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necessary to redeem the same, into the treasury of the state, county, or town to which the tax is to be paid, and such payment seasonably made shall redeem the estate. The treasurer shall pay the amount so received by him to the person entitled thereto according to the records and documents in his office.

Sec. 155. In actions to test validity of sale of real estate for taxes, collector's or treasurer's deed, prima facie evidence; further proceedings. R. S. c. 14, § 87. In the trial of any action at law or in equity, involving the validity of any sale of real estate for non-payment of taxes, it shall be sufficient for the party claiming under it, in the 1st instance, to produce in evidence the collector's or treasurer's deed, duly executed and recorded, which shall be prima facie evidence of his title, and if the other party claims and offers evidence to show that such sale was invalid and ineffectual to convey the title, the party claiming under it shall have judgment in his favor so far as relates to said tax title, if he then produces the assessment, signed by the assessors, and their warrant to the collector, and proves that such collector or treasurer complied with the requirements of law in selling such real estate; and in all such actions involving the validity of sales made after the 26th day of April, 1895, the collector's return to the town clerk, the town clerk's record, or if lost or destroyed, said clerk's attested copy of such record, as provided in section 147, shall be prima facie evidence of all facts therein set forth.

See c. 90, § 13, re taxation in deorganized towns and plantations; 27 Me. 293; *33 Me. 82; 51 Me. 600; *57 Me. 517; *58 Me. 392, 396; 59 Me. 346; 61 Me. 208, 433; 63 Me. 311, 381; 64 Me. 452; 68 Me. 357, 395; 69 Me. 520, 521; 70 Me. 278; 71 Me. 237; *72 Me. 504; 73 Me. 383, 407; 74 Me. 25, 51; 84 Me. 379; 85 Me. 321; 89 Me. 337; 90 Me. 104.

CHAPTER 82.

PAUPER LAWS.

- Sections 1-44 Paupers, Their Settlement and Support.
Sections 45-46 Burial of Honorably Discharged Soldiers and Sailors.
Section 47 Regulation of Location of Children of Paupers for School Purposes.

Paupers, Their Settlement and Support

Sec. 1. Settlements, how acquired. R. S. c. 33, § 1. 1933, c. 203, §§ 1, 2, 3. 1935, c. 186. Settlements subjecting towns to pay for the support of persons on account of their poverty or distress are acquired as follows:

I. (1933, c. 203, § 1) A married woman has the settlement of her husband, if he has any in the state; if he has not, she shall be deemed to have no settlement in the state. A woman over 21 years of age, having no husband, shall acquire a settlement in a town by having her home therein for 5 consecutive years, without receiving supplies as a pauper. When, in a suit between towns involving the settlement of a pauper, it appears that a marriage was procured to change it by the agency or collusion of the officers of either town, or of any person having charge of such pauper under authority of either town, the settlement is not affected by such marriage. No derivative settlement is acquired or

changed by a marriage so procured, but the children of such marriage and their descendants have the settlement which they would have had if no such marriage had taken place; and the same rule applies in all controversies touching the settlement of paupers between the town by whose officers a marriage is thus procured and any other town whether the person whose marriage is thus procured is a pauper at the time of the marriage or becomes so afterwards.

4 Me. 296; 41 Me. 466, 485; 48 Me. 207; 52 Me. 219; 53 Me. 58; 56 Me. 23; 63 Me. 501; *64 Me. 85; *67 Me. 581; 68 Me. 147; *70 Me. 490; 71 Me. 538; 73 Me. 584, 586; 95 Me. 55; 97 Me. 18; 105 Me. 244; 133 Me. 345; 134 Me. 261.

II. (1933, c. 203, § 2) (1935, c. 186) Legitimate children have the settlement of their father, if he has any in the state; if he has not, they shall be deemed to have no settlement in the state. Children shall not have the settlement of their father acquired after they become of age and have capacity to acquire one. Minor children of parents divorced after July 12, 1929, if given into the custody of either parent by the decree of divorce, shall follow the settlement of the parent to whom custody is given; if custody is not given, such children shall follow the settlement of their father, unless emancipated.

