

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

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good and sufficient bond with good and sufficient sureties, conditioned for the faithful performance of all the terms and conditions of such contract by the person, firm, or corporation with whom the reporter makes such contract. In case of a breach of any or all the conditions of such bond, the reporter may maintain an action on such bond in his own name.

Sec. 95. Copyright of reports. R. S. c. 82, § 77. 1921, c. 168. Each volume of said reports shall be entered by the secretary of state with the librarian of congress, and copyrighted in the name of the state of Maine, and the manuscript and copyright thereof shall belong to the state. All profits arising from the publication and sale of said reports and advanced sheets thereof received by said reporter, except as hereinafter provided, shall be accounted for and paid over by him to the treasurer of state on the first Monday in December in each year. But the reporter may retain out of said profits received by him the sum of five hundred dollars, each year, for clerk hire, stationery, postage, expressage, and incidental expenses. At the expiration of his term of office, all the official duties of the reporter shall cease, and he shall turn over and deliver to his successor all unpublished cases in his hands, and shall also assign and transfer to his successor any contract and bond he then may have relating to a volume not then completed or commenced. And such successor's rights in and under such contract and bond shall be the same as though he had originally made the contract and taken the bond.

Sec. 96. To furnish advance sheets free to all justices. R. S. c. 82, § 78. The reporter shall furnish free of charge the justices of the supreme judicial court and superior court with one copy each of advance sheets; he shall also be entitled to twenty-five copies, free of expense, for current exchanges with the reporters of other states, law school libraries, the attorney-general, and heads of departments.

CHAPTER 92.

County Commissioners.

- Sections 1- 4 Election and Tenure of Office.
- Sections 5- 6 Regular Sessions and Clerk.
- Sections 7-27 Powers and Duties.

Election and Tenure of Office.

Sec. 1. Constitution of board; chairman. R. S. c. 83, § 1. There shall be a board of commissioners for each county, consisting of a chairman and two other citizens resident in the county, elected, or, in case of a vacancy, appointed by the governor, with the advice and consent of the council. The chairman shall be designated by them at their first meeting on or after the first day of January annually, to act for one year.

Sec. 2. Vacancies at expiration of term. R. S. c. 83, § 2. Vacancies to occur by expiration of the term of office at the end of any year in which a biennial election is held, shall be filled by election on the second Monday of September, in such year. If but one is elected, he shall hold the office for six years; if two, the one having the highest number of votes shall hold for six years, and the next highest for four years; if three, two shall hold as last provided, and the

other for two years. If two have an equal number of votes, the governor, with the advice and consent of the council, shall designate who shall hold for the longer and who for the shorter term.

Sec. 3. Vacancies happening otherwise. R. S. c. 83, § 3. When no choice is effected, or a vacancy happens by death, resignation, or removal from the county, the governor, with the advice and consent of the council, shall appoint a person to fill the vacancy, who shall hold office until the first day of January after another has been chosen to fill the place.

50 Me. 609; 61 Me. 603.

Sec. 4. Mode of election. R. S. c. 83, § 4. County commissioners shall be elected on the second Monday of September, in each even-numbered year, by the written votes of electors qualified to vote for representatives. The votes shall be received, sorted, counted, and declared, as votes for representatives are; the names of the persons voted for, the number of votes for each, and the whole number of ballots received, shall be recorded by the clerk in the town records, and true copies thereof, sealed and attested as returns of votes for senators, shall be transmitted to the secretary of state within thirty days.

See c. 8, §§ 43, 46, 55; 64 Me. 592, 594.

Regular Sessions and Clerk.

