjourn to a convenient time and place; when no one attends, the clerk may adjourn as provided in section twenty-two, of chapter seventy-seven.

Two constitute a quorum. How session adjourned when only one or more attends. R. S. c. 78, § 11. Officers to execute precepts of the board. R. S. c. 78, § 18.

SEC. 9. Sheriffs and their deputies, coroners, and constables, shall execute all legal processes directed to them by the commissioners.

SEC. 10. They shall make the county estimates and cause the taxes to be assessed as required by law; examine, allow and settle accounts of the receipts and expenditures of the moneys of the county; represent it; have the care of its property and management of its business; by an order recorded, appoint an agent to convey its real estate; lay out, alter or discontinue ways, and perform all other duties prescribed by law.

Commissioners to be financial agents of the county, and do all that the law prescribes. R. S. c. 78, § 6.

SEC. 11. They shall in the shire town of their county, provide and keep in repair, court houses; jails with apartments for debtors separate from criminals; and fire proof buildings of brick or stone for the safe keeping of records and papers belonging to the offices of register of deeds and of probate, and the clerk of the courts, with separate fire proof rooms and suitable alcoves, cases or boxes for each office, and also any other necessary buildings.

They are to provide and keep in repair court houses, jails and fire-proof rooms for records and papers of their county offices. R. S. c. 78, §§ 6, 7, 8.

SEC. 12. They shall not remove a county building in the shire town, or erect a new one instead of it more than a half mile from the former location, without first giving notice of their intentions and of the place where they propose to locate it, to the municipal officers of each town in the county; who shall present the same to the town at its next annual meeting for the choice of state or town officers, and receive, sort and count the votes of the voters qualified to vote in town affairs, for and against the proposal; and they and the clerks shall certify and return such votes to the clerk of said commissioners, who shall examine them and act according to the decision of a majority.

They are to notify towns of intention to remove site of county buildings; and towns to decide by vote thereon. R. S. c. 78, §§ 16, 17.

SEC. 13. At the commencement of each session required by law, they shall examine the prison, take necessary precaution for the security of prisoners, for the prevention of infection and sickness, and for their accommodation; and may authorize the employment for the benefit of the county, of prisoners committed for crime, in some suitable manner not inconsistent with their security and the discipline of the prison.

To examine jails at each session, and may authorize employment of prisoners. R. S. c. 78, § 8. 1859, c. 80.

SEC. 14. They have power to obtain loans of money for the use of their county, and to cause notes or obligations, with coupons for lawful interest, to be issued for payment thereof at such times as they deem expedient; but such loans shall not exceed ten thousand

Their power to obtain loans restricted. R. S. c. 78, § 21. 1856, c. 86.

CHAP. 78. dollars, without first obtaining the consent of the county, substantially as provided in section twelve.

Warrants of
distress, when
and how
issued.
R. S. c. 78, § 19.

SEC. 15. Warrants of distress, on judgments legally rendered by the county commissioners, may be originally issued within two years after judgment, and made returnable to the clerk's office within ninety days from their date. New warrants may be issued, within two years from the return day of the last preceding warrant, for sums remaining unsatisfied. No warrant shall be originally issued against a town until twenty days after a certificate of rendition of the judgment is transmitted by their clerk to the assessors of such town. Interest on the damages is to be included and collected by such warrants as in executions.

Action of debt
on a judgment
of the board.
R. S. c. 78, § 20.
37 Me. 29.
53 Me. 214

SEC. 16. A party, for whose benefit a judgment is rendered by them, may recover the amount in an action of debt founded on such judgment.

No commis-
sioner to be
agent to ex-
pend money,
raised by his
board.
R. S. c. 78, § 15.

SEC. 17. No commissioner shall be appointed to expend money assessed or raised for any purpose by the board of which he is a member.

THEIR COMPENSATION.

Compensation
for services
and travel,
fixed.
R. S. c. 78,
§§ 19, 18.
1861, c. 41.
1862, c. 97.
1866, c. 514.
Spec. 1869, c.
79, § 1.
1870, c. 103.

SEC. 18. Each commissioner, except in the counties of Cumberland, Penobscot and Washington, shall have two and a half dollars a day and in that proportion for parts of a day, while actually employed in the service of the county, exclusive of the time spent in traveling, for which he shall have ten cents a mile for the distance actually traveled; but he shall not have more than one travel in the same case; nor for service or travel on more than one petition or case at the same time, nor anything for travel or attendance at the legislature connected with the annual county estimates, nor for any additional trouble or expense of any kind.

Accounts of
services, how
kept and set-
tled. Copy to
be published
in newspaper
and returned
to secretary of
state.
R. S. c. 78,
§ § 12, 13, 14.

SEC. 19. Each shall keep an accurate account of his time and travel, specifying the kind of service performed each day or part of a day, and the places from and to which he traveled each day, and he shall not be allowed for services not so specified. His account shall be audited and examined by the county attorney and clerk, to the truth of which he shall be sworn before one of them; and they shall certify the amount allowed, and no further sum shall be paid. The clerk shall cause a copy of such account to be published in a newspaper printed in the county, if any, and return one to the secretary of state on or before the first day of January in each year.

Penalty for
over-charging,
and how col-
lected.
R. S. c. 78, § 13.

SEC. 20. If a commissioner charges in his account any miles not actually traveled, or any time not spent, he forfeits ten dollars for each such charge, to be recovered in an action of debt in the name of the county, one-half to the complainant, the other to the county.

CUMBERLAND COUNTY.

CHAP. 78.

SEC. 21. The chairman of the commissioners of Cumberland county shall receive a salary of six hundred dollars, and the other two of five hundred dollars each, payable quarterly from the county treasury; which shall be in full for all services, travel and expenses; in taxing costs on refusal to lay out, alter or discontinue a way, they shall record their time and travel as in section eighteen; and at the end of each year, shall make out a statement of the financial condition of the county, showing in detail, all moneys received into and paid out of the treasury, and such other facts and statistics, as may be necessary to exhibit the true state of the finances of the county; and publish in pamphlet form, a reasonable number of copies for distribution among the citizens of the county.

Commissioners of Cumberland to have a salary, chairman \$600, and others \$500. How costs to be taxed on refusing to lay out road. Annual financial report to be published. 1859, c. 81, §§ 1, 2, 3. 1870, c. 107.

PENOBSCOT AND WASHINGTON COUNTIES.

SEC. 22. The pay of the county commissioners of Penobscot and Washington counties shall be three dollars a day each, for services while actually employed in official business, including the time necessarily spent in traveling and in making drafts; and the commissioners of Penobscot shall receive for travel twelve cents, and of Washington, ten cents a mile, for the distance actually traveled.

Compensation of commissioners of Penobscot and Washington for services, three dollars a day, and for travel twelve and ten cents a mile. Special 1869, c. 79, § 1. 1870, c. 103.