

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FOURTH REVISION.

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY LORING, SHORT & HARMON
AND
WILLIAM M. MARKS, PRINTER.
1884.

FARMINGTON STATE TEACHERS COLLEGE
LIBRARY

ERRATA:

**The following two leaves are
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

ERRORS.

ERROR IN THE TEXT OF THE REVISED STATUTES.

Page 63, § 3, line one.—Erase the last word “may.”

ERROR IN THE TEXT OF THE REPEALING ACT.

Page 999.—Transfer “Chapter 48, Section 6, of an act to facilitate the prompt administration of justice by establishing a superior court in Kennebec County,” from the year 1879 to 1878.

ERROR IN THE COMMISSIONER’S NOTES.

Pages 177, 178.—Erase the last two lines of page 177, and the first three lines of page 178.

ERRORS IN THE MARGINAL REFERENCES.

Page 59, § 6, ¶ xx.—Erase “*R. S.*, c. 1, ¶ xx”, and supply, at the bottom of the page, “*R. S.*, c. 1, § 4”

“ 66, § 24.—Erase “*Resolve of 1837*, c. 52.”

“ 69, § 44.—Supply “*Resolve of 1840*, c. 107.”

“ 72, § 68.—Erase “*See c. 6*, §§ 40-67.”

“ “ § 70.—Erase “*R. S.*, c. 2, § 66.”

“ 79, § 12, (note b).—“*See c. 18*, § 73” should read “*See c. 18*, § 75.”

“ “ “ “ “*See c. 30*, § 15” should read “*See c. 30*, § 16.”

“ “ § 14.—Supply “*See c. 18*, § 75.”

“ 83, § 40.—“*R. S.*, c. 3, § 34” should read “*R. S.*, c. 3, § 33.”

“ 84, § 46.—“*See c. 18*, § 67” should read “*See c. 18*, § 59.”

“ 86, § 59, ¶ i, (note b).—“*See c. 17*, §§ 25-29” should read “*See c. 17*, §§ 27, 28.”

“ “ “ ¶ vi, (note e).—“*See c. 18*, § 15” should read “*See c. 18*, § 17.”

“ 92, note.—“*c. 18*, §§ 39, 103” should read “*c. 18*, §§ 39, 97.”

“ 97, § 16.—Erase “*R. S.*, c. 4, § 16.”

“ 108, § 86.—“*Art. ii*, § 2” should read “*Art. ii*, § 1, ¶ 2.”

“ 117, § 28.—Erase the first reference to “1878, c. 31, § 1.” Also erase “*R. S.*, c. 5, § 26.”

“ 176, § 27.—“*Resolve of 1883*, c. 20” should read “*Resolve of 1883*, c. 86.”

“ 183, § 5.—“*See* § 93, ¶ 6” should read “*See* § 93, ¶ v.”

“ 202, § 102.—“1883, c. 229” should read “*See c. 115*, § 1.”

“ 209, § 1.—Supply “1880, c. 215.”

“ 210, § 7.—Supply “1880, c. 215.”

“ 249, § 44.—“1875, c. 25, § 6” should read “1875, c. 25, § 6.”

“ 270, § 16.—Supply “1880, c. 215.”

“ 330, § 26.—“*See c. 40*, § 77” should read “*See c. 40*, § 74.”

“ “ § 28.—“*See c. 40*, § 38” should read “*See c. 40*, §§ 33, 40.”

“ 374, § 23.—“*See* § 17” should read “1880, c. 234, § 1.”

“ 384, § 74.—Add “1883, c. 138, § 3.”

“ “ “ “ “1883, c. 144, § 4.”

“ 506, § 1.—Supply “*See* 1880, c. 215.”

“ 642, § 80, bottom of the page.—Supply “1878, c. 48, § 6.”

“ 709, § 105.—“*See c. 134*, § 13” should read “*See c. 134*, § 19.”

“ 773, § 42.—Supply “1883, c. 198, § 2.”

“ 804, § 35.—“*See c. 134*, § 26” should read “*c. 134*, § 26.”

“ 861, § 1.—“*R. S.*, c. 2, § 20,” } should read “1883, c. 221.”
“ “ “ “ “*R. S.*, c. 115, § 1.” }

“ 862, § 4.—“*See c. 63*, §§ 32 to 39” should read “*See c. 63*, § 35.”

ERRORS IN CITATIONS OF CASES.

- Page 10, § 8, ¶ iii, (note c).—"14 *Pet.*, 504" should read "14 *Pet.*, 540."
 " 16, § 1, (note b).—"10 *Me.*, 483" should read "10 *Me.*, 283."
 " 78, § 5, (note a).—"13 *Me.*, 472, 489" should read "13 *Me.*, 472."
 " " § 7, (note b).—"12 *Me.*, 589" should read "12 *Me.*, 489."
 " 147, § 97.—"58 *Me.*, 528" should read "58 *Me.*, 532."
 " 166, § 1.—"64 *Me.*, 549" should read "64 *Me.*, 599."
 " 200, § 93, ¶ iv.—Erase "20 *Me.*, 545."
 " 211, § 19.—"3 *Me.*, 347" should read "3 *Me.*, 249."
 " 241, § 5, (note b).—"68 *Me.*, 28" should read "63 *Me.*, 28."
 " 257, § 80, (note a), Construction of ways.—"26 *Me.*, 340" should read "26 *Me.*, 240."
 " 397, § 1, (note a).—Erase "66 *Me.*, 526."
 " 521, § 2, (note a).—Erase "60 *Me.*, 377."
 " " § 9.—Erase "60 *Me.*, 533."
 " 563, § 10.—"31 *Me.*, 286" should read "31 *Me.*, 254."
 " 597, § 23.—"4 *Me.*, 19" should read "4 *Me.*, 8."
 " 705, § 78.—"43 *Me.*, 438" should read "48 *Me.*, 438."
 " 728, § 12.—Erase "68 *Me.*, 30."
 " 750, § 5.—Erase "20 *Me.*, 325."
 " 765, § 1, (note a).—Erase "73 *Me.*, 228."
 " 814, § 19, (note c).—Erase "71 *Me.*, 543."
 " 817, § 8, (note b).—"27 *Me.*, 363" should read "27 *Me.*, 362."
 " 885, § 1.—Erase "62 *Me.*, 285."
 " 886, § 8.—"36 *Me.*, 225" should read "36 *Me.*, 227."
 " 933, § 4.—"34 *Me.*, 478" should read "39 *Me.*, 478."

OMISSION IN REFERENCE INDEX TABLE, PART I.

Page 1060.—Supply "1878, c. 48, § 6," with a reference to "R. S., c. 77, § 80."

secretary, treasurer, adjutant general and quartermaster general, shall take and subscribe the oath or affirmation required by the constitution, before the governor and council, when in session, and in their recess, before any two members of the council; and every other person elected or appointed to any civil office, shall take and subscribe the oath before any one member of the council, or before any magistrate commissioned by the governor for that purpose, except when the constitution otherwise provides.

SEC. 90. The governor and council may require any officer, who by law gives bond to the State, to give a new bond when they consider it necessary; and when it is given, the obligors in the former bond are discharged from liability thereon for acts and defaults after the acceptance of the new one; and if such officer does not give a new and satisfactory bond within the time specified by the governor and council, his office becomes vacant, and shall be filled as provided by law.

CHAP. 2.

cers to take oath before the governor and council. R. S., c. 2, § 86. —others, to take oath before magistrates. 70 Me., 591-2.

Officers may be required to give new bonds.

—if new bond is not given, office deemed vacant. R. S., c. 2, § 87.

CHAPTER 3.

TOWNS, THEIR MEETINGS, POWERS AND DUTIES.

TOWNS.

