

# MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

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BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :  
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1904.

## CHAP. 2.

of state, unless such corporation shall have commenced actual business under its organization.

SEC. 7. When a person required to be sworn, is conscientiously scrupulous of taking an oath, he may affirm.

SEC. 8. All courts, and all state, county and town officers and their employees, in the transaction of their official business, and all contracts, unless it is otherwise provided therein, and all proceedings in law and equity, shall be governed by the eastern division of standard time.

Note. Definitions under Australian ballot law, c. 6, § 1; under collateral inheritance tax law, c. 8, § 85; under law relating to inland fisheries and game, c. 32, §§ 8, 16, 21 and 44; under insolvent law, c. 72, § 12; under laws relating to cruelty to animals, c. 125, § 56.

Definition of words "benevolent and charitable corporations" under tax law, c. 9, § 6, ¶ II; of word "academy," c. 15, § 82; of words "way" and "team," c. 24, § 1; of "intoxicating liquors," c. 29, § 40; of word "family" in pauper law, c. 27, § 9; of "public warehouseman," c. 33, § 8; of "itinerant vendors," c. 45, § 15; of "domestic" and "foreign" in insurance laws, c. 49, § 77; of "association" in insurance laws, c. 49, § 157; of "dwelling-house," c. 120, § 9; of "butter and cheese" under law relating to dairy products, c. 129, § 8; of words "felony" and "owner," c. 132, §§ 10, 11.

## CHAPTER 2.

SOVEREIGNTY AND JURISDICTION. LANDS TAKEN AND CEDED FOR MILITARY PURPOSES. U. S. COAST SURVEY. EXPENDITURE OF APPROPRIATIONS. SEAT OF GOVERNMENT. ORGANIZATION OF THE LEGISLATURE. NOTICE OF PETITIONS FOR LEGISLATION. TENURE OF OFFICE AND QUALIFICATION OF OFFICERS. SECRETARY OF STATE. TREASURER OF STATE AND STATE BONDS.

SOVEREIGNTY AND JURISDICTION. LANDS TAKEN AND CEDED FOR MILITARY PURPOSES. U. S. COAST SURVEY.

SEC. 1. The jurisdiction and sovereignty of the state extend to all places within its boundaries, subject only to such rights of concurrent jurisdiction as are granted over places ceded by the state to the United States.

SEC. 2. The state flag is hereby declared to be buff, charged with the emblem of the state, a pine tree proper, in the center, and the polar star, a mullet of five points, in blue in the upper corner; the star to be equidistant from the hoist and the upper border of the flag, the distance from the two borders to the center of the star being equal to about one-fourth of the hoist, this distance and the size of the star being proportionate to the size of the flag.

SEC. 3. Civil, criminal and military processes, lawfully issued by an officer of the state, may be executed in places ceded to the United States, over which a concurrent jurisdiction has been reserved for such purpose.

SEC. 4. The governor, with the advice and consent of the council, reserving such jurisdiction, may cede to the United States for purposes named in its constitution any territory not exceeding ten acres, but not including any highway; nor any public or private burying-ground, dwelling-house or meeting-house, without consent of the owner.

SEC. 5. If compensation for such land is not agreed upon, the estate may be taken for the intended purpose by payment of a fair compensation, to be ascertained and determined in the same manner as, and by proceedings similar to those provided for ascertaining damages in locating highways, in chapter twenty-three.

Affirmations.  
R. S., c. 1, § 7.  
78 Me., 488.  
79 Me., 103.

Eastern standard time established.  
1887, c. 29.

Sovereignty and jurisdiction.  
R. S., c. 2, § 1.  
76 Me., 331.

State flag established.  
1901, c. 233.

State processes executed in places ceded.  
R. S., c. 2, § 2.

Governor may cede to United States.  
R. S., c. 2, § 3.

Compensation to owner.  
R. S., c. 2, § 4.  
See c. 23, §§ 4-8.

## CHAP. 2.

SEC. 6. Whenever the public exigencies require it, the governor, with the advice and consent of the council, may take, in the name of the state, by purchase and deed, or in the manner herein denoted, any lands, or rights of way, for the purpose of erecting, using or maintaining any fort, fortification, arsenal, military connection, way, railroad, light-house, beacon or other aid to navigation, with all necessary rights, powers and privileges incident to their use, and may deliver possession and cede the jurisdiction thereof to the United States, on such terms as are deemed expedient.

Governor may purchase or take land for forts and other purposes.  
R. S., c. 2, § 5.

—may cede the same to the United States.