2 Me. 197; 3 Me. 390; 4 Me. 50, 295; 7 Me. 90, 272; *10 Me. 412; 11 Me. 456; 18 Me. 378; 19 Me. 446; 24 Me. 282; 32 Me. 62; 35 Me. 412; 36 Me. 392; 41 Me. 551; 48 Me. 566; *55 Me. 56, 471; 58 Me. 355; 60 Me. 117; *66 Me. 83; 70 Me. 353, *490; 72 Me. 511; *73 Me. 110; 74 Me. 46; 75 Me. 210; *85 Me. 135; 86 Me. 309; 88 Me. 251, 401; *89 Me. 44, 532; 95 Me. 57; 104 Me. 260; 106 Me. 244; 107 Me. 175; *111 Me. 373; *117 Me. 134; 122 Me. 269, *303; 126 Me. 433; 132 Me. 342; 133 Me. 213; 134 Me. 73, 261, 295; 135 Me. 420; 136 Me. 426; 139 Me. 8.

III. (1933, c. 203, § 3) Children, legitimate or illegitimate, do not acquire a settlement by birth in the town where they are born. Illegitimate children have the settlement of their mother, but when the parents of such children born after March 24, 1864, intermarry, they are deemed legitimate and have the settlement of the father.

7 Me. 272; 10 Me. 412; 11 Me. 457; 35 Me. 412; 55 Me. 471; 60 Me. 117; 75 Me. 210; 88 Me. 251, 401; 89 Me. 532; 104 Me. 260; 118 Me. 293; 126 Me. 433.

IV. Upon division of a town, a person having a settlement therein and being absent at the time has his settlement in that town which includes his last dwelling-place in the town divided. When part of a town is set off and annexed to another, the settlement of a person absent at the time of such annexation is not affected thereby. When a new town, composed in part of one or more existing towns, is incorporated, persons settled in such existing town or towns, or who have begun to acquire a settlement therein and whose homes were in such new town at the time of its incorporation have the same rights incipient and absolute respecting settlement, as they would have had in the town where their homes formerly were.

See note by Kent, J., 51 Me. 446; *1 Me. 131; 13 Me. 301; 19 Me. 390; 20 Me. 343; *21 Me. 337; 23 Me. 474; 31 Me. 468; *35 Me. 187; 37 Me. 41; *38 Me. 476; *39 Me. 369; 42 Me. 314, *548; 43 Me. 317; 44 Me. 359; 47 Me. 131; 49 Me. 553; 51 Me. 446, 448; 53 Me. 524; *54 Me. 254; 56 Me. 321; 60 Me. 572; 69 Me. 317; 71 Me. 456; 89 Me. 531; 111 Me. 373; 139 Me. 8.

V. A minor who serves as an apprentice in a town for 4 years, and within 1 year thereafter sets up such trade therein, being then of age, has a settlement therein.

10 Me. 358.

VI. A person of age, having his home in a town for 5 successive years without receiving supplies as a pauper, directly or indirectly, has a settlement therein.

See c. 23, § 139; 10 Me. 98; 13 Me. 327; 15 Me. 481; *17 Me. 122; 18 Me. 94, 417; *21 Me. 361; 23 Me. 411; 24 Me. 114; 34 Me. 314; 39 Me. 334; 47 Me. *100, 183; 48 Me. 335, 566; 49 Me. 106; *50 Me. 478; *51 Me. 541; 52 Me. 219; 53 Me. 129, 445; *55 Me. 56, 95; *58 Me. 210; 59 Me. 558; *61 Me. 560; 62 Me. 232; 64 Me. *84, 415; 68 Me. 304, 581; 69 Me. 69, 507; *70 Me. 443; *72 Me. 256; 73 Me. *109, 111, 231; 74 Me. 155, *237; *85 Me. 135; 87 Me. 41; 89 Me. 531; 95 Me. 56; 97 Me. 31; 98 Me. 495; 105 Me. 155; 106 Me. 245, 397; 111 Me. 373; 117 Me. 134; 132 Me. 182, 285, 342; 133 Me. 345; 134 Me. 73, 295; 136 Me. 220, 426, 511.

VII. A person having his home in an unincorporated place for 5 years without receiving supplies as a pauper, and having continued his home there until the time of its incorporation, acquires a settlement therein. Those having homes in such places for less than 5 years before incorporation, and continuing to have them there afterwards, until 5 years are completed, acquire settlements therein.

11 Me. 457; 21 Me. 61, *269; 30 Me. 453; 33 Me. 580; 55 Me. 119; 66 Me. 572; 89 Me. 531; 111 Me. 373.

Sec. 2. Pauper supplies, how constituted. R. S. c. 33, § 2. To constitute pauper supplies, they must be applied for in case of adult persons of sound mind, by such persons themselves, or by some person by them duly authorized; or such supplies must be received by such persons, or by some person authorized by them, with a full knowledge that they are such supplies; and all care, whether medical or otherwise, furnished to said persons is subject to the same rule.