Sec. 5. Regular sessions, times and places. R. S. c. 83, § 5. 1917, cc. 3, 107. 1919, c. 47. 1927, c. 54. 1929, cc. 250, 251. They shall hold annual sessions in the shire town of each county at the times following:

In the county of Androscoggin, on the first Tuesdays of April and October: Aroostook, on the first Tuesdays of January, March, May, July, September and November:

Cumberland, terms of record on the first Tuesdays of January and June, and regular sessions on the first Tuesday of each month:

78 Me. 102.

Franklin, on the last Tuesdays of April and December:

Hancock, on the second Tuesdays of April, September and December:

Kennebec, on the third Tuesdays of April, August and December:

Knox, on the first Tuesdays of April and December, and the third Tuesday of August:

Lincoln, on the second Tuesday of May, the first Tuesday of September, and the last Monday of December:

Oxford, on the third Tuesdays of May, September, and December, at Paris:

Penobscot, on the first Tuesdays of January, April, July and October:

Piscataquis, on the first Tuesdays of April, August and December:

Sagadahoc, on the first Tuesdays of March, July and November:

Somerset, on the first Tuesdays of March and August, and the second Tuesday of December:

Waldo, on the second Tuesday of April, and the third Tuesdays of August and December:

Washington, at Machias, on the first Tuesday of January and second Tuesday of October, and at Calais, on the first Tuesday of May.

York, terms of record on the first Tuesday of April and October at Alfred, and regular sessions shall be held on the first Tuesday of each month, at Saco in February, and at Alfred in all other months.

Sec. 6. Clerk of courts to be clerk of commissioners. R. S. c. 83, § 6. 1929, c. 326. The clerk of the judicial courts in each county shall be the clerk of the county commissioners; and in counties having a deputy clerk or deputy

clerks, such deputies shall each be a deputy clerk of the commissioners and in the absence of the clerk shall have the same powers and duties as those of such clerk. The clerk of the county commissioners shall be known as the county clerk, and each deputy clerk of the county commissioners shall be known as a deputy county clerk. When a clerk and his deputies are in attendance at any other court the clerk may appoint a clerk pro tempore to the commissioners for whose doings he is responsible. Such clerks shall be sworn and shall make a daily record of the doings of the county commissioners and said commissioners shall examine such records and when correct shall certify them and they shall be copied into the records of the county commissioners by the stated clerk.

67 Me. 436; 107 Me. 514; 115 Me. 154.

Powers and Duties.

Sec. 7. Quorum. R. S. c. 83, § 7. Two commissioners constitute a quorum; when only one attends, he may adjourn to a convenient time and place; when no commissioner attends, the clerk may adjourn as provided in section twenty-three of chapter ninety-one.

83 Me. 117.

Sec. 8. Incompatible offices. R. S. c. 83, § 8. No person holding the office of county commissioner shall at the same time hold either the office of mayor or assessor of a city, or of selectman or assessor of a town.

Sec. 9. Officers to execute precepts. R. S. c. 83, § 9. 1929, c. 313. Sheriffs and their deputies and constables, shall execute all legal processes directed to them by the commissioners.

Sec. 10. Duties of county commissioners. R. S. c. 83, § 10. The county commissioners shall make the county estimates and cause the taxes to be assessed; examine, allow, and settle accounts of the receipts and expenditures of the moneys of the county; represent it; have the care of its property and management of its business; by an order recorded, appoint an agent to convey its real estate; lay out, alter, or discontinue ways, and perform all other duties required by law.

See c. 27; c. 123, §§ 10, 11; 53 Me. 218; 60 Me. 363; *69 Me. 364, 375; 90 Me. 88; 116 Me. 408.

Sec. 11. Duties as to court-houses, jails, and rooms for records and papers of county officers. R. S. c. 83, § 11. They shall, in the shire town of their county, provide and keep in repair, court-houses, with a suitable room in each for the county law library; jails, with apartments for debtors separate from criminals; and fire-proof buildings of brick or stone for the safe-keeping of records and papers belonging to the offices of registers of deeds, and of probate and insolvency, and of the clerk of courts, with separate fire-proof rooms, and suitable alcoves, cases, or boxes for each office, and also any other necessary buildings. If, in the judgment of the county commissioners, public convenience so requires, they may, at the expense of the county, cause the files and records of the probate and other county courts to be rearranged, indexed, and docketed; the dockets which are worn or defaced to be renewed and the indexes to be consolidated, under the direction of their respective registers and clerks of said courts.