- SEC. 1. Towns are corporations.
2. Town meetings shall be called by selectmen.
 3. Call of first meeting; when no officers, meeting how called.
 4. Selectmen refusing, call may be made by justice on request of ten voters, same number may require an article to be inserted in warrant.
 5. Form of warrant. Articles to be specified.
 6. Warrant may be directed to constable or individual.
 7. Mode of notice; return, shall state the manner.
 8. Four preceding sections apply to cities and their officers.
 9. Village corporation meetings, how called.
 10. Errors in return, and in town records and tax lists, how corrected.
 11. Who are entitled to vote.
 12. Annual meetings to be in March. Officers then to be chosen.
 13. What officers are to be chosen by ballot. Exceptions.
 14. Selectmen may fill vacancies. Their appointment of highway surveyors and other officers, to be recorded.
 15. Clerk to preside during choice of moderator.
 16. Clerk to be sworn; form of oath.
 17. Clerk may appoint deputy. Municipal officers may appoint acting clerk to fill vacancy.
 18. Town treasurer may appoint deputy.
 19. Treasurer responsible.
 20. Municipal officers may appoint treasurer, in case of vacancy.
 21. Such treasurer to be sworn and give bond.
 22. Officers chosen, to be summoned to take their oaths.
 23. Penalty for neglect to be sworn. Exceptions.
 24. Town and parish officers, how sworn, and certificate to be given. Mode of making record. Clerk may record his own election. Record to be evidence. Penalty for neglect. Fee for recording oath.

- CHAP. 3.** SEC. 25. Vacancies may be filled at any town meeting; when selectmen may act as fence viewers.
26. Moderator to be first chosen and sworn. His duties.
27. Moderator to be obeyed.
28. Powers of moderator.
29. The foregoing sections do not apply to meetings for choice of state officers.
30. Votes not to be read before poll is closed. Folded votes not received. Penalty.

WARDS OF CITIES AND ELECTION OF CITY OFFICERS.

- SEC. 31. Wards in cities, change or alteration of, how made.
32. Assessors and subordinate officers of cities, how chosen. Term of office.
33. Wardens and clerks in cities, how elected, and their term of office.
34. Mayors of cities have casting vote in choice of officers, may appoint officers with advice of aldermen, and may remove them.

CERTAIN DUTIES OF MUNICIPAL OFFICERS.

- SEC. 35. Members of city governments and selectmen not allowed to vote on questions of pecuniary interest to themselves.
36. Members of city governments not to be interested in certain contracts; such interest avoids the contract.
37. Proceedings in supreme court to enforce the two preceding sections.
38. Town officers required to make reports, to be distributed if printed; otherwise to be read in town meeting and deposited with selectmen or clerk for inspection. Penalty for neglect.
39. Assessors to make return of neat stock and agricultural products to secretary of state.
40. Secretary of state to furnish blank tables.
41. Returns how filed.
42. Town clerk to notify state treasurer of election of town treasurer, or no money will be paid to town.

ARMORIES.

- SEC. 43. Town officers to provide armories, rooms and places for parade for militia companies. Rent of \$100 to be allowed to the town by the state.

STREET COASTING AND SLIDING MAY BE RESTRICTED.

- SEC. 44. Coasting may be forbidden by municipal officers on designated streets, roads or sidewalks.
45. Designation to be recorded.

TOWNS MAY RAISE AND HOLD MONEY IN TRUST.

- SEC. 46. Money may be raised at town meeting, for what purposes.
47. Cities and towns may publish histories and erect soldiers' monuments.
48. Acts of towns in raising money for bounties, made valid.
49. Contracts of town officers to pay bounties, made valid.
50. Unauthorized war contracts of town officers, may be ratified by town.
51. Towns may receive and hold money in trust, for what purposes.
52. Interest to be allowed if fund is used; not used, to be invested.
53. Fund, how applied.
54. Fund reverts to donor, if not applied or if misapplied.

PUBLIC PARKS AND SQUARES.

- SEC. 55. How cities and larger towns may take land for parks and squares.
56. Written notice of intention must be given by municipal officers. Hearing of parties interested, and damages. Return, where recorded.
57. Appeal to county commissioners.

DISORGANIZED TOWNS.

- SEC. 58. Debts and liabilities of disorganized towns, how collected. Same provisions in relation to school districts therein.

TOWN, VILLAGE AND CITY BY-LAWS AND ORDINANCES.

- SEC. 59. Towns, villages and cities may make by-laws and ordinances, subject to approval of county commissioners, or a judge of supreme court.

WHARVES AND FISH WEIRS.

CHAP. 3.

- SEC. 60. Municipal officers may license the building or extension of wharves and fish weirs in tide waters. Notice and proceedings.
61. Proceedings, if tide waters lie between two towns. No wharf shall be extended beyond wharf lines.
62. Proceedings, &c., to be recorded. Fees.
63. Foregoing provisions inapplicable to certain weirs.

HARBOR MASTERS.

- SEC. 64. Selectmen may appoint harbor masters. Two towns on one harbor.

TOWN LINES.

- SEC. 65. Perambulation of lines, and proceedings respecting them.
66. Monuments may be erected at angles.
67. Disputed lines, how settled.
68. Compensation of commissioners.

PENALTY FOR NEGLECT OF OFFICIAL DUTY.

- SEC. 69. Penalty for neglect of official duty by a town officer.

PLANTATIONS.

- SEC. 70. County commissioners every five years to determine what townships contain over two hundred inhabitants, and make return to secretary of state.
71. Organization of such plantations, how made.
72. Any plantation may be organized on warrant of county commissioners upon application of three voters, or by warrant of state treasurer or of said commissioners when state or county taxes are laid thereon.
73. Proceedings at meetings of organization, and what officers shall be chosen, and how qualified.
74. Upon organization, the clerk and assessors to return copy of record and limits of plantation to secretary of state, to be by him recorded. Certain plantations not liable for state and county taxes.
75. Annual meetings, when to be held and what officers to be chosen.
76. Names of clerks and assessors to be returned to secretary of state annually by first day of July, or no blanks forwarded, and no votes counted.
77. Laws relating to town meetings and town officers apply to plantations and their officers.
78. Assessors of plantations to be considered selectmen thereof. Bond of treasurer and collector. Valuation and assessment of taxes.
79. When plantations are organized, assessors to return inventory and valuation to county commissioners to be corrected and forwarded to state treasurer. What plantations must make and repair highways. Inventory and valuation to be taken and returned when requested by treasurer.
80. Plantations may raise and expend money for schools, poor, &c.
81. Plantations not to consist of more than one township. When former organizations cease to have effect.
82. When towns are incorporated, valuation thereof to be returned to state treasurer as provided in section seventy-nine, as basis of state and county taxes.
83. Upon neglect of assessors to make such return, the county commissioners shall appoint suitable persons to perform the service.
84. Assessors so appointed to be paid by county commissioners, and amount to be added to county tax of delinquent plantation.
85. Plantations may be re-organized.

TOWNS.

SECTION 1. The inhabitants of each town are a body corporate, capable of suing and being sued, and of appointing attorneys and agents. (a)

Towns corporations.
R. S., c. 3, § 1.

SEC. 2. Every town meeting, except in the cases mentioned in the

Meetings,
how called.

(a) 3 Me., 371; 13 Me., 80; 14 Me., 377; 20 Me., 46, 246; 54 Me., 250; 63 Me., 240.

CHAP. 3. two following sections, shall be called by a warrant signed by the selectmen.
 R. S., c. 3, § 2.

First meeting, how called.
 R. S., c. 3, § 3.

—when no officers, how called.

Selectmen refusing meeting how called.

R. S., c. 3, § 4.
 53 Me., 390.
 66 Me., 590.

—ten voters may have articles inserted in warrant.

Form of warrant; articles to be specified in it.
 R. S., c. 3, § 5.

Warrant, to whom to be directed.
 R. S., c. 3, § 6.
 65 Me., 352.

Notice, how given.
 R. S., c. 3, § 7.

—return on warrant.

Sections 4, 5, 6 and 7 apply to cities and their officers.
 1873, c. 153.

Village corporation meeting, how called.
 1883, c. 122.

SEC. 3. The first town meeting shall be called and notified in the manner prescribed in the act of incorporation; and if no mode is therein prescribed, by any justice of the peace in the same county. When a town, once organized, is destitute of officers, a meeting may be called on application to such justice for his warrant for the purpose, made in writing by any three inhabitants thereof. When, by reason of death, removal, or resignation, a majority of the selectmen do not remain in office, a majority of those remaining in office may call a town meeting.

