

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING
EFFECT NOVEMBER 10, 1930



By the Authority of the Legislature

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CHAPTER 1.

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

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Divisions of the State.

Sec. 1. Division of the state. R. S. c. 1, § 1. The state is divided into counties, districts, towns, and plantations.

72 Me. 432; 105 Me. 372.

Constitutional Amendments.

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.

Statutes.

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, § 67; 81 Me. 546.

Sec. 5. Construction and effect 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at the time of the repeal, for an offense committed or for recovery of a penalty or forfeiture incurred under the act repealed.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.

See const. of Me., Art. IV. §§ 16-22, added by amend. XXXI. (when acts take effect).

*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.

In this volume references to leading cases in the Maine Reports are marked with a *.

Rules of Construction.

Sec. 6. Rules of construction. R. S. c. 1, § 6. 1917, c. 117. 1929, cc. 33, 35, 310. 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; 115 Me. 110; 118 Me. 60, 97.

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; 124 Me. 161.

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; 117 Me. 75; 123 Me. 112.

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. 27, § 101; c. 29, § 1. 18 Me. 412; 26 Me. 409; *34 Me. 12; 59 Me. 368, *452; 79 Me. 528; 106 Me. 302; 120 Me. 28.

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 fifty-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. 13, § 3; c. 77, § 34; 69 Me. 347; 78 Me. 97; 85 Me. 331; 86 Me. 77, 131; 105 Me. 532; *115 Me. 404; *123 Me. 546.

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.

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. 41, § 69; c. 47, § 13; c. 77, § 34; 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. A seal of a corporation upon a certificate of stock, corporate bond or other corporate obligation for the payment of money may be facsimile, engraved or printed where such certificate is signed by a transfer agent or transfer clerk and by a registrar, and where such bond or obligation is certified by a trustee.

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, but the signatures of any officer or officers of a corporation upon a certificate of shares in such corporation, when any such certificate is signed by a transfer agent or transfer clerk and by a registrar, and upon the interest coupons annexed to a corporate bond or other corporate obligation, may be facsimiles, engraved or printed.

56 Me. 392; 68 Me. 387, 587; 104 Me. 263; 124 Me. 22.

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; *114 Me. 492.

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.

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, 312 (note); *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. 187.

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

See c. 137, § 24; 56 Me. 31; 71 Me. 142; 74 Me. 369; 78 Me. 106; 102 Me. 398; 105 Me. 146; 114 Me. 448.

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.

See c. 93, § 7.

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

III 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. 56, § 13; c. 57, §§ 71, 135; c. 60, § 165; c. 61, § 4; c. 63, § 7; c. 65, § 13.

XXX. The terms "vacant" and "vacancy" as applied to public office shall comprise and include all cases where the person elected or appointed to such office resigns therefrom or dies while holding the same or, being elected or appointed, is ineligible, dies, or becomes incapacitated before qualifying as required by law.

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.

Standard Time.

Sec. 8. Standard time defined; establishing other system of time prohibited. R. S. c. 1, § 8; 1925, c. 57, § 1. Within the state of Maine, the standard time shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich, known and designated by the federal statute as "United States Standard Eastern Time." It shall be unlawful for any town or other municipality to vote for, or otherwise establish, any other system of time.

Sec. 9. All courts, public institutions, employers of labor, contracts, etc., to be governed by U. S. Standard Eastern Time. R. S. c. 1, § 8. 1927, c. 103, § 1. All courts, all schools, all state, county, and town officers, all institutions which receive any financial aid from the state, all persons and corporations employing clerks or other labor, all proceedings in law or equity, all decrees, orders, rules and regulations, and all contracts or choses in action made to be performed in this state, unless it is otherwise provided in such contract, or relating to the time in which any rights shall accrue or determine, or within which any act shall or shall not be performed, shall be governed by, and shall compute the hours of the beginning, duration, and ending of each day by and according to said time known and designated as United States Standard Eastern Time.

Sec. 10. Jurisdiction of courts; procedure. 1925, c. 57, § 2. 1927, c. 103, § 2. The supreme judicial court in equity or the superior court in equity, by writ of injunction or otherwise, may restrain or annul proceedings in any town or city in violation of the two preceding sections upon application of ten or more taxable citizens of the state, and a writ of temporary injunction may issue forthwith without the filing of a bond by such petitioners.