SEC. 7. When the governor and council determine that a public exigency requires the taking of any land or rights as aforesaid, they shall cause the same to be surveyed, located, and so described that the same can be identified, and a plan thereof, with a copy of the order in council, shall be filed in the office of the secretary of state, and there recorded. The filing of said plan and copy shall vest the title to the land and rights aforesaid, in the State of Maine, or their grantees, to be held during the pleasure of the state, and if transferred to the United States, during the pleasure of the United States.

Shall cause land to be surveyed.  
R. S., c. 2, § 6.

—plan, etc., to be filed and recorded in secretary's office.

—title, how vested.

SEC. 8. The owner of any land or rights, taken as aforesaid, shall have a just compensation therefor, to be determined as prescribed in section five, *provided*, that application is made within five years after the land is taken.

Compensation to owner.  
R. S., c. 2, § 7.

SEC. 9. In accordance with the constitution of the United States, article one, section eight, clause seventeen, and acts of congress in such cases provided, the consent of the legislature is given to the purchase by the government of the United States, or under its authority, of any tract of land, from any individuals or bodies politic or corporate, within the state, for the erection of light-houses and other needful public buildings; and deeds, and conveyances or title-papers for the same, shall be recorded upon the land records of the county in which the land so conveyed may lie; and in like manner may be recorded, a sufficient description, by metes and bounds, courses and distances, of any tracts and legal divisions, of any public land belonging to the United States, set apart by the general government for either of the purposes before mentioned, by an order, patent, or other official paper, so describing such land.

Consent of legislature to the purchase by the U. S. of land within the state for public buildings.  
R. S., c. 2, § 8.

—conveyances, where to be recorded.

SEC. 10. The jurisdiction of the State of Maine is ceded to the United States of America over so much land as may be acquired for the public purposes of the United States; *provided*, that the jurisdiction hereby ceded shall not vest until the United States of America has acquired title to such land, from the owner or owners thereof, and the evidence thereof has been recorded in the office where, by law, the title to such land is required to be recorded; the United States of America are to retain such jurisdiction so long as such lands shall be used for the purposes in this section mentioned, and no longer; such jurisdiction is granted upon the express condition that the State of Maine retains a concurrent jurisdiction with the United States in and over the said lands, so far as that civil process, in all cases not affecting the real or personal property of the United States, and such criminal or other process as shall issue under the authority of the State of Maine against any person or persons charged with crimes or misdemeanors committed within or without the limits of the said lands, may be executed therein, in the same way and manner as if no jurisdiction had been ceded.

Jurisdiction ceded to the United States, over land acquired for public purposes.  
—proviso.  
1903, c. 183, § 1.

—jurisdiction retained while lands are used for public purposes.

—concurrent jurisdiction with U. S.

SEC. 11. Lands with the tenements and appurtenances, so acquired for the purposes before mentioned, are exempt from taxation by the state.

Such property not to be taxed.  
R. S., c. 2, § 9.  
See c. 9, § 6, ¶ 1.

## CHAP. 2.

Proceedings for relinquishment to the U. S. of the title to land for the erection of light-houses, forts, &c., when the title cannot otherwise be obtained.  
R. S., c. 2, § 10.

SEC. 12. Whenever, upon application of an authorized agent of the United States, it is made to appear to any justice of the supreme judicial court, that the United States desires to purchase a tract of land and the right of way thereto, within the state, for the erection of a light-house, beacon light, range light, or light keeper's dwelling, forts, batteries or other public buildings, and that any owner is a minor, or is insane, or is from any cause incapable of making perfect title to said lands, or is unknown, or a non-resident, or from disagreement in price or any other cause, refuses to convey such land to the United States, said justice shall order notice of said application to be published in some newspaper in the county where such land lies, if any, otherwise in a paper in this state nearest to said land, once a-week, for three months, which notice shall contain an accurate description of said land, with the names of the supposed owners, provable in the manner required for publications of notice in chapter eighty-three, and shall require all persons interested in said land on a day specified in said notice, to file their objections to the proposed purchase; and at the time so specified a justice of said court shall empanel a jury, in the manner provided for the trial of civil actions, to assess the value of said land at its fair market value, and all damages sustained by the owner of such land by reason of such appropriation; which amount when so assessed, with the entire costs of said proceedings, shall be paid into the treasury of said county, and thereupon the sheriff thereof, upon the production of the certificate of the treasurer that said amount has been paid, shall execute to the United States, and deliver to its agent a deed of said land, reciting the proceedings in said cause, which deed shall convey to the United States a good and absolute title to said land against all persons.

See c. 83, § 21.

Disposal of the purchase money.  
R. S., c. 2, § 11.

SEC. 13. The money so paid into such county treasury shall there remain until ordered to be paid out by a court of competent jurisdiction.

Treasurer receiving the money to give a bond.  
R. S., c. 2, § 12.