Sec. 12. May provide workshops, etc., for prisoners. R. S. c. 83, § 12. 1919, c. 252. They may make such additions in workshops, fences, and other suitable accommodations, in, adjoining, or appurtenant to the jails in the several counties as may be found necessary for the safe-keeping, governing, and em-

ploying of offenders committed thereto by authority of the state or the United States; and, for the better employing of such offenders, they may lease or purchase necessary lands or buildings anywhere within their respective counties and may authorize the employment on such lands for the benefit of the county or of dependent families of prisoners committed for crime, as provided in section nineteen hereof. Whenever the county commissioners shall determine that the use of such land and buildings are unnecessary for such use, they may sell and dispose of the same in the manner required by law. The county commissioners may raise by loan of their several counties, or otherwise, a total sum not exceeding five thousand dollars, to make such purchases, alterations, and improvements, and may expend so much thereof as is necessary.

Sec. 13. To provide for employment of prisoners. R. S. c. 83, § 13. They shall, at the expense of their several counties, unless county workshops are therein established, provide some suitable place, materials, and implements for the breaking of stone into suitable condition for the building and repair of highways, and shall cause all persons sentenced under the provisions of section twenty of chapter one hundred forty to labor at breaking stone. And they may, at the expense of their several counties, provide suitable materials and implements sufficient to keep at work all persons committed to either of such jails, and may from time to time establish needful rules for employing, reforming, and governing the persons so committed, for preserving such materials and implements, and for keeping and settling all accounts of the cost of procuring the same, and of all labor performed by each of the persons so committed, and may make all necessary contracts in behalf of their several counties.

See c. 152, § 44.

Sec. 14. Able-bodied male prisoners may be put to work on highways. R. S. c. 83, § 14. County commissioners may authorize the keepers of jails to put able-bodied male prisoners to work on the building or repairing of highways within their county. They shall make rules and regulations and appoint overseers and keepers needful for the direction and safe-keeping of prisoners so employed, and such overseers and keepers shall have all authority conferred by law on masters of houses of correction and shall be responsible for the safe-keeping and return to jail of all prisoners in their custody, and shall be subject to the provisions of section fifty-two of chapter ninety-four. No prisoner shall be so employed who has been exempted therefrom by the magistrate imposing sentence, or if in the judgment of a physician expressed by a certificate he is unfit for such labor. The county commissioners shall supply all prisoners with all necessary and suitable clothing of such description as will not materially distinguish them from other workmen; they shall also furnish said prisoners with the required tools and implements and may employ such other labor and purchase such other material and equipment as may be necessary to properly carry out the objects of this section, and shall keep account of all expenses incident to such employment. Section nineteen does not apply to this section and the three following sections.

Sec. 15. Application for services of prisoners. R. S. c. 83, § 15. The state highway commission and municipal officers of towns may make application for the services of prisoners as aforesaid and may enter into an agreement as to the cost and compensation to be paid to the county for such services, and the sum agreed on may be paid out of moneys appropriated for highway purposes. All such labor shall be under the general direction of the board or persons charged with the work.

Sec. 16. Voters may request employment of prisoners. R. S. c. 83, § 16. When a written petition signed by at least three per cent of the voters in any county, as determined by the number of votes cast therein for governor at the last preceding election, is presented to the county commissioners of said county requesting the employment of prisoners as above provided, said commissioners shall act thereon and shall designate the prisoners available for work under the conditions provided in section fourteen.

Sec. 17. Contracts subject to cancelation or suspension. R. S. c. 83, § 17. Any contract for the employment of prisoners, not provided for in the three preceding sections, which may be made by the county commissioners of any county, with any person, firm, or corporation, shall be made subject to the right of the said county commissioners to withdraw, cancel, or suspend said contract in whole or in part.

Sec. 18. Removal of site of county buildings; towns to vote thereon. R. S. c. 83, § 18. The county commissioners shall not remove a county building in the shire town, or erect a new one instead of it more than half a mile from the former location, without first giving notice of their intentions and of the place where they propose to locate it, to the municipal officers of each town in the county; who shall present the same to the town at its next annual meeting for choice of state or town officers, and receive, sort, and count the votes, for and against the proposal; and they and the clerks shall certify and return such votes to the clerk of said commissioners, who shall examine them and act according to the decision of a majority.

