

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)

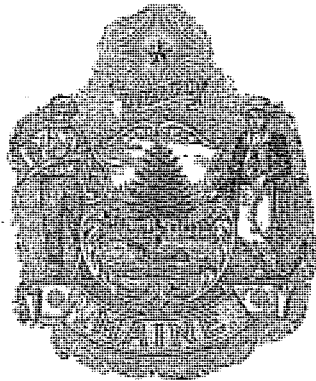
SIXTH REVISION

THE
REVISED STATUTES

OF THE

STATE OF MAINE

PASSED SEPTEMBER 29, 1916, AND TAKING
EFFECT JANUARY 1, 1917



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT
1916

TITLE ONE.

The State: its Sovereignty, divisions, domain, revenue; parts of its civil and military administrations.

-
- CHAP. I. Divisions of the state. Constitutional amendments. Statutes. Rules of construction. Standard time.
2. Sovereignty and Jurisdiction. Public buildings. 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. State auditor.
 3. The state library. The state historian. The publication and distribution of public documents. State printing and binding.
 4. Towns, their meetings, officers, powers and duties.
 5. The qualification and registration of voters.
 6. Nominations of candidates for office.
 7. Elections.
 8. The public lands. Land agent. Location and care of lots for public uses. Forest commissioner and preservation of forests. Maine Forestry District.
 9. The board of state assessors and the assessment of excise taxes.
 10. The assessment of taxes.
 11. The collection of taxes.
 12. Registers of deeds.
 13. County treasurers.
 14. Indian tribes.
 15. The military law.

CHAPTER 1.

Divisions of the State. Constitutional Amendments. Statutes. Rules of Construction. Standard Time.

Section 1. Divisions of state. R. S. c. 1, § 1. The state is divided into counties, districts, towns and plantations.

72 Me. 432; 105 Me. 372.

Sec. 2. When constitutional amendments take effect. R. S. c. 1, § 2. Unless otherwise provided in the resolve submitting it, every constitutional amendment shall take effect and become part of the constitution, on the first Wednesday of January following its adoption by the people.

Sec. 3. Proclamation and publication thereof. R. S. c. 1, § 3. Within thirty days after it appears that a constitutional amendment has been adopted, the governor shall make proclamation thereof, and the secretary of state shall forthwith cause such proclamation to be published in the state paper, and it shall also be prefixed to the next volume of acts and resolves.

Sec. 4. Notice of approval of public acts. R. S. c. 1, § 4. When a public act is approved by the governor, the secretary of state shall give written notice thereof to the presiding officers of the senate and house, describing

it by its title, and the date of its approval, which shall be entered on the journal of each house.

See c. 2, § 54; 81 Me. 546.

Sec. 5. Construction of repealing acts. R. S. c. 1, § 5. The repeal of an act or resolve passed after the fourth day of March, eighteen hundred and seventy, does not revive any statute in force before the act or resolve took effect. The repeal of an act does not affect any punishment, penalty or forfeiture incurred before the repeal takes effect, or any suit, or proceeding pending at the time of the repeal, for an offense committed or for recovery of a penalty or forfeiture incurred under the act repealed. Actions pending at the time of the passage or repeal of an act, are not affected thereby.

21 Me. 60; 23 Me. 237; 30 Me. 489; 45 Me. 73, 514; 49 Me. 533; 52 Me. 158; 61 Me. 24; 63 Me. 29, 30; 64 Me. 134, 435; 65 Me. 129; 68 Me. 396, 520, 527; 70 Me. 278; 71 Me. 404; 73 Me. 212; 75 Me. 444; 84 Me. 64; 88 Me. 227; 93 Me. 127; 95 Me. 315.

Sec. 6. Rules of construction. R. S. c. 1, § 6. The following rules shall be observed in the construction of statutes, unless such construction is inconsistent with the plain meaning of the enactment.

I. Words and phrases shall be construed according to the common meaning of the language. Technical words and phrases, and such as have a peculiar meaning convey such technical or peculiar meaning. The words "and" and "or" are convertible as the sense of a statute may require.