64 Me. 246; 67 Me. 492; 68 Me. 369; 69 Me. 226; 70 Me. 116; 75 Me. 128; 78 Me. 423; 97 Me. 32; 105 Me. 139; 133 Me. 345; 134 Me. 73.

Sec. 3. Settlements; how retained; how lost. R. S. c. 33, § 3. 1931, c. 124. 1933, c. 228. 1937, c. 113. 1939, c. 45. Settlements acquired under existing laws remain until new ones are acquired or until lost under the provisions of this section. Former settlements are defeated by the acquisition of new ones. Whenever a person of capacity to acquire a settlement, having a pauper settlement in a town, has lived or shall live for 5 consecutive years in any unincorporated place or places in the state, or 5 consecutive years outside of the town in which he has a settlement after August 1, 1926, without receiving pauper supplies from any source within the state, he and those who derive their settlement from him lose their settlement in such town, and whenever a person of capacity to acquire a settlement having a pauper settlement in any town in the state shall after April 29, 1893 also live for 5 consecutive years beyond the limits of the state without receiving pauper supplies from any source within the state, he and those who derive their settlement from him shall lose their settlement in such town. The state shall be deemed to be liable for support of such persons. The settlement status of a person in the military or naval service of the United States or of a person who is an inmate of any asylum, penitentiary, jail, reformatory, or other state institution shall not change during such period of service, confinement, or imprisonment, but his settlement shall remain as it was at the time of the beginning of such service, confinement, or imprisonment.

55 Me. 119; 58 Me. 355; 71 Me. 456; 77 Me. 594; 85 Me. 127; 96 Me. 502; 99 Me. 20; 106 Me. 246; 107 Me. 176; 111 Me. 371; 132 Me. 285, 342.

Sec. 4. Towns relieving persons, who lose settlement under section 3, reimbursed by state. R. S. c. 33, § 4. 1937, c. 203. Whenever a person having a pauper settlement in a town loses such settlement by virtue of the provisions of section 3, relief shall be furnished, and towns furnishing such relief shall be reimbursed by the state as provided in section 21, in case of paupers having no legal settlement in the state. In case the existing derivative settlement of a person

cannot be determined, after a diligent effort and search by the municipality furnishing pauper supplies to said person, then said person shall be deemed to have no settlement in the state, and the state shall be liable for the support of said person; provided, however, that said derivative settlement which cannot be determined shall involve a period of more than 20 years or the 3rd generation and that the commissioner of health and welfare and the attorney-general shall first be satisfied that the municipality furnishing the relief has made a diligent effort and search to establish the true legal settlement of said person.

106 Me. 242.

Sec. 5. Towns must notify state when state paupers are assisted. 1933, c. 223. 1941, c. 71. When relief is provided for paupers and other dependent persons having no settlement within the state under the provisions of this chapter or any other provisions of law, the overseers of the poor of the city, town, or plantation wherein such relief is provided shall give written notice within 90 days to the department of health and welfare upon such blanks as may be prescribed by the commissioner; and the state shall reimburse such city, town, or plantation for the relief furnished to such an amount as the commissioner adjudges to have been necessarily expended therefor; provided, however, that in no case shall the state reimburse such city, town, or plantation for any expense incurred in such case more than 90 days prior to the date of the receipt of the aforesaid notice by the said department unless it shall be proved to the satisfaction of the department that the said overseers were unable to determine the status of the paupers or other dependent persons until within 60 days of the date of the filing of their written notice. All claims for reimbursement in such cases shall be made up to and including the last day of each month of the year, covering all bills for assistance furnished during that month, and filed with the department of health and welfare within a reasonable time thereafter.

Sec. 6. Inmates of Veterans' Administration Facility at Togus. R. S. c. 33, § 5. Inmates of the Veterans' Administration Facility at Togus, in the county of Kennebec, and persons subject to the rules and regulations thereof, or receiving rations therefrom, have their settlement in the respective towns in which they had a legal settlement when their connection with said Veterans' Administration Facility commenced, so long as such connection continues therewith.

95 Me. 56.

Sec. 7. Towns relieving former inmates, to be reimbursed by state. R. S. c. 33, § 6. 1931, c. 216, Art. III, § 2. If a town furnishes relief to any such person mentioned in section 6, who becomes a pauper after his connection with said Veterans' Administration Facility has ceased, having no legal settlement in the state, or to his family, the state shall reimburse such town for the relief furnished, to such an amount as the department of health and welfare adjudges to have been necessarily expended therefor.