SEC. 4. If the selectmen unreasonably refuse to call a town meeting, any ten or more legal voters therein may apply to a justice of the peace in the county, who may issue his warrant for calling such meeting. When ten or more voters in writing request the selectmen to insert a particular thing in a warrant, they shall insert it in the next warrant issued, or shall call a special meeting for the consideration thereof.

SEC. 5. In either case, the warrant shall specify the time and place at which the meeting shall be held; and in distinct articles shall state the business to be acted upon at such meeting; and no other business shall be there acted upon. (a)

SEC. 6. The warrant may be directed to any constable of the town, or any person by name, directing him to warn and notify all persons qualified to vote at such meeting, to assemble at the time and place appointed.

SEC. 7. Such meeting shall be notified by the person to whom the warrant is directed by posting an attested copy thereof in some public and conspicuous place in said town seven days before the meeting, unless the town has appointed, by vote, in legal meeting, a different mode, which any town may do. In either case, the person who notifies the meeting shall make return on the warrant, stating the manner of notice, and the time when it was given. (b)

SEC. 8. Sections four, five, six and seven apply to cities and the municipal officers of cities, the same as to towns and the selectmen of towns, and when any meeting thus provided for is called in cities, it shall be by warrants posted in each ward.

SEC. 9. The meetings of any village corporation may be notified by the person to whom the warrant is directed, by posting attested copies in two or more public and conspicuous places within the corporation limits seven days before the meeting, instead of in the manner provided by the act creating such corporation; *provided*, that such corporation shall first, at a legal meeting, designate at what and how many places such notices shall be posted.

(a) 3 Me., 310; 10 Me., 322; 12 Me., 489; 13 Me., 472, 489; 17 Me., 102; 19 Me., 189; 57 Me., 305; 60 Me., 573; 63 Me., 240; 65 Me., 352; 68 Me., 85.

(b) 7 Me., 429; 12 Me., 589; 13 Me., 472; 17 Me., 447; 25 Me., 563; 26 Me., 179; 29 Me., 525; 34 Me., 578; 49 Me., 351; 51 Me., 30; 55 Me., 195; 56 Me., 392; 65 Me., 352; 66 Me., 587.

SEC. 10. When omissions or errors exist in the records or tax lists of a town or school district, or in returns of warrants for meetings thereof, they shall be amended, on oath, according to the fact, while in or after he ceases to be in office, by the officer whose duty it was to make them correctly. If the original warrant is lost or destroyed, the return, or an amendment of it, may be made upon a copy thereof. (a)

SEC. 11. Every person, qualified to vote for governor, senators, and representatives, in the town in which he resides, may vote in the election of all town officers, and in all the affairs thereof.

SEC. 12. Annual town meetings shall be held in March, and the voters shall then choose, by a major vote, a clerk, three, five or seven inhabitants of the town to be selectmen and overseers of the poor, when other overseers are not chosen, three or more assessors, two or more fence viewers, treasurer, surveyors of lumber, tythingmen, sealers of leather, measurers of wood and bark, constables, collectors of taxes, and other usual town officers; and if one third of the voters present are in favor thereof, they shall choose, by major vote, one auditor of accounts, all of whom shall be sworn. Treasurers or collectors of towns having more than fifteen hundred inhabitants shall not be selectmen or assessors. (b)

SEC. 13. Moderator, town clerk, selectmen, assessors, treasurer, auditor, school committee, and town agent, shall be elected by ballot; and the other said officers by ballot, or other method agreed on by vote of the town.

SEC. 14. Unless towns at their annual meeting choose road commissioners or surveyors of highways, or appoint the municipal officers surveyors of highways, said municipal officers shall appoint surveyors of highways, whose term of office shall commence on the first day of May, and end on the last day of the following April; and if the town fails to choose, at the annual meeting, any officer not required to be chosen by ballot, or if after such officers are chosen, there is a vacancy in any such office, the municipal officers may fill such vacancies by the written appointment of proper persons, who shall be summoned by the constable to appear and take the oath of office provided in section twenty-two subject to the penalties provided in section twenty-three. Such appointment and oath shall be recorded as in case of a choice by the town.

SEC. 15. During the election of moderator the clerk shall preside; when he is absent from any such meeting, either of the selectmen or of the assessors, and if neither of those is present, any constable may do all the duties of clerk in receiving and counting the votes for moderator. The moderator may call on the voters to give in their ballots for a clerk pro tempore, who shall be sworn by the moderator, or by a justice of the peace.

CHAP. 3.

Errors in records, tax lists, and returns, how amended.
R. S., c. 3, § 8.
See c. 6, §§ 35, 142.

Who are legal voters.
R. S., c. 3, § 9.

Annual meetings, when to be held.
1874, c. 188.

—officers, number of; how chosen.

—a third of voters may have an auditor chosen.

—treasurers, &c., of larger towns cannot be selectmen or assessors.

Officers chosen by ballot.
R. S., c. 3, § 11.
3 Me., 298.
48 Me., 443.

Highway surveyors, how appointed.
1875, c. 6.
See § 25; c. 6, §§ 125, 130, 147, 149; c. 11, § 4.
72 Me., 517.

—municipal officers may appoint certain town officers.

—such appointments to be recorded.

Who is to preside in meeting.
R. S., c. 3, § 13.
17 Me., 447.

(a) 7 Me., 429; 12 Me., 490; 13 Me., 472; 17 Me., 447; 25 Me., 563; 26 Me., 179; 29 Me., 526; 34 Me., 578; 48 Me., 356; 49 Me., 351; 51 Me., 30; 55 Me., 195; 56 Me., 392, 395; 65 Me., 25, 352; 66 Me., 587.

(b) See § 25, also c. 6, §§ 103, 104, 168, 176; c. 14, §§ 14, 34; c. 18, § 73; c. 21, § 2; c. 24, § 4; c. 26, § 6; c. 30, § 15; 17 Me., 447; 48 Me., 357, 444; 62 Me., 111, 517; 63 Me., 154; 70 Me., 562, 565.

CHAP. 3.

Clerk to be sworn, form of oath.
R. S., c. 3, § 14.
58 Me., 518, 532.

Deputy town clerks, how appointed.
—their duties.
1874, c. 159.
1880, c. 193.
See c. 91, § 2.

—municipal officers may appoint deputy clerk, in certain cases.
70 Me., 564.

—tenure of office.

—form of appointment.

—deputy clerk to be sworn.

Deputy town treasurers, how appointed.
1875, c. 18, § 1.

—form of appointment.

Treasurer responsible.
1875, c. 18, § 2.
In case of vacancy, municipal officers may appoint treasurer.
1875, c. 18, § 3.

—form of appointment.

Treasurer so appointed, to be sworn and give bond.
1875, c. 18, § 4.

—of officers chosen, how summoned to take their oath.

SEC. 16. The town clerk, before entering on the duties of his office, shall be sworn before the moderator, or a justice of the peace, truly to record all votes passed in that and other town meetings during the ensuing year and until another clerk is chosen and sworn in his stead, and faithfully to discharge all the other duties of his office.

SEC. 17. The clerk of any town may appoint a citizen thereof his deputy, who may, in the clerk's absence, perform all the duties of said office with the same effect as if done by the clerk; the appointment may be made in writing as follows:

"I hereby appoint ——— to perform the duties of town clerk as set forth in section seventeen, of chapter three, of the revised statutes, in the town of ———, during my absence from the clerk's office.

———, Clerk of the town of ———."

In case of the clerk's absence, death, resignation or removal from office, without having made such appointment, the municipal officers may appoint a citizen to fill said office, who shall perform all the duties of the clerk during his absence, or in case of his death, resignation or removal from office, until a clerk is elected. The appointment may be made in writing, as follows:

"I (or we,) hereby appoint ——— to perform the duties of town clerk, in the town of ———, during the clerk's absence from his office, or until a clerk is elected. ———, clerk, or municipal officers, of the town of ———."