SEC. 14. The judge directing the money to be paid to a county treasurer, in accordance with the five preceding sections, shall require of such treasurer a bond in double the amount ordered to be paid to him, with two or more sufficient sureties, to be approved by said judge. Such bonds shall be payable to the people of the State of Maine, for the use of such persons, severally, as are entitled to said money, and shall be approved and filed with the clerk of said court before payment of the money to the treasurer.

U. S. coast survey.  
R. S., c. 2, § 13.

SEC. 15. Persons employed under the government of the United States in the coast survey, may enter on any land in the state, and erect thereon such buildings and do such other acts, as the objects of the survey require.

Compensation for use of land.  
R. S., c. 2, § 14.

SEC. 16. If satisfactory compensation is not made to the owner by the officers or agents of the United States under whose direction such lands are taken, he may make complaint to the county commissioners, who, after not less than fourteen days' notice to the parties of the time and place of hearing, shall view the premises, hear the parties, and assess the damages sustained by the taking of the land for said purposes, including the time during which it will be required for such use, order them to be paid at such time as they direct, and award costs to the prevailing party.

—co. com'rs may assess damages.

Their report to be filed with S. J. C.  
R. S., c. 2, § 15.

SEC. 17. The commissioners shall file in the office of the clerk of the supreme judicial court a report of their doings, which shall be conclusive upon the parties, unless one of them, within thirty days after the next term of the court, files in court his petition for a new trial, which, after due notice to the opposite party, may, for due cause, be granted, to be had in said court.

—appeal allowed.

SEC. 18. The person so entering upon land may tender to the party injured sufficient amends, and if the damages finally assessed do not exceed the tender, judgment shall be rendered against the owner for costs. Costs recovered by the prevailing party shall be taxed as in case of appeal from judgments of a trial justice.

Tender of amends.  
R. S., c. 2, § 16.

—costs, how taxed.

SEC. 19. Whoever wilfully injures said buildings, works, or apparatus used therewith, forfeits not exceeding fifty dollars, to be recovered by indictment to the use of the prosecutor; and is also liable in a civil action for damages.

Injury to works.

—liability for damages.  
R. S., c. 2, § 17.

EXPENDITURE OF APPROPRIATIONS. ACCOUNTS AGAINST THE STATE.

SEC. 20. Money appropriated for the various branches of expenditure in the public service, shall be applied solely to the object for which the appropriation is made.

Application of public money.  
R. S., c. 2, § 18.

SEC. 21. No head of any department shall hereafter employ counsel or witnesses, at the expense of the state, to appear before any committee of the legislature, without the consent of the legislature.

Heads of departments not to employ counsel.  
1899, c. 114.

SEC. 22. No agent or officer of the state, or of any department thereof, whose duty it is to expend money under an appropriation by the legislature, and who exceeds in his expenditure said appropriation, shall have any claim for reimbursement. Any such agent or officer who shall violate the provisions of this section shall upon conviction be fined a sum equal to such excess of appropriation by him expended, and imprisoned in the discretion of the court. All prosecutions under this section shall be by indictment and the fine inure to the state.

No agent or officer of state shall exceed appropriations.  
R. S., c. 2, § 19.  
1885, c. 347.

—penalty.

SEC. 23. All claims against the state, including those of the state prison, state school for boys, insane hospitals, and land department shall be presented to and audited by the governor and council, and shall then be registered by the secretary of state in suitable books, wherein also shall be entered against said claims all payments made thereon; and the accounts of the officers of all public institutions except where otherwise specially provided for, shall be audited by the governor and council.

Accounts against state, public institutions, audited by governor and council, and registered.  
R. S., c. 2, § 20.  
1887, c. 99.  
See c. 113, § 7;  
c. 141, § 8.

SEAT OF GOVERNMENT AND SUPERINTENDENT OF PUBLIC BUILDINGS.

SEC. 24. The city of Augusta shall be the seat of government, until otherwise provided by the legislature.

Capital.  
R. S., c. 2, § 23.

SEC. 25. The governor, with the advice and consent of the council, shall appoint a superintendent of public buildings, who shall take charge of the same and all the furniture and other property connected therewith; preserve the same from injury, at all proper times open and ventilate the several apartments, and constantly keep every part thereof properly swept and cleansed, and at all suitable hours personally attend visitors, free of expense, take care of the public grounds, fences, forest trees, and all other property not before enumerated, pertaining to the public buildings; and under the direction of the governor and council, superintend and cause all necessary repairs to be made upon the public buildings and furniture thereof, upon the fences and walks of the public grounds, set out suitable ornamental and forest trees, and protect the same from injury or decay; and make all purchases of furniture, lights, wood, and everything necessary for the use and convenience of all the apartments of the state house, strict economy being required in all contracts for repairs and purchases; and no contract shall be made upon the credit of himself or the state. He shall give bond to the state in the sum of two thousand dollars, for the

Superintendent of public buildings, appointment of.