47 Me. 347; 49 Me. 525; 58 Me. 170, 328; 63 Me. 63; 64 Me. 129; 72 Me. 425, 461; 75 Me. 116; 88 Me. 404; 98 Me. 83; 105 Me. 111; 111 Me. 286; 112 Me. 362.

II. Words of the singular number may include the plural; and words of the plural number may include the singular. Words of the masculine gender may include the feminine.

48 Me. 550; 72 Me. 428; 105 Me. 306.

III. Words giving authority to three or more persons authorize a majority to act, when the enactment does not otherwise determine.

39 Me. 223; 48 Me. 358-9, 406; 62 Me. 519; 63 Me. 265; 64 Me. 262; 77 Me. 129; 79 Me. 130.

IV. The words "annual meeting," applied to towns, mean the annual meeting required by law for choice of town officers.

62 Me. 517; 96 Me. 434.

V. The word "grantor" means the person who conveys a freehold estate or interest in land; and the word "grantee," the person to whom it is conveyed.

VI. The word "highway" may include a county bridge, county road or county way.

See c. 24, § 99; c. 26, § 1. 18 Me. 412; 26 Me. 409; 34 Me. 12; 59 Me. 363, 452; 79 Me. 528; 106 Me. 302.

VII. The word "inhabitant" means a person having an established residence in a place.

37 Me. 372; 106 Me. 236.

VIII. The words "insane person" may include an idiotic, non compos, lunatic, or distracted person; but in reference to idiotic or non compos persons this rule does not apply to sections three to fifty-two, both inclusive, of chapter one hundred and forty-five.

49 Me. 361; 53 Me. 207; 76 Me. 595.

IX. The word "issue," applied to the descent of estates, includes all lawful lineal descendants of the ancestor.

95 Me. 277; 104 Me. 310.

X. The word "land" or "lands," and the words "real estate," include lands and all tenements and hereditaments connected therewith, and all rights thereto and interests therein.

See c. 69, § 29; c. 10, § 3; 69 Me. 347; 78 Me. 97; 85 Me. 331; 86 Me. 77, 131; 105 Me. 532.

XI. The words "timber and grass," when used in reference to the public lots, so called, in unincorporated townships in the state, mean all growth of every description on said lots.

XII. The word "month" means a calendar month; and the word "year," a calendar year, unless otherwise expressed. The word "year," used for a date, means year of our Lord.

See c. 16, § 49, Par. II. 47 Me. 393; 64 Me. 332.

XIII. The word "oath" includes an affirmation, when affirmation is allowed.

79 Me. 103.

XIV. The word "person" may include a body corporate.

See c. 69, § 29; 70 Me. 181; 95 Me. 448; 105 Me. 306.

XV. By the words "preceding" or "following," used with reference to a section, is meant the section next preceding or following that in which it is used, when not otherwise expressed.

XVI. When the seal of a court, magistrate or public officer, is to be affixed to a paper, the word "seal" may mean an impression made on the paper for that purpose with or without wafer or wax.

33 Me. 427; 34 Me. 222; 36 Me. 368; 66 Me. 227.

XVII. Whenever a corporate seal is used or required on any instrument, an impression made on the paper of such instrument by the seal of the corporation, without any adhesive substance, shall be deemed a valid seal.

XVIII. The words "United States" include territories and the District of Columbia. The word "state," used with reference to any organized portion thereof, may mean a territory or said district.

XIX. The word "town" includes cities and plantations, unless otherwise expressed or implied.

56 Me. 31; 66 Me. 155; 71 Me. 142; 77 Me. 422; 82 Me. 194.

XX. The words "in writing" and "written" include printing and other modes of making legible words. When the signature of a person is required, he must write it or make his mark.

56 Me. 392; 68 Me. 387, 587; 104 Me. 263.

XXI. The word "will" includes a codicil.

XXII. The words "sworn," "duly sworn," or "sworn according to law," used in a statute, record, or certificate of administration of an oath, refer to the oath required by the constitution or laws in the case specified, and include every necessary subscription to such oath.

30 Me. 326; 41 Me. 226; 42 Me. 376; 58 Me. 532; 84 Me. 378.

XXIII. When an act that may be lawfully done by an agent, is done by one authorized to do it, his principal may be regarded as having done it.