Sec. 8. Children's home at Bath. R. S. c. 33, § 7. No child acquires a pauper settlement in the city of Bath by reason of being an inmate of the State Military and Naval Children's Home.

Sec. 9. Acquiring pauper settlement limited. 1941, c. 253, § 1. During the period that a person is supported in whole or in part by old age assistance or aid to the blind, he and those who derive their settlement from him shall not acquire or lose a pauper settlement, nor be in the process of acquiring or losing a pauper settlement. Upon the termination of such old age assistance or aid to the blind, he shall again have the capacity to start to acquire or lose a pauper settlement,

but until such time as he has acquired a new settlement or lost his old settlement, he and those who derive their settlement from him shall hold the settlement he had at the time of the receipt of such old age assistance or aid to the blind.

Sec. 10. Soldiers, sailors, and marines in the war of 1861, the war with Spain, and World Wars I and II, who received honorable discharge, not to be considered paupers; families to be supported in place other than poorhouse; penalty. R. S. c. 33, § 8. 1943, c. 124, § 1. No soldier, sailor, or marine who served in the army, navy, or marine corps of the United States, in the war of 1861 or in the war with Spain, and no male or female veteran who served in World Wars I or II, and who has received an honorable discharge from said service, and who has or may become dependent upon any town shall be considered a pauper, or be subject to disfranchisement for that cause; but the time during which said soldier, sailor, or marine is so dependent shall not be included in the period of residence necessary to change his settlement; and overseers of the poor shall not have authority to remove to or support in the poorhouse any such dependent soldier, sailor, or marine, or his family. The word "family" here used shall be held to include the soldier, sailor, or marine, his wife, his unmarried minor children living with him and dependent upon him for support, and such other unmarried children of his dependent upon him for support who by reason of mental incapacity or physical disability are unable to provide for themselves; but the town of his settlement shall support them at his own home in the town of his settlement or residence, or in such suitable place other than the poorhouse as the overseers of the town of his settlement may deem right and proper. The words "soldier, sailor, or marine" here used shall be held to include male and female veterans. In case of violation of the provisions of this section the overseers of the poor shall be subject to a fine of \$25; and for every day they allow them to remain in such poorhouse, after reasonable notice, they shall be subject to a further fine of \$5 a day, to be recovered by complaint or indictment. This section shall not be so construed as to deprive overseers of the poor of any right to remove and support such dependent soldier, sailor, or marine, and his family in the town of his settlement as provided by law.

See § 34.

Sec. 11. Towns to relieve poor. R. S. c. 33, § 9. Towns shall relieve persons having a settlement therein when, on account of poverty, they need relief. They may raise money therefor as for other town charges; and may at their annual meeting choose not exceeding 7 legal voters therein to be overseers of the poor.

See c. 22, § 52, re antitoxin, etc.; c. 80, § 12, re overseers of poor; c. 80, § 90, re authority to raise money; *83 Me. 221; 91 Me. 21; *105 Me. 138.

Sec. 12. Overseers' duties. R. S. c. 33, § 10. 1933, c. 23. 1941, c. 132. Overseers shall have the care of all paupers or persons dependent upon the town for their support residing in their town, and cause them to be relieved and employed at the expense of the town, and the town may direct their employment, whether said pauper or other dependent person has a settlement in their town or not. Nothing contained herein, however, shall in any way diminish the liability of the town of settlement or of the state with respect to the reimbursement to the town of residence for supplies furnished to such pauper or dependent person. Overseers of the poor and all other officers having charge of the administration of pauper funds shall keep full and accurate records of the paupers fully supported, the persons relieved and partially supported, and the travelers and vagrants lodged at the expense of their respective towns, together with the

amount paid by them for such support and relief, and shall annually make return of the number of such persons supported and relieved, with the cost, to the department of health and welfare.

See §§ 18, 40; c. 22, § 242, re minors not to be placed in almshouses; c. 22, § 319, re Indians; *64 Me. 415; *70 Me. 115; 93 Me. 184; 115 Me. 525; 133 Me. 213; 136 Me. 426

Sec. 13. Employers to furnish overseers of poor with record of wages paid; penalty. 1933, c. 65, §§ 1, 2. Overseers of the poor of any municipality in this state may furnish any employer of labor, employing regularly five or more workmen, with a list containing the names of any persons receiving or applying for aid in such municipality, and request that such employer furnish them with a statement of the earnings of the persons named on such list, in their employ, paid within 1