—duties.  
R. S., c. 2, § 24.

See resolves.  
1889, c. 243.

## CHAP. 2.

preservation of said property and the faithful discharge of his trust. The governor and council may also require him to perform any other duties that the public interest may require, without extra compensation.

## ORGANIZATION OF THE LEGISLATURE.

Secretary of state to furnish secretary of senate and clerk of house with certified rolls of members elect.  
R. S., c. 2, § 25.

SEC. 26. The secretary of state shall, on or before the day preceding the meeting of the legislature, furnish to the secretary of the preceding senate, a certified roll, under the seal of the state, of the names and residences of senators elect, according to the report of the governor and council, and to the clerk of the preceding house of representatives a certified roll, under the seal of the state, of the names and residences of the representatives elect according to the report of the governor and council, and shall report the vacancies, if any exist.

Duty of secretary of senate at organization.  
R. S., c. 2, § 26.

SEC. 27. The secretary of the preceding senate, at the time and place appointed for the meeting of the legislature, shall call the senators elect, present, to order, and from the certified roll furnished him as aforesaid, call their names, and if a quorum respond, he shall preside until they are qualified and a president is elected; if no quorum appear he shall preside, and the senators elect, present, shall adjourn from day to day, but shall transact no business, except to go into conventions to fill vacancies, until a quorum appear and are qualified and a president is elected.

Duty of clerk of house at organization.  
R. S., c. 2, § 27.  
70 Me., 589, 590.

SEC. 28. The clerk of the preceding house of representatives in like manner shall call the representatives elect to order and preside until they are qualified and elect a speaker; if no quorum appear he shall preside, and the representatives elect, present, shall adjourn from day to day, until a quorum appear and are qualified, and a speaker is elected.

In the absence of secretary or clerk, assistants to act.  
R. S., c. 2, § 28.

SEC. 29. In case of vacancy in the office of such secretary or clerk, or absence or inability of either to perform the duties aforesaid, they shall be performed by the assistants.

When secretary of senate shall amend record.  
R. S., c. 2, § 29.

SEC. 30. The secretary or assistant secretary of any senate shall amend, according to the fact, the journal of said senate, whenever empowered or required by authority of the same, or of any subsequent senate.

When clerk of house shall amend record.  
R. S., c. 2, § 30.

SEC. 31. The clerk or assistant clerk of any house of representatives shall amend, according to the fact, the journal of said house, whenever empowered or required by authority of the same, or of any subsequent house.

## NOTICE OF PETITIONS FOR LEGISLATION.

Notice of petitions affecting individuals or corporations, how given.  
R. S., c. 2, § 31.  
63 Me., 239.

SEC. 32. Notice of any petition for legislation affecting the rights of individuals or corporations, may be given by serving them with a true copy of the petition at least fourteen days before the commencement of the next session, or by publishing such copy three weeks successively in some newspaper printed in the counties in which such individuals reside, or such corporations are established; or if no newspaper is there published, then in the state paper, the last publication to be at least fourteen days before the session; and if further service is deemed necessary, or if notice is defective or insufficient, further notice may be ordered.

—further notice.

Affecting town or county, how given.  
R. S., c. 2, § 32.  
63 Me., 239.

SEC. 33. Notice of any petition affecting the rights or interests of any town or county may be given to such town by serving it with a true copy of the petition at least fourteen days before the session, and to such county, by publishing as prescribed in the preceding section.

If no notice, petition to be referred.  
R. S., c. 2, § 33.  
63 Me., 239.

SEC. 34. Petitions mentioned in the two preceding sections without proof of notice as prescribed, shall be referred, with order of notice, to the next legislature.

SEC. 35. Service of notice of such petitions may be made by any sheriff, constable or coroner, and proved by his proper return or by written acknowledgment of the adverse party on the petition, or if notice is given by publication, then by the newspapers, or the affidavit of the printer.

Service, how proved.  
R. S., c. 2, § 34.

SEC. 36. Whoever petitions the legislature, or whoever shall introduce any bill, or resolve for special legislation, regarding or in any manner pertaining to fish or game, shall first have given notice of their intention with full description of the territory or waters affected by such legislation, in some weekly publication nearest the locality so affected, for eight consecutive weeks, the last notice to be not less than one, nor more than three weeks before the assembling of the legislature of which such legislation is requested, and such notice shall be absolutely required before any such legislation shall be enacted. All laws hereafter enacted pertaining to fish or game which do not conform to the general laws of the state, shall for the purposes of this section be deemed special. *Provided, however,* that the provisions of this section shall not apply to any petition, act or resolve, either repealing or amendatory which has for its object the placing of the territory or waters in question under the general laws of the state.