Said deputy, or person appointed by the municipal officers, shall be sworn faithfully to perform the duties of his office before he enters thereon.

SEC. 18. The treasurer of any town or plantation may appoint a citizen thereof as his deputy during his temporary absence or other temporary disability. The appointment shall be in writing and be recorded. It may be in the form following:

'I, ———, hereby appoint ——— to perform the duties of town treasurer of the town of ———, during the treasurer's temporary absence from his office. ———, Treasurer.'

SEC. 19. The treasurer and the sureties upon his official bond, are responsible for all acts and omissions of his deputy in such office.

SEC. 20. In case of death, resignation, removal or other permanent disability of a treasurer of a town or plantation, the municipal officers may appoint a citizen thereof to be treasurer until his successor is elected and qualified. Such appointment shall be in writing and be recorded. It may be in the form following:

'We, the municipal officers of the town of ———, hereby appoint ——— treasurer of said town until his successor is elected and qualified.'

SEC. 21. Before such appointee enters upon his official duties he shall be sworn, and give bond to the town for the faithful performance thereof in such sum and with such sureties as the municipal officers order.

SEC. 22. The town clerk or any two selectmen shall forthwith make a list of the names of all persons chosen into office, of whom an oath is required, and deliver it to a constable with a warrant to him directed;

and he shall, within three days thereafter, summon each person therein named to appear before the town clerk, within seven days from the time of notice, to take such oath of office; and at the end of ten days after receiving his warrant, the constable shall return it or forfeit six dollars to the town; and the town shall allow him a reasonable compensation for his services.

SEC. 23. Every person so notified, neglecting to take such oath within said seven days, except officers for whose neglect a different penalty is provided, forfeits five dollars, two thirds to the town, and one third to the prosecutor.

SEC. 24. Any town or parish officer may be sworn by the town or parish clerk, or by any person authorized by law, who shall give to the officer sworn, except when sworn in presence of such clerk, a certificate of the oath administered, which he shall return to such clerk within seven days, to be filed. (a) Highway surveyors may be sworn by either of the assessors, who shall give a certificate thereof, as is required in such case, of a magistrate. In either case, the clerk shall record the name of the officer and of his office, by whom sworn, and the time of taking the oath and returning the certificate. Any town, school district, parish, or corporation clerk elected to any office and sworn, may record his own election, the fact that he was sworn, and when and by whom. The record herein required shall be sufficient evidence that such officer was sworn. If any officer fails to return such certificate, or any clerk to record such oath within ten days, he forfeits five dollars. Town clerks shall be paid by the town five cents for each oath recorded by them.

SEC. 25. When by reason of non-acceptance, death, removal, insanity or other incompetency of a person chosen to a town office, there is a vacancy, or want of officers, the town may choose new officers; and they shall be sworn, if an oath is required, and have the same powers as if elected at the annual meeting. If a town neglects to choose fence viewers at its annual meeting, or the persons chosen fail to qualify, the selectmen shall act in that capacity. (b)

SEC. 26. At every town meeting a moderator shall be first chosen and sworn by a justice of the peace, or by the person presiding at the meeting when he is chosen. Said moderator shall regulate the business of the meeting; and when a vote declared by him is, immediately after such declaration, questioned by seven or more, he shall make it certain by polling the voters, or in such other way as the meeting directs.

SEC. 27. No person shall speak in meeting before leave is obtained of the moderator, nor when any other person is speaking; and all shall be silent at the command of the moderator, or forfeit to the town one dollar for every breach of such order.

SEC. 28. If any person, after notice from the moderator, persists in disorderly conduct, the moderator may direct him to withdraw from the meeting; and by his refusal he forfeits three dollars to the town; and

CHAP. 3.
R. S., c. 3, § 15.

Penalty for refusing a town office.
R. S., c. 3, § 16.
See c. 6, § 112.
See c. 26, § 6.
1 Me., 248.

Town or parish officer how sworn; certificates to be given.
R. S., c. 3, § 17.

—assessors may administer oath to highway surveyor.

—mode of making record.

—clerk may record his own election.

—record to be evidence.

—penalty for neglect.

—fee for recording oath.

Vacancies may be filled at any town meeting.
R. S., c. 3, § 18.

—when selectmen are to act as fence viewers.

Moderator to be first chosen; his duties.
R. S., c. 3, § 19.
48 Me., 441.
56 Me., 390.

Moderator to be obeyed.
R. S., c. 3, § 20.

His powers.
R. S., c. 3, § 21

(a) 12 Me., 234; 17 Me., 444; 48 Me., 443; 58 Me., 518.

(b) See § 12, c. 6, §§ 102, 104, 113-119, 125, 130, 147, 149, 168; c. 11, § 4; c. 14, §§ 15, 24; c. 18, § 58; 1 Me., 248.

CHAP. 3.

the moderator may cause him to be removed from the meeting by a constable, and detained in confinement for three hours, unless the meeting is sooner dissolved or adjourned.

§§ 1-28 inapplicable to state elections.
R. S., c. 3, § 22.

SEC. 29. Town meetings for the choice of governor, senators, and representatives, shall be as the constitution directs; and the foregoing sections are not applicable to them.

Folded votes not received; votes not to be read till poll is closed. —penalty.
R. S., c. 3, § 23.

SEC. 30. The person presiding at a town meeting, shall not receive any folded vote, or permit any person before the poll is closed, without consent of the voter, to examine his ballot, on penalty of twenty dollars.

WARDS OF CITIES. ELECTION OF CITY OFFICERS.

Wards in cities, change or alteration in limits of, how made.
R. S., c. 3, § 24.

SEC. 31. No change made by the city council, in the limits of any city ward, shall be valid unless it is approved by a majority of the legal votes cast at the election of city officers, held next after such action of said council; and warrants for such ward meetings shall contain an article for that purpose.

When assessors and subordinate officers are to be elected. —term.
R. S., c. 3, § 25.
67 Me., 62-3.

SEC. 32. The assessors and subordinate officers of cities, when their charters do not otherwise provide, shall be chosen on the second Monday of March, annually, or as soon after as practicable, and hold their offices one year therefrom, and until others are chosen and qualified in their stead.

Wardens and clerks in cities, how elected.
R. S., c. 3, § 26.
71 Me., 387.
—term:

SEC. 33. At the annual election for the choice of mayor and aldermen in cities, the electors, in each ward shall, by written ballot, elect a warden and clerk, who shall enter on their duties on the Monday following their election, and hold their offices one year therefrom, and until others are chosen and qualified in their places.

Mayor to have casting vote in choice of officers.
R. S., c. 3, § 27.
67 Me., 61-3.

SEC. 34. In the election of any city officers by ballot in the board of aldermen or in convention of the aldermen and common council, in which the mayor has a right to give a casting vote, if two or more candidates have each half of the ballots cast, he shall determine and declare which of them is elected. Whenever appointments to office are directed or authorized to be made by the mayor and aldermen of cities, they may be made by the mayor with consent of the aldermen, and such officers may be removed by the mayor.

—appointees of mayor and aldermen may be removed by mayor.

CERTAIN DUTIES OF MUNICIPAL OFFICERS.

Town officers not to vote on questions of pecuniary interest to them.
R. S., c. 3, § 28.
73 Me., 58.

SEC. 35. No member of a city government or selectman of a town, shall in either board of such government, or in any board of selectmen, vote on any question in which he is pecuniarily interested, directly or indirectly, and in which his vote may be decisive; and no action of such government or board taken by means of such vote, is legal.

Interests in municipal contracts prohibited.
R. S., c. 3, § 29.
68 Me., 149,
325.

SEC. 36. No member of a city government shall be interested, directly or indirectly, in any contract entered into by such government while he is a member thereof; and contracts made in violation hereof are void.

S. J. court to enforce §§ 35 and 36.
R. S., c. 3, § 30.

SEC. 37. The supreme judicial court in equity, by writ of injunction or otherwise, may restrain proceedings in any town in violation of

the two preceding sections, upon application of ten or more taxable citizens.