Fiscal Year.

Sec. 11. State fiscal year to end June 30th. Department reports governed by this. 1921, c. 69. 1923, c. 63. The fiscal year for all state officers, depart-

ments, boards, and institutions of the state is hereby fixed to begin on the first day of July and to end on the last day of June of each year. All departments required by law to submit an annual or biennial report shall submit such report annually or biennially as required by law for the fiscal year or years, defined above.

Provided, however, that this section shall apply to the state highway commission only so far as it relates to a report of its fiscal affairs.

Definitions under primary election law, c. 7, § 1; under Australian ballot law, c. 8, § 1; under corrupt practices act, c. 10, §§ 1, 2; under laws affecting state school funds, c. 19, § 203; under laws affecting teachers' retirement, c. 19, § 228; under laws affecting protection of children, c. 22, § 109; under law for inspection of plumbing, c. 22, § 123; under apothecaries act, c. 23, § 35; under state highway and bridge law, c. 28, § 2; under motor vehicle law, c. 29, § 1; under law relating to uniform air licensing, c. 30, § 1; under inland fisheries and game law, c. 38, §§ 18, 58; under law against adulteration or misbranding of goods, c. 41, §§ 2, 4, 13, 18, 19, 22, 23, 24, 26, 40, 45, 59; under law relating to employment agencies, c. 47, § 13; under law relating to standard weights and measures, c. 53, § 31; under law relating to department of labor and industry, c. 54, §§ 14, 16; under workmen's compensation act, c. 55, § 2; under employers' liability law, c. 55, § 48; under cooperative marketing act, c. 59, § 2; under the public utilities law, c. 62, § 15; under succession tax law, c. 77, § 34; under laws affecting adoption of children, c. 80, § 38; under insolvent law, c. 84, § 12; under uniform flag law, c. 128, § 1; under law relating to cruelty to animals, c. 135, § 72; under uniform bills of lading act, c. 162, §§ 4, 5; under warehouse receipts act, c. 163, §§ 4, 5, 58; under negotiable instruments act, c. 164, §§ 17, 191; under uniform sales act, c. 165, §§ 12, 13, 76.

Definitions of words: "sovereignty and jurisdiction", c. 2, § 1; "legislative counsel and legislative agent", c. 2, § 46; "town", c. 5, § 1; "legal voters", c. 5, § 11; "citizenship", c. 6, § 1; "absentee voters", c. 9, § 1; "benevolent and charitable corporations", c. 19, § 6, Par. III; "militia" and "national guard," c. 18, §§ 1, 2; "academy", c. 19, § 111; "doctor", c. 21, § 16; "registered nurse", c. 21, § 24; "public health nursing", c. 21, § 24; "practitioner of dentistry", c. 21, §§ 25, 37; "dental hygienist", c. 21, § 42; "practitioner of optometry", c. 21, §§ 47, 48; "osteopath", c. 21, § 66; "chiropractor", c. 21, § 77; "chiropractic", c. 21, § 82; "veterinary surgeons", c. 21, § 85; "narcotics", c. 23, § 34; "way" and "team", c. 29, § 1; "family", c. 33, § 8; "nursery stock", c. 43, § 1; "itinerant vendors", c. 46, § 25; "cord of wood", c. 51, § 1; "serious physical injuries" (relating to industrial accidents), c. 54, § 16; "dealer", "securities" (in "blue sky law"), c. 57, § 165; "domestic" and "foreign" (in insurance law), c. 60, § 103; "association" (in insurance law), c. 61, § 27; "dwelling-house", c. 130, § 9; "bucket shop", c. 136, § 13; "intoxicating liquors", c. 137, § 6; "necessities of life", c. 138, § 31; "butter" and "cheese", c. 140, § 12; "felony", c. 143, § 11; "owner", c. 143, § 12; "prison service" and "good record" (in state prison pension law), c. 152, § 37; "soldiers", c. 160, § 2.

Designation of certain nuisances, c. 26; definition of certain crimes and offenses, cc. 127-141.