Notice of petitions for special legislation pertaining to fish and game.  
1893, c. 257.

Laws hereafter passed which do not conform to general law shall be deemed special.  
—proviso.

TENURE OF OFFICES AND QUALIFICATIONS OF OFFICERS.

SEC. 37. All civil officers, appointed by the governor and council, whose tenure of office is not fixed by law or limited by the constitution, otherwise than during the pleasure of the governor and council, except ministers of the gospel appointed to solemnize marriages, and persons appointed to qualify civil officers, shall hold their respective offices for four years and no longer, unless re-appointed; subject to removal at any time within said term by the governor and council.

Tenure of office.  
R. S., c. 2, § 87.  
72 Me., 558, 564.

SEC. 38. The appointment of any woman under the laws of the state to solemnize marriages, administer oaths and take acknowledgments of deeds shall authorize her to act within and for every county of the state, and shall continue for the term of seven years. (a)

Tenure of women appointed to solemnize marriage, etc.  
1903, c. 104.

SEC. 39. The governor, with the advice and consent of the council, may appoint, in each county, persons before whom the oaths, required by the constitution to qualify civil officers, may be taken and subscribed.

Qualifying officers, how appointed.  
R. S., c. 2, § 88.  
70 Me., 591-2.

SEC. 40. The justices of the supreme judicial court, attorney general, 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.

Certain officers to take oath before the governor and council.  
R. S., c. 2, § 89.

—others to take oath before magistrates.  
70 Me., 591-2.

SEC. 41. 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.

Officers may be required to give new bonds.

—if new bond is not given, office is deemed vacant.  
R. S., c. 2, § 90.

(a) See c. 61, § 11; c. 75, § 20; c. 133, § 2.

## CHAP. 2.

## SECRETARY OF STATE.

Secretary's  
office.  
R. S., c. 2, § 35.  
Resolve of  
June 3, 1820.

Vacancy, how  
filled.  
R. S., c. 2, § 36.

Bond and  
condition.  
R. S., c. 2, § 37.

Shall keep ac-  
count of fees,  
and return to  
governor and  
council.  
R. S., c. 2, § 38.

Stationery,  
how purchased.  
R. S., c. 2, § 39.

—shall keep  
an account of  
all distributed.

—account to  
be examined  
by council.

Lists of jus-  
tices of the  
peace, etc., to  
be furnished  
clerks of  
courts,  
and U. S. pen-  
sion agents.  
R. S., c. 2, § 40.  
1885, c. 263.

Clerks of  
courts shall  
make memo-  
randum of re-  
ception.  
—attested lists  
or certificates  
of clerks, evi-  
dence of ap-  
pointment.  
R. S., c. 2, § 41.  
1885, c. 263.

Secretary to  
notify officers  
appointed, to  
pay duties.  
R. S., c. 2, § 42.

SEC. 42. The secretary of state shall keep his office at the seat of government; have the custody of the state seal, and preserve all records in such office, at the expense of the state.

SEC. 43. When a vacancy happens in the office of secretary during the recess of the legislature, the governor, with the advice and consent of the council, shall appoint a suitable person to act as secretary of state, until one is elected by the legislature; and the person thus appointed shall take the oath required of the elected secretary; and have the same compensation, while he performs the duties of the appointment.

SEC. 44. The secretary, elected or appointed, shall give bond to the state, to be deposited in the office of the treasurer, in such sum as the governor and council direct, with sufficient sureties, with condition that he will faithfully appropriate according to law all moneys belonging to the state which come to his hands, and render, annually, a true account thereof to the governor and council.

SEC. 45. He shall keep an accurate account of all fees received by him in his office, and shall, annually, in December, make return thereof, under oath, to the governor and council, and pay the amount of such fees to the treasurer of state. (a)

SEC. 46. All stationery required for the use of the several departments shall be purchased by the secretary of state, who shall carefully compare every lot received with the invoice, and ascertain that a full delivery of the amount charged is made; he shall also keep an accurate account of all that is distributed to the respective departments, and annually render an account of the amount purchased, distributed and remaining on hand, stating the several articles separately, which accounts, with the original invoices, shall be examined and the stock on hand compared therewith, by the council, each December.

SEC. 47. The secretary of state shall on the first days of June and December, forward to the registers of probate courts, judges of municipal and police courts, clerks of United States courts and United States pension agents in the state, a list of all justices of the peace, trial justices, and notaries public, whose commissions are then in force, and the evidence of whose qualifications has been filed in his office within the six months next preceding the time of forwarding such lists, which shall contain the name and residence of every such officer, the date of his commission, and the county or counties for which he is commissioned, and he shall send at the same time two copies of such lists to each of the clerks of the state courts.