CHAP. 3.

See c. 77, § 6, ¶ 9.

SEC. 38. Persons charged with the expenditure of the money of a town, shall, on or before the morning of each annual meeting, make a full detailed written or printed report of all their financial transactions in behalf of the town, during the municipal year immediately preceding, with a statement in detail of the indebtedness and resources of the town. Such reports, or like reports of town auditors, if printed, shall be distributed to the voters on or before the morning of the annual meeting, or, if not printed, shall be presented and read in open town meeting before the election of selectmen, and, whether written or printed, shall be kept deposited in the office of the selectmen, or if they have no office or usual place of business, with the town clerk, with proper vouchers for the disbursements reported, where such reports and vouchers, and all the books of the town shall be open during the usual hours of business, to the inspection of voters; and if any town officer refuses or neglects to perform any requirement of this section, or refuses to allow any voter to examine such reports, vouchers, and town books, he forfeits fifty dollars for each refusal or neglect, to be recovered by indictment, half to the complainant and half to the county.

Selectmen, treasurer, &c., required to make detailed reports. R. S., c. 3, § 31. 70 Me., 438. 73 Me., 127.

—printed reports must be distributed before annual meeting.

—if not printed, must be read in town meeting.

—all town books to be open for public inspection.

—penalty for refusal or neglect.

SEC. 39. Assessors of cities, towns and plantations, on or before the first day of each July, shall make return to the office of secretary of state, for the year ending on the first day of April preceding, of the number of horses four years old and upwards, and cattle less than four years old, neat stock, sheep and swine therein, on said first day of April, the number of bushels of indian corn, rye, barley, oats, beans, peas, buckwheat, potatoes, turnips, beets, carrots and apples, the number of tons of upland, bog, salt and intervale hay, the number of pounds of butter, cheese, honey, and maple sugar, the number of gallons of maple syrup and molasses, raised and made therein, the number of wool skins disposed of, the value of poultry and eggs produced, and the number of sheep killed by wild animals and dogs, during the year.

Assessors to make return of neat stock, &c., to secretary of state. R. S., c. 3, § 32.

—also agricultural products, &c.

SEC. 40. The secretary of state shall cause to be printed blank tables conveniently arranged for the return of facts as aforesaid, and shall annually furnish three copies thereof, with a copy of the two preceding sections printed thereon, to the assessors of each city, town and plantation, on or before the twentieth day of March, annually.

Secretary of state to furnish blank tables. R. S., c. 3, § 34.

SEC. 41. Such returns, when received at the office of the secretary, shall be filed by themselves in a convenient form for reference, for use of the legislature and of the secretary of the board of agriculture.

Returns to be filed. R. S., c. 3, § 34.

SEC. 42. When a town treasurer is elected and qualified, the clerk shall communicate his name to the treasurer of state; and no city, town or plantation shall receive any money from the treasurer of state until the name of its treasurer has been so communicated.

Town clerk to notify state treasurer of election of town treasurer or no money will be paid to town. 1879, c. 148.

ARMORIES.

SEC. 43. Municipal officers shall provide for each company of volunteer militia within their towns, a suitable armory or place of deposit for

Armories and rooms for companies,

CHAP. 3.

to be provided by town officers.

—also places for parade, &c.

—rent of \$100 to be allowed by state.
1880, c. 225,
§§ 84, 86.

the arms, equipments and equipage, furnished it by the state. They shall also provide a suitable room for the safe keeping of books, the transaction of business, and the instruction of officers for each regiment or separate battalion of such militia located within their towns, and suitable places for their parade, target practice and drill. A reasonable compensation for rent of such armory, headquarters, or place of deposit, not exceeding one hundred dollars a year may be allowed from the state treasury to the town or city so furnishing such armory, headquarters, or place of deposit.

STREET COASTING AND SLIDING MAY BE RESTRICTED.

Streets, roads or sidewalks may be designated for coasting.
1872, c. 42, § 1.

A record of such designation to be made.
1872, c. 42, § 2.

SEC. 44. Municipal officers may designate public streets, roads or sidewalks whereon no person shall slide with any vehicle under a penalty not exceeding five dollars and the forfeiture of the vehicle, to be recovered on complaint to the use of the town where the offence is committed.

SEC. 45. When streets, roads or sidewalks have been so designated, the municipal officers shall cause such designation to be recorded in the records of the town, and their action shall be in force until modified or annulled by like authority; police officers and constables shall enforce the preceding section.

TOWNS MAY RAISE AND HOLD MONEY IN TRUST.

Money may be raised for what purposes.
R. S., c. 3, § 35.
See c. 15, § 1.
See c. 18, § 67.

SEC. 46. The voters, at a legal town meeting, may raise the necessary sums for the support of schools and the poor; making and repairing highways, town ways and bridges; purchasing and fencing burying grounds; purchasing or building and repairing a hearse and hearse-house, for the exclusive use of its citizens; and for other necessary town charges. (a)

Towns may procure histories and erect soldiers' monuments.
R. S., c. 3, § 36.
59 Me., 491.

SEC. 47. Cities and towns may raise money to procure the writing and publication of their histories, and a sum not exceeding five thousand dollars in any one town for erecting a suitable monument in memory of the soldiers who sacrificed their lives in defence of their country in the recent war.

Doings of towns in suppression of the rebellion, made valid.
R. S., c. 3, § 37.
51 Me., 610.
52 Me., 596.
53 Me., 450,
576.
56 Me., 202,
451.
59 Me., 316-17,
548.
60 Me., 122.
69 Me., 41, 55.
—war taxes, notes, &c., valid.

SEC. 48. The past acts of towns, in offering, paying and contracting to pay, and in raising and providing means to pay expenses for recruiting for their several quotas, or bounties to or for volunteers, drafted men or substitutes of drafted men, or enrolled men, mustered into or enlisted for the military or naval service of the United States, are valid, *provided*, that such acts have been done at meetings legally called and held in pursuance of warrants therefor, setting forth the purposes upon which such acts were based. All taxes assessed, contracts made, and notes and orders given by municipal officers in pursuance of votes passed at such meetings, are valid.

War contracts valid.
R. S., c. 3, § 38.
59 Me., 548.
60 Me., 122.
69 Me., 41, 56.

SEC. 49. Contracts made in pursuance of votes passed at such meetings, by such municipal officers, or their agents, with any volunteer, drafted man, or substitute, or with third persons, or associations, for

(a) 3 Me., 91, 195; 14 Me., 378; 20 Me., 182; 51 Me., 176; 52 Me., 597; 54 Me., 250; 63 Me., 236; 72 Me., 354, 522. As to power to aid in construction of railroads, see c. 51, §§ 135, 136, 140.

providing means to pay bounties to volunteers, drafted men or substitutes, are valid. CHAP. 3.

SEC. 50. Contracts heretofore made by such municipal officers, or by third persons, for any town, without previous authority, to pay bounties to or for volunteers, drafted men, or substitutes, in or enlisted for the military or naval service of the United States, may be ratified by any town at a legal meeting, called and notified as provided in section forty-eight.

Unauthorized war contracts of municipal officers may be ratified. R. S., c. 3, § 39. 55 Me., 14, 196. 69 Me., 53.

SEC. 51. Any city or town may receive money by donation or legacy in trust for benevolent, religious, or educational purposes, for the erection and maintenance of monuments, and for the benefit of public cemeteries and lots therein; *provided*, that the city or town lawfully consents.

Towns may receive money in trust. 1883, c. 106. See c. 15, §§ 14-16.

SEC. 52. Interest shall be allowed if the fund is used by the city or town; otherwise it shall be placed at interest or income, the city or town being responsible for its security.

Interest allowed, if fund is used. 1873, c. 92, § 2.

SEC. 53. The city or town, by its officers or agents, shall apply the fund or its income in accordance with the written directions of the donor or testator, made known at the time when the fund was accepted.

Fund, how applied. 1873, c. 92, § 3.

SEC. 54. If the city or town fails to apply the fund or its income at the times and for the purposes prescribed in said directions, it reverts to the donor, if living; otherwise, to his heirs.