87 Me. 88.

Sec. 19. To examine jails and may authorize employment of prisoners for benefit of their families. R. S. c. 83, § 19. At the commencement of each session required by law, they shall examine the prison, take necessary precaution for the security of prisoners, for the prevention of infection and sickness and for their accommodation; they may authorize the employment for the benefit of the county, or of dependent families, of prisoners committed for crime, in some suitable manner not inconsistent with their security and the discipline of the prison, and may pay the proceeds of such labor, less a reasonable sum to be deducted therefrom for the cost of maintenance of said prisoners, to the families of such person or persons as may be dependent upon them for support.

See § 14; c. 129, § 47; c. 152, § 17.

Sec. 20. Power to obtain loans, restricted. R. S. c. 83, § 20. They may obtain loans of money for the use of their county, and cause notes or obligations; with coupons for lawful interest, to be issued for payment thereof at such times as they deem expedient; but such loans shall not exceed ten thousand dollars, without first obtaining the consent of the county, substantially as provided in section eighteen.

87 Me. 88.

Sec. 21. County commissioners of Cumberland and Kennebec may provide for temporary loan. R. S. c. 83, § 21. 1917, c. 56. 1921, c. 169. The county commissioners of Cumberland and Kennebec counties may, without obtaining the consent of their respective counties, raise, by temporary loan to be paid within one year from the time when the same is contracted, sums not exceeding one hundred seventy-five thousand dollars and fifty thousand dollars respectively, in any year for use of their respective counties, and cause notes or obligations of their respective counties with coupons for lawful interest to be issued for payment thereof as aforesaid. The county commissioners of each and every other county may under the same conditions make temporary loans not exceeding one-tenth of one per cent of the assessed valuation of their respective counties.

Sec. 22. County commissioners of Penobscot county may provide for temporary loan. R. S. c. 83, § 22. The county commissioners of Penobscot county may, without obtaining the consent of the county, raise by temporary loan, to be paid within one year from the time when the same is contracted, a sum not exceeding twenty-five thousand dollars in any year for use of said county, and cause the notes or obligations of said county, with coupons for lawful interest, to be issued for payment thereof, as aforesaid.

Sec. 23. Warrants of distress, when and how to be issued on judgments of the board. R. S. c. 83, § 23. Warrants of distress, on judgments legally rendered by the county commissioners, may be originally issued within two years after judgment, and made returnable to the clerk's office within ninety days from their date. New warrants may be issued, within two years from the return day of the last preceding warrant, for sums remaining unsatisfied. No warrant shall be originally issued against a town until twenty days after a certificate of rendition of the judgment is transmitted by their clerk to the assessors of such town. Interest on the damages shall be included and collected by such warrants as in executions.

64 Me. 331; 83 Me. 115; 93 Me. 131.

Sec. 24. Actions of debt thereon. R. S. c. 83, § 24. A party, for whose benefit a judgment is rendered by them, may recover the amount in an action of debt founded on such judgment.

37 Me. 36; 53 Me. 218.

Sec. 25. Not to be agent to expend money. R. S. c. 83, § 25. No commissioner shall be appointed to expend money assessed or raised for any purpose by the board of which he is a member.

Sec. 26. Services in condemnation cases. R. S. c. 83, § 26. For services performed by county commissioners in the assessment of damages for land or easements sought to be taken or acquired by private corporations, they shall charge three dollars a day and actual traveling expenses, and certify the same in a bill of items to the county attorney, who shall collect the sums so charged of the party seeking to exercise the right of eminent domain, and forthwith pay the same to the county treasurer. The county treasurer shall pay to said commissioners actual traveling expenses aforesaid when collected by the county attorney.

Sec. 27. Annual financial report to be published. R. S. c. 83, § 27. At the end of each year, the commissioners of each county shall make a statement of its financial condition, showing in detail, all moneys received into and paid out of its treasury, and such other facts and statistics, as may be necessary to exhibit the true state of its finances; and publish in pamphlet form, a reasonable number of copies for distribution among the citizens thereof.

County commissioners of Cumberland county authorized to appoint chaplain for jail, P. & S. L., 1907, c. 411.

County commissioners of Penobscot county authorized to maintain county farm, P. & S. L., 1913, c. 191.

County commissioners required to itemize and verify under oath, expense accounts, c. 123, § 11.