SEC. 48. The clerks of the state courts shall make a memorandum on such lists of the fact and date of their reception, and either of such lists so attested, or the certificate of such clerk under the seal of his court, shall be legal but not conclusive evidence of the appointment and qualification of such officers, and at the expiration of each decade of years it shall be the duty of the clerk then in office to have one set of such lists received during the decade, bound in a substantial manner.

SEC. 49. The secretary of state shall notify every person appointed to an office upon which a duty is to be paid, and on receipt of evidence of its payment, shall cause a commission to be immediately made, under direction of the governor, and delivered to such officer, or to any person appointed by him to receive it.

(a) See c. 117, § 17.

SEC. 50. He shall prepare and present to the governor and council under the seal of the state, in order that the same may receive the signature of the governor, a commission for every person appointed or elected to any office for which a commission is required; enter in a suitable book the time when and the person by whom any commission is taken from his office, and the time when any certificate of the qualification of any officer is filed therein. He shall cause all bills passed by the legislature to be engrossed, under his special direction, for the use thereof.

SEC. 51. He shall cause the public laws passed at each session to be printed within thirty days after the close thereof on extra sheets, on good paper, in good, clear nonpareil type, by the publishers of each newspaper; and each printer who so publishes and distributes the laws to his subscribers within the state, shall receive ten dollars, besides two dollars for every hundred copies so distributed within the state. (a)

SEC. 52. After final adjournment of each regular session of the legislature, he shall cause tables to be prepared showing what general statutes have been affected by subsequent legislation, in such manner as to furnish ready reference to all changes in such statutes. The tables so prepared shall be printed in the official editions of the laws hereafter published by the state. The compensation for the services herein provided for shall be fixed by the governor and council.

SEC. 53. He shall cause blanks for all election returns required by law to be seasonably distributed to the clerks of the several towns, by mail; and if any clerk fails to receive such blanks by the twentieth day of August, in any year in which an election is held of which returns are to be made to the office of the secretary of state, he shall forthwith notify the secretary of state. If the secretary neglects this duty he forfeits one hundred dollars for each neglect. (b)

## TREASURER OF STATE AND STATE BONDS.

SEC. 54. The treasurer of state shall keep his office at the seat of government, and give the bond required by the constitution, to the State of Maine, with good and sufficient sureties residing therein, in the penal sum of not less than one hundred and fifty thousand dollars.

SEC. 55. The condition of the bond shall be for the faithful discharge of all the duties of his office and the fidelity of all persons by him entrusted with any of its concerns, and that during his continuance in office he will not engage in trade or commerce, or act as broker, agent or factor, for any merchant or trader; and that he, or his executors, administrators or sureties, or their executors or administrators, shall render a just and true account of all his agents' and servants' doings and transactions in the office, to the legislature, or to such committee as it appoints, on the first day of each regular session of the legislature, previous to the choice of a new treasurer, and at any other time, when required by the legislature, or

(a) 2 Me., 303; 9 Me., 56; 16 Me., 70; 21 Me., 60; 39 Me., 295; 81 Me., 546.

(b) Secretary of state to furnish copies of law relating to registration of dogs, c. 4, § 51; copies of law forbidding sale of votes, c. 6, § 77; returns for election of presidential electors, c. 6, § 130; duties of secretary of state as to official ballots, c. 6, § 13, et seq.; as to voting machines, c. 6, § 45; as to itinerant vendors, c. 45, §§ 4, 5, 13 and 14; recording conditional contracts for railroad equipment, c. 52, § 96.

Secretary of state forbidden to draft any instrument which he is by law required to record, c. 11, § 14.

Secretary to prepare commissions.  
R. S., c. 2, § 43.

—to record qualifications.

—engross bills.

Public laws to be printed in newspapers.  
R. S., c. 2, § 44.  
1891, c. 106, § 2.  
1893, c. 239.  
1899, c. 41.  
1903, c. 172.

Tables referring to changes in statutes shall be prepared.  
1903, c. 56.

—compensation.

Mail election blanks to town clerks.  
See c. 6, § 130.  
—clerks to notify sec'y, if not rec'd.  
—penalty for neglect.  
R. S., c. 2, § 45.

Treasurer's office.  
—bond.  
R. S., c. 2, § 47.  
52 Me., 551.

Condition of treasurer's bond.  
R. S., c. 2, § 48.  
52 Me., 551.  
58 Me., 123.