To revert to donor, if misapplied. 1873, c. 92, § 4.

PUBLIC PARKS AND SQUARES.

SEC. 55. Any town or city, containing more than one thousand inhabitants, upon petition in writing signed by at least thirty of its tax-paying citizens, directed to the municipal officers, describing the land to be taken as hereinafter provided, and the names of the owners thereof, so far as they are known, at a meeting of such town, or of the mayor, aldermen and council of such city, may direct such municipal officers to take suitable lands for public parks or squares; and thereupon such officers may take such land for such purpose, but not without consent of the owner, if at the time of filing such petition, with such officers, or in the office of the clerk of such town or city, such land is occupied by a dwelling house wherein the owner or his family reside.

Cities and larger towns may, on petition, take lands for parks and squares. 1881, c. 76, § 1.

SEC. 56. Whenever the municipal officers of such town or city are directed to take land as provided in the preceding section, they shall, within ten days, give written notice of their intention to take such land, describing the same, and the time and place of hearing, by posting the same in two public places in the town where the land lies, and in the vicinity thereof, and by publishing the same in a newspaper printed in such town or city, seven days before the day of such hearing, if any, otherwise, in a newspaper printed in the county where the land lies, three weeks successively, the last publication to be seven days before such hearing. The municipal officers shall meet at the time and place specified in the notice, view the land to be taken, hear all parties interested, and if they decide that the land is suitable for the purpose, they shall take the same and esti-

Municipal officers must give written notice of intention so to take land. 1881, c. 76, § 2.

—hearing to be given, damages to be paid, and return filed and recorded.

CHAP. 3.

—return to be recorded in clerk's office and in registry of deeds.

Appeal from estimate of damages may be taken to county commissioners. 1881, c. 76, § 3.

—damages, how paid.

Debts of disorganized towns collectable by service on inhabitants. 1878, c. 13, §§ 1, 2. See c. 81, § 19. —proviso. —so with school districts therein.

By-laws of towns, cities and villages. R. S., c. 3, § 40.

For managing prudential affairs.

Establishing police regulations. See c. 25.

Respecting infectious diseases.

Going at large of dogs, &c.

Sale of wood, bark and coal. Sidewalks, and planting of trees.

mate the damages to be paid to each owner, so far as known, and make return of their doings in writing, signed by a majority of them, which return shall describe by metes and bounds the land so taken, and state the purpose for which it is taken, the names of the owners, so far as known, and the amount of damages awarded to each. The return shall be filed and recorded in the clerk's office of such town or city, and a copy thereof, certified by such clerk, shall be recorded in the registry of deeds for said county.

SEC. 57. Any person aggrieved by the estimate of damages may appeal therefrom by filing, within thirty days, in the office of the county commissioners for the county where the land lies, a petition in writing, signed by the party aggrieved, his agent or attorney, describing the land, the interest of the petitioner therein, the amount of damages awarded therefor, and claiming an appeal to the county commissioners from said estimate. A certified copy of such petition shall be served upon such municipal officers, by leaving the same in the clerk's office of such town or city, at least fourteen days before the hearing thereon; and subsequent proceedings shall be as provided respecting highways. When such damages are finally determined, they shall be certified to the clerk of such city or town, and paid by the treasurer thereof.

DISORGANIZED TOWNS.

SEC. 58. Where towns are disorganized by a repeal of their charters, and their liabilities are excepted and reserved by the repealing act, legal service of process to collect such liabilities may be made on any inhabitant of lawful age resident in the territory included in said town, as provided for service of such process against towns; *provided*, that there are no legal officers in said territory on whom service can be made. This section extends to school districts in said towns so far as applicable.

TOWN, VILLAGE AND CITY BY-LAWS AND ORDINANCES.

SEC. 59. Towns, cities, and village corporations may make by-laws or ordinances, not inconsistent with law, and enforce them by suitable penalties, for the purposes and with the limitations following: (a)

I. For managing their prudential affairs, with penalties not exceeding five dollars for one offence, subject to the approval of the county commissioners, or a judge of the supreme judicial court. (b)

II. For establishing police regulations for the prevention of crime, protection of property, and preservation of good order.

III. Respecting infectious diseases and health. (c)

IV. For regulating the going at large of dogs. (d)

V. Respecting the measure and sale of wood, bark, and coal brought to market, and teams coming therewith.

VI. For setting off portions of their streets for sidewalks, and keeping them clear of snow and other obstructions, and for planting and preserving trees by the side thereof. (e)

(a) 36 Me., 320; 70 Me., 522.

(b) See c. 11, § 21; c. 17, §§ 6, 9, 25-29; c. 26, §§ 20, 23.

(c) See c. 14, § 36.

(d) See c. 30, § 1.

(e) See c. 18, §§ 15, 64; 37 Me., 331.

VII. Respecting the location and protection of monuments, boundary-stones, curb-stones, stepping-stones or horse-blocks, trees, lamp-posts, posts and hydrants, and all other things placed within the limits of their roads, ways and streets, by municipal authority and for legitimate municipal purposes; and no such objects placed as aforesaid, if located in accordance with such by-laws and ordinances, shall be deemed defects in such road, way or street.

VIII. Respecting the erection of wooden buildings therein, or buildings the exterior of which is in part of wood, and defining their proportions and dimensions; and any building erected contrary to a by-law or ordinance adopted under this specification is a nuisance.

IX. For the regulation of all vehicles used therein, by establishing the rates of fare, routes and places of standing, and in any other respect; but by-laws and ordinances for this purpose shall be published one week at least before they take effect, in some newspaper printed therein, and penalties for their breach shall not exceed twenty dollars for one offence, to be recovered by complaint to the use of such city, town or corporation.

X. For protection of persons against injury from the sliding of snow and ice from roofs of buildings; but the municipal authorities, shall notify the owners of the buildings of by-laws or ordinances adopted under this specification, and if such owners do not comply with them in thirty days after notice, they shall be liable for all injury sustained by any person in consequence thereof; and said authorities, at the expense of their cities, towns or corporations, may place the required guards or other obstructions on the roofs of such buildings, and the reasonable charges therefor may be recovered of such owners.

XI. Cities may establish localities for, and regulate the sale of fresh meat and fish therein, and fix penalties for breach thereof.

XII. Cities may establish ordinances regulating the purchase and sale of articles usually bought by old junk dealers, and may therein prescribe conditions to be observed by buyers and sellers, to prevent or detect the sale or purchase of stolen goods; and suitable penalties may be prescribed in such ordinances.

WHARVES AND FISH WEIRS.

SEC. 60. Any person intending to build or extend any wharf or fish weir in tide waters, within the limits of any city or town, may apply in writing to the municipal officers thereof, stating the location, limits and boundaries, as nearly as may be, of such intended erection or extension, and asking license therefor. Upon receiving such application, said officers shall give at least three days' public notice thereof, and shall therein designate a day on which they shall meet on or near the premises described, and examine the same. If upon such examination and hearing of all parties interested, said officers decide that such erection or extension would not be an obstruction to navigation, or an injury to the rights of others, and determine to allow the same, they shall issue a license under their hands to the applicant, authorizing him to make said erection or extension, and to maintain the same within the limits mentioned in such license.

CHAP. 3.

Location and protection of monuments, boundary-stones, trees, lamp-posts and hydrants. 1872, c. 2.

Erection of wooden buildings. See c. 17, § 25. R. S., c. 3, § 40.

Regulation of omnibuses, hacks, carts, &c.

—fares.

—such by-laws to be published.

For protection against the sliding of snow and ice from roofs.

Sale of fresh meat and fish in cities. See c. 17, § 6.

Traffic in junk, metals, &c. 1881, c. 11.

Application for license to build or extend wharves and fish weirs. 1883, c. 239, § 1. 68 Me., 259, 261.

—notice, how given.

—license, when granted.

CHAP. 3.

Waters lying between two towns.

—wharf lines, extension of, prohibited. 1876, c. 78, § 2.

Application and proceedings to be recorded.