48 Me. 554; 59 Me. 175; 68 Me. 92, 387; 95 Me. 554.

CHAP. 1

XXIV. When a person is required to be disinterested or indifferent in a matter in which others are interested, a relationship by consanguinity or affinity within the sixth degree according to the civil law, or within the degree of second cousins inclusive, except by written consent of the parties, will disqualify.

29 Me. 542; 30 Me. 156; 32 Me. 311; 47 Me. 476, 594; 52 Me. 501; 59 Me. 264; 66 Me. 352; 68 Me. 219; 73 Me. 58; 79 Me. 33; 84 Me. 305; 86 Me. 185.

XXV. The term "municipal officers" means the mayor and aldermen of cities, the selectmen of towns, and the assessors of plantations.

See c. 127, § 45; 56 Me. 31; 71 Me. 142; 74 Me. 369; 78 Me. 106; 102 Me. 398; 105 Me. 146.

XXVI. The words "state paper" mean the newspaper designated by the legislature, in which public acts, resolves, advertisements, and notices are required to be published.

Resolves of 1911, c. 149. See c. 84, § 7.

XXVII. Abstracts of titles, chapters and sections, and notes are not legal provisions.

111 Me. 48.

XXVIII. Acts of incorporation shall be regarded in legal proceedings as public acts. All acts of incorporation granted since the first day of January, eighteen hundred and ninety-three, become null and void in two years from the day when the same take effect, unless such corporations shall have organized and commenced actual business under their charters.

24 Me. 143; 69 Me. 317; 83 Me. 445; 93 Me. 127; 97 Me. 563.

XXIX. The organization of any corporation under any general law of the state becomes null and void in two years from the day when its certificate of incorporation has been filed in the office of the secretary of state, unless such corporation shall have commenced actual business under its organization.

See c. 53, § 161; c. 54, § 4; c. 56, § 7; c. 58, § 13.

Sec. 7. Affirmations. R. S. c. 1, § 7. When a person required to be sworn, is conscientiously scrupulous of taking an oath, he may affirm.

78 Me. 488; 79 Me. 103.

Sec. 8. Eastern standard time established. R. S. c. 1, § 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 primary election law, c. 6, § 1; under corrupt practices act, c. 7, §§ 124, 125; under Australian ballot law, c. 7, § 1; under inheritance tax law, c. 69, § 100; under law for inspection of plumbing, c. 19, § 114; under state highway law, c. 25, § 2; under automobile law, c. 26, § 15; under law relating to inland fisheries and game, c. 33, §§ 16, 36, 57; under law against adulteration or misbranding of goods, c. 36, §§ 2, 37; under law relating to employment agencies, c. 42, § 13; relating to department of labor and industry, c. 49, §§ 13, 15; under workmen's compensation act, c. 50, § 1; under the public utilities law, c. 53, § 9; under insolvent law, c. 75, § 12; under laws relating to cruelty to animals, c. 126, § 67.

Definitions of words "benevolent and charitable corporations" under tax law, c. 10, § 6, Par. 3; "officer" and "soldier" under military law, c. 15, § 132; of word "academy" c. 16, § 104; of term "practitioner" under law for registration of veterinary surgeons, c. 18, § 58; under law relating to practice of optometry, c. 18, § 44; of words "way" and "team," c. 26, § 1; of word "family" in pauper law, c. 29, § 9; of "nursery stock," c. 38, §§ 1, 14; of "public warehouseman," c. 39, § 8; of "itinerant vendors," c. 41, § 25; of term "serious physical injuries" in law relating to reports of industrial accidents, c. 49, § 15; of terms "dealer" and "securities" under law for registration of dealers in securities, c. 40, § 14; of "domestic" and "foreign" in insurance law, c. 53, § 103; of "association" in insurance laws, c. 54, § 27; of "dwelling house," c. 121, § 8; of "bucket shop," c. 127, § 13; of "intoxicating liquors," c. 127, § 21; of "butter" and "cheese" under law relating to dairy products, c. 130, § 12; of words "felony" and "owner," c. 133, §§ 11, 12; of terms "prison service" and "good record" in state prison pension law, c. 142, § 32.