## CHAP. 2.

the governor and council; and that he will settle and adjust said account, and faithfully deliver to his successor in office, or to such person as the legislature appoints, all moneys, books, property, and appurtenances of said office, in his, or any of his agents' possession, and pay over all balances found due on such adjustment. Such bond, when approved as the constitution prescribes, shall be lodged in the secretary's office.

Treasurer not to use, or receive benefit from state money or credit.  
R. S., c. 2, § 49.  
52 Me., 551.  
69 Me., 367.  
Sec § 68.

SEC. 56. The treasurer shall not in any way receive for his own use any interest, premium, gratuity, or benefit, by reason of any money belonging to the state, or of any loan obtained for the state, or for keeping on hand or circulating the bills of any bank; but whatever is so received shall be accounted for to the state. He shall not loan or use in his own business, or for his own benefit, any such money, or permit any other person to do it, unless authorized by law, on pain of forfeiting a sum equal to the amount so used or loaned, to be recovered by indictment.

Attorney general to prosecute.  
R. S., c. 2, § 50.  
69 Me., 367.

SEC. 57. When the attorney general receives satisfactory information, that a treasurer of state has violated any provision of the preceding section, he shall cause him to be indicted therefor and shall prosecute such indictment to final judgment.

Limitation of deposits in banks.  
R. S., c. 2, § 51.  
1895, c. 90.

SEC. 58. No more than twenty thousand dollars of the money of the state shall be on deposit in a bank, except such bank through which the treasurer desires to meet the payments of the bonded debt and interest on same. (a)

Monthly exhibits to be prepared.  
R. S., c. 2, § 52.  
52 Me., 551.  
69 Me., 367.

SEC. 59. At the expiration of each month, the treasurer shall prepare an exhibit showing the banks and places in which moneys of the state have been kept or deposited during the preceding month, and the amount at the time of such exhibit, and file it in the office of the secretary of state, open to public inspection.

Report receipts from land agent.  
R. S., c. 2, § 53.

SEC. 60. His report shall state the time, when each sum was received of the land agent, and the amount of it.

Investment of sinking funds.

SEC. 61. The treasurer, with the advice of the governor, shall from time to time, as funds appropriated for any sinking fund established by law, are received into the treasury, invest the same, with the income thereof, as it accrues, in any bonds of Maine, of any other New England state, or in the registered bonds of the United States; and as such bonds fall due and are paid, the proceeds thereof shall be re-invested in like manner.

Register to be kept by treasurer.  
R. S., c. 2, § 55.  
—annually to report condition of funds.

SEC. 62. The treasurer shall keep a register of all such investments, showing the date, amount, and number of each bond, by whom issued, and the time when it will mature, and in his annual report to the governor and council, he shall include an exhibit of the condition of said sinking funds.

Treasurer may issue registered bonds.  
R. S., c. 2, § 56.

SEC. 63. The treasurer may issue registered bonds, transferable by assignment, in pieces of not less than one thousand dollars, and of any multiple of one thousand, in exchange for, and in place of, any coupon bonds issued under the laws of this state, bearing the same rate of interest and maturing at the same time as the bonds which he may receive therefor in exchange; but the place of payment prescribed therein shall be the state treasury; and said bonds shall be signed by the treasurer, countersigned by the governor, and attested by the secretary of state, with the seal of the state.

—date, interest, when payable, and how signed.

Equivalent bond to be issued on assignment.  
R. S., c. 2, § 57.

SEC. 64. Upon due assignment of any such registered bond and delivery thereof to the treasurer, an equivalent bond or bonds, in form as aforesaid, shall be issued to the assignor in substitution therefor.

(a) 52 Me., 551; 69 Me., 367.

## CHAP. 2.

SEC. 65. All bonds thus received by the treasurer for exchange shall be canceled, and retained in the office of the treasurer; and the secretary of state, as well as the treasurer, shall keep a register of all such bonds, showing the serial number, date, interest, amount of each certificate, to whom originally issued and when payable; and also a like description of the new bonds issued in place thereof.

Cancellation and registry of old bonds.  
R. S., c. 2, § 58.

SEC. 66. Every United States or other bond when received into the treasury, shall immediately be indorsed with the words following, viz.: "Property of the State of Maine; not transferable by the treasurer without the consent of the governor indorsed thereon."

Bonds in state treasury, how indorsed.  
R. S., c. 2, § 59.

SEC. 67. All coupon bonds issued by the state belonging to any sinking fund of the state, shall be converted into bonds registered in the name of the treasurer; no registered bond of the state belonging to such sinking fund shall be negotiated by the treasurer unless the governor's assent to the transfer is first indorsed thereon, and all such bonds shall exhibit upon their face this restriction of their negotiability; and any coupon bonds so issued and held by or deposited with the treasurer for trust purposes may be converted into the registered form of bonds, whenever the parties depositing them so desire.