—compensation to officers. 1876, c. 78, § 3.

Certain weirs excepted. 1877, c. 164.

1883, c. 239, § 2.

—no weirs to be set up in tide waters without consent of owner of shore or flats.

1883, c. 239, § 3. See c. 40, § 25.

SEC. 61. In any river or tide water lying between two towns or cities, no such wharf or fish weir shall be erected without the consent of the municipal officers of both; and in no case shall any wharf be extended beyond any wharf lines heretofore legally established.

SEC. 62. The application and petition aforesaid, with the notice and proceedings thereon, and the license granted, shall be recorded in said town. Reasonable compensation shall be paid by said petitioner to the municipal officers for their services and expenses, and to the clerk for recording, and if license is granted, five dollars additional shall be paid therefor by said petitioner to said town.

SEC. 63. No fish weir, or wharf shall be extended, erected or maintained, except in accordance with this chapter; and no fish weir shall be erected in tide waters below low water mark in front of the shore or flats of another, without the owner's consent, under a penalty of fifty dollars, to be recovered in an action of debt by the owner of said shore or flats; but this chapter does not apply to weirs, the materials of which are chiefly removed annually, *provided*, that they do not obstruct navigation nor interfere with the right of others.

HARBOR MASTERS.

Selectmen may appoint harbor masters. 1872, c. 53,

§§ 1, 2.

See c. 36, § 23.

—where one harbor includes two or more towns.

SEC. 64. Selectmen of towns, may annually appoint a harbor master, who shall be subject to all the duties and liabilities of said officer in cities, may establish his compensation, and may, for cause, by them declared in writing, after due notice to such officer, and hearing thereon if requested, remove him and appoint another in his stead. Where two or more towns or cities, or a town and city, are situated on the same general harbor, the larger town or city has the appointing power as above.

TOWN LINES.

Perambulation of town lines every five years.

R. S., c. 3, § 41.

56 Me., 30.

—proceedings and penalties.

SEC. 65. Lines between towns shall be run once every five years, except as mentioned in the two following sections. The municipal officers of the oldest town shall give ten days notice in writing to such officers of the adjoining towns of the time and place of meeting for perambulation; and each officer who neglects to notify or attend in person, or by substitute, forfeits ten dollars, two thirds to the town which complies with its duty, and one third to any two or more of said officers of the town complying, to be recovered within two years after the forfeiture is incurred; and the proceedings of such officers, after every such renewal of boundaries, shall be recorded in their town books.

Monuments may be erected at angles, &c.

R. S., c. 3, § 42.

—and perambulation every ten years.

SEC. 66. Towns, which, since March twenty-two, eighteen hundred and twenty-eight, have perambulated, or shall perambulate their lines as by law prescribed, and set up stone monuments, at least two feet high, at all the angles, and where the lines cross highways, or on or near the banks of all rivers, bays, lakes, or ponds, which said lines cross, or which bound said lines, are exempt from the duty of perambulating said lines, except once every ten years, commencing ten years from the time that the stone monuments were so erected.

Disputed town lines settled by S. J. C. R. S., c. 3, § 43.

SEC. 67. When a town petitions the supreme judicial court, stating that a controversy exists between it and an adjoining town respecting a town line, and praying that it may be run, the court, after due notice to

all parties concerned, may appoint three commissioners, who shall, after giving notice of the time and place of meeting, to all persons interested, ascertain and determine the lines in dispute, and describe them by courses and distances, and make, set, and mention in their return, suitable monuments and marks for the permanent establishment thereof, and make duplicate returns of their proceedings; one of which shall be returned to the court, and the other to the office of the secretary of state; and such lines shall be deemed in every court and for every purpose the dividing lines between such towns.

SEC. 68. The court may allow the commissioners a proper compensation for their services, and issue a warrant of distress for its collection from said towns in equal proportions.

CHAP. 3.

53 Me., 325.
65 Me., 201-3.
66 Me., 354.
70 Me., 179.

PENALTY FOR NEGLECT OF DUTY BY TOWN OFFICERS.

SEC. 69. Every town officer, who neglects any duty lawfully required of him, forfeits not exceeding twenty dollars for every such neglect, when no other penalty is provided, to be recovered in an action of debt in the name and to the use of the town, by the treasurer thereof. (a)

Pay of commissioners.
R. S., c. 3, § 44.
65 Me., 203.

Penalty for neglect of official duty.
R. S., c. 3, § 45.
37 Me., 90.

PLANTATIONS.

SEC. 70. Commissioners of counties containing unincorporated townships, shall, at the expiration of every period of five years from March, eighteen hundred and sixty-one, determine from the United States census, when taken the preceding year, and by actual enumeration when not so taken, what townships have not less than two hundred inhabitants, and make a suitable description and designation thereof, and return them to the secretary of state, to be by him recorded.

SEC. 71. Immediately after making such return, said commissioners shall issue their warrant to one of the principal inhabitants of each of such unincorporated townships, commanding him to notify the inhabitants thereof qualified to vote for governor, to assemble on a day and at a place named in the warrant, to choose a moderator, clerk, three assessors, treasurer, collector of taxes, constable, superintending school committee and other necessary plantation officers. Notice of such meeting shall be given by posting an attested copy of the warrant therefor in two public and conspicuous places in the township fourteen days before the day of meeting. The warrant with such inhabitant's return thereon shall be returned to the meeting, and the above named officers shall be chosen and sworn.

Census of larger unincorporated townships, duty of co. comm'rs respecting.
1876, c. 87.
See c. 24, § 33.
56 Me., 31.
64 Me., 267.
—to be recorded by sec'y of state.
Organization of such townships.
R. S., c. 3, § 47.
40 Me., 223.
56 Me., 31.
64 Me., 265-6.

(a) As to penalty for misconduct of moderators, see § 30; c. 4, § 14; of town clerks, § 24; chap. 4, § 14; of city, town and plantation officers for refusing to be sworn, §§ 23, 24; chap. 6, §§ 112, 113, 119; for using improper ballot boxes and improperly receiving votes, chap. 4, §§ 27, 63, 71; for illegal conduct relating to elections, chap. 4, §§ 59 to 80, inclusive; for refusing to assess taxes, chap. 6, §§ 106, 107, 108; for misapplication of certain fines, chap. 15, § 5; for refusing to prosecute persons for sale of intoxicating liquors, chap. 27, § 57; of town treasurers for wilfully withholding deeds of lands sold for taxes, chap. 6, § 199; of constables and collectors of taxes for refusing to give receipts, chap. 6, § 129; for neglecting to make exhibit to municipal officers once in two months, chap. 6, § 146; for neglecting to pay over money collected, chap. 6, § 148; of fence viewers, chap. 22, §§ 38, 40; of constables and captains of watch, chap. 25, § 9; of fire wards, chap. 26, § 6; of auctioneers, chap. 34, §§ 3, 4, 5.

CHAP. 3.

Organization of less populous townships.
R. S., c. 3, § 48.
40 Me., 218.
64 Me., 265,
266.

Proceedings at meeting for organization under the two preceding sections.
R. S., c. 3, § 49.

Copy of proceedings and description of plantation, to be forwarded to sec'y of state.

—such plantations not liable for state or county taxes, unless specially ordered.
R. S., c. 3, § 50.
40 Me., 218.

Annual meeting.
R. S., c. 3, § 51.
See c. 6, §§ 113 to 119.

Plantation officers' names to be returned to secretary of state.
R. S., c. 3, § 52.
1872, c. 61.
—otherwise, no election blanks to be forwarded to such plantation and no votes to be counted.

—exception.

SEC. 72. But any unincorporated or unorganized township containing any number of inhabitants may be organized as follows: one or more of the county commissioners on written application, signed by three or more persons qualified to be voters, inhabitants of any unincorporated or unorganized township in their county, may issue a warrant to one of them, requiring him to warn a meeting of the voters of such place residing within the limits described in the warrant; or, when a state or county tax is laid on such place, the state treasurer or said commissioners without application therefor, may issue such warrant to one of the principal inhabitants of such place; and in either case the warrant, notice of meeting, and proceedings therein shall be the same as provided in the preceding section.

SEC. 73. At the time and place appointed for meetings for the organization of plantations under the two preceding sections, a moderator shall be chosen by ballot by the voters present, to preside at such meeting, and the person to whom the warrant was directed shall preside until such moderator is chosen and by such person sworn. A clerk, three assessors, treasurer and superintending school committee, shall be chosen by ballot, and sworn by the moderator or a justice of the peace. Other plantation officers may be chosen by ballot, or other method agreed on by vote of the meeting, and shall be sworn as above named.

SEC. 74. Upon the organization of a plantation, the clerk and assessors shall transmit to the secretary of state, to be by him recorded, a certified copy of all proceedings had in effecting such organization, including the petition, if any, the warrant issued therefor and the return thereon, and the record of the meeting held in pursuance thereof, and a written description of the limits of the plantation; and thereupon all laws applicable to organized plantations shall apply to plantations organized as herein provided; but plantations organized upon application of three or more citizens as above provided, shall not be required to pay state or county taxes unless by special order of the legislature.

SEC. 75. Organized plantations shall hold their annual meeting in March, and choose a clerk, three assessors, treasurer, collector of taxes, constable, superintending school committee, one or more surveyors of lumber, and two or more fence viewers; and highway surveyors shall be appointed in plantations wherein highway taxes are assessed.

SEC. 76. Clerks of organized plantations shall make return to the secretary of state on blanks by him furnished for that purpose, on or before the first day of September, annually, of the names of the assessors and clerks of their several plantations, and that the same have been sworn. When such return is not made by any such plantation, the secretary of state shall not furnish it with blanks for election returns, and no votes purporting to be cast by such plantation shall be counted or allowed by the governor and council. When a plantation is organized after the first day of July, such return is not required to be made by the clerk thereof during that year; but the votes of such plantations shall not be counted or allowed by the governor and council for any purpose, during the year of its organization, unless it is organized at least sixty days prior to the second Monday in September.

SEC. 77. Laws relating to calling, notifying and conducting town meetings, and to the election, appointment, qualification, duties, powers, compensation, liabilities and penalties for official neglect and misconduct of town officers, apply to plantations and their officers, so far as applicable thereto, except when specially otherwise provided. Voters in plantations are liable to the same penalties for unlawful voting as voters in towns. (a)

SEC. 78. Assessors of plantations shall be considered the selectmen thereof, for the purpose of performing such duties as selectmen of towns perform. Treasurers, collectors, and constables of plantations, shall give such bond as such officers of towns are required to give, to be approved in like manner. The valuation of property for the assessment of taxes in plantations, as well as the assessment, collection and disposal thereof, shall be the same as in towns.

SEC. 79. The assessors first chosen in plantations organized under section seventy-one, shall immediately take an inventory of the polls and valuation of the property therein, as the same are taken in towns, and return them on or before the fifteenth day of May following their election, to the county commissioners of their county, who may examine and correct the same so as to make it conform to the last state valuation, and return a copy of such corrected valuation to the state treasurer, and thereupon their ratable proportion according to such valuation, of all state and county taxes, shall be assessed on such plantations in the same manner as on towns; and such plantations, and also such as may by special order of the legislature be required to pay state or county taxes, may raise money by taxation for making and repairing ways in compliance with chapter eighteen, sections thirty-nine and ninety-seven. Such inventory and valuation in any plantation shall be so taken, corrected and returned to the treasurer of state, whenever required by him.

SEC. 80. All plantations may raise and expend money for the support of schools, and making and repairing school-houses, as provided in chapter eleven, sections six, ninety-nine, one hundred, and one hundred and one; for support of the poor, as provided in chapter twenty-four, section forty-eight; and sums necessary for legal plantation expenses. (b)

SEC. 81. Organized plantations shall not be composed of more than one township; and when organized under section seventy-one, former organizations cease.

SEC. 82. When towns are incorporated, the assessors thereof shall return to the county commissioners of their county the original valuation first taken in their towns, on or before the fifteenth day of May next following their incorporation, and said valuation shall be examined, corrected, and a copy thereof returned to the state treasurer, to become the basis of state and county taxes in the same manner as the valuations of plantations, as provided in section seventy-nine.

CHAP. 3.

Laws for town officers apply to plantation officers, so far as applicable.
R. S., c. 3, § 53.

Assessors to perform the duties of selectmen.
—treasurer, collector and constable to give bond.
R. S., c. 3, § 54.
20 Me., 298.
—valuation.

The first assessors to return to county commissioners an inventory of polls and estates.
R. S., c. 3, § 55.

—to be corrected and forwarded to state treasurer for basis of taxation.
20 Me., 298.

Power to raise and expend money for schools, poor, &c.
R. S., c. 3, § 56.

Organized plantations to consist of only one township.
R. S., c. 3, § 57.

First valuation of towns after incorporation to be forwarded to co. com'rs, and copy sent to state treasurer for basis of taxation.
R. S., c. 3, § 58.

(a) As to calling meetings and choice of officers, see §§ 2 to 34.

As to penalties, see § 69; also c. 4, §§ 59 to 80; c. 6, §§ 113 to 116, 131, 169; 56 Me., 31.

(b) See c. 6, §§ 113 to 119. 7 Me., 125, 133; 14 Me., 24; 20 Me., 298; 52 Me., 595, 598; 54 Me., 250.

CHAP. 3.

If assessors neglect, the co. com'rs shall appoint assessors to return the valuation.
R. S., c. 3, § 59.

SEC. 83. If such valuation is not made and returned by any town or plantation within the time specified, the county commissioners shall appoint three suitable persons of the county to be assessors therein, who shall be sworn and make and return the inventory and valuation required, within the time fixed by said commissioners; and such valuation shall be examined, corrected, and a copy thereof returned to the state treasurer and become a basis for the assessment of state and county taxes, in the same manner as if the valuation had been taken by the assessors chosen by said town or plantation.

Such assessors to be paid by the co. com'rs.
R. S., c. 3, § 60.
—and expense taxed to plantation.

SEC. 84. Assessors appointed under the preceding section, shall be paid from the county treasury a reasonable compensation for their services, to be determined by the county commissioners, and any sum so paid shall be added to the county tax apportioned to such town or plantation, and shall be collected and paid into the treasury in the same manner as county taxes.

Plantations may be reorganized.
R. S., c. 3, § 61.

SEC. 85. Plantations organized upon application of three or more inhabitants, may at any time be reorganized under this chapter.

NOTE.—For provisions relating to elections in plantations, See c. 4, §§ 81 to 85. Schools, c. 11, §§ 4, 99, 100, 101. Highways, c. 18, §§ 39, 103.

CHAPTER 4.

ELECTIONS.

LISTS OF VOTERS.

- SEC. 1. Assessors to make lists of voters where selectmen are not assessors.
2. Selectmen to prepare corrected lists by August 11, in each election year.
3. Special meetings to correct the lists. Notice to be given.
4. Lists to be deposited with town clerk and posted by August twentieth.
5. Names not to be added or stricken out, except as provided. Names may be added at regular session on evidence.
6. Duties of selectmen respecting papers of naturalization.
7, 8, 9. When selectmen shall meet to correct lists.
10. Notice of such meetings to be given in warrant for town meetings.
11. Lists of electors to be made by February twenty, annually.
12. Selectmen to be in session to correct lists before March meeting.
13. Check list to be kept by clerk or moderator for choice of town officers.
14. Penalty if clerk or moderator neglects or refuses to use check list.
15. Provisions applicable to cities.
16. Ward lists of voters to be posted in cities having more than one thousand voters. Voting in wards regulated.

NOTIFYING MEETINGS, PROCEEDINGS AT ELECTIONS, AND RETURNS.

- SEC. 17. Meetings for general elections, how called.
18. When such meeting shall be opened.
19. Officers presiding, empowered as moderators.
20. When selectmen pro tempore may be chosen.
21. Who shall preside at such choice.
22. Duties and powers of selectmen pro tempore.
23. What votes shall be offered on one list.