Coupon bonds of sinking fund shall be converted into registered bonds.  
R. S., c. 2, § 60.

—registered bonds, how negotiated.

SEC. 68. Upon written complaint of any person, that the treasurer is insane or insolvent, or has absconded, or concealed himself to avoid his creditors, is absent from the state and neglecting his duties to the hazard of the trust reposed in him, has violated any provision of section fifty-six or has failed faithfully to perform the duties of his office, the governor and council shall forthwith examine into the charges, and if either of them is found true, they shall remove him and declare the office vacant.

Governor and council to examine into complaints against treasurer.  
R. S., c. 2, § 61.  
69 Me., 367.  
—may declare office vacant.

SEC. 69. They shall audit his account of any contingent fund appropriated for him or his office; and any balance found due shall be paid by him to the state.

To audit contingent fund.  
R. S., c. 2, § 62.  
69 Me., 367.

SEC. 70. When it appears to them, that his bond is not sufficient for the full security of the state, they shall make written demand upon him for a new bond; and if he neglects for ten days thereafter, to file such bond to their satisfaction, they shall remove him and declare the office vacant.

May require a new bond.  
R. S., c. 2, § 63.  
69 Me., 367.

SEC. 71. In case of a vacancy in the office of treasurer, the governor, with the advice and consent of the council, shall appoint a commissioner to perform the duties of the office during the residue of the term for which he was chosen, unless another is sooner elected by the legislature; and the person so appointed shall, before entering on the duties of his office, take and subscribe the oaths, and give bond with the same conditions as are required of the treasurer, to the acceptance of the governor and council.

May appoint a commissioner to fill vacancy.  
R. S., c. 2, § 64.

See § 54.

SEC. 72. When such commissioner is appointed, the secretary of state and the attorney general, or two impartial citizens to be appointed by warrant under the hand and seal of the governor, shall, as soon as practicable, after notice to the sureties, or any two of them, of the late treasurer, or of the treasurer to be superseded, take a true account and inventory of all moneys, notes, books of account and other property, belonging to the state, which were in the hands of such treasurer, or of any of his agents, and deliver it to such commissioner, he giving a receipt therefor, which shall be lodged in the secretary's office.

Inventory for commissioner.  
R. S., c. 2, § 65.

—his receipt therefor.

SEC. 73. He shall issue warrants or executions against delinquent towns, assessors, constables and collectors, to enforce the collection and payment of state taxes in cases prescribed in chapter ten.

To issue warrants for taxes.  
R. S., c. 2, § 68.

## CHAP. 2.

Names of delinquents to be reported. R. S., c. 2, § 69. Treasurer, may employ extra clerical assistance, in care of trust deposits. 1893, c. 308, § 2.

Amounts so expended, shall be paid by corporations making deposit. 1893, c. 308, § 3.

Committee annually to be appointed to examine treasurer's report, and to destroy canceled bonds. R. S., c. 2, § 71.

--report.

--compensation.

SEC. 74. He shall report the names of all officers who have not settled their accounts as by law required, or who have not paid over the money in their hands belonging to the state, and the amount due from each.

SEC. 75. He may expend each year a sum not exceeding two hundred dollars, for such extra clerical assistance as he may deem necessary in the care and custody of the deposits made with him in trust by such corporations and organizations as are required by their charters or other laws of this state to make deposits in trust with said treasurer.

SEC. 76. The amount expended under the authority of the preceding section, shall be assessed in the month of April of each year by the board of state assessors, upon the several corporations and organizations making such deposits, in proportion to the amount of their deposits at the close of the year next preceding said assessment, and the assessment so made shall be payable to the treasurer of state on the first day of July next after the assessment is made. The amount on deposit by each of such corporations or organizations upon which the tax is to be assessed, shall be certified by the treasurer of state to the board of state assessors in the month of March of each year.

SEC. 77. The governor and council shall, annually, appoint a committee of not less than three citizens, who shall carefully examine the accounts of the treasurer of state as embodied in his annual report, and certify in writing the result of such examination; and their certificate shall be appended to his report. They shall also examine all canceled bonds and coupons and destroy the same by burning in the presence of said treasurer, and give him a certificate of such destruction. They shall make a sworn report of their doings to the governor and council, which report shall be entered on the records of the governor and council and filed in the office of the secretary of state. Their compensation shall be fixed by the governor and council and paid from the contingent fund thereof; and said committee may consist wholly or in part of members of the council.

Note. Treasurer of state: duties of, as to standard weights and measures, c. 44, § 2; as to compensation of commissioners of wrecks, c. 38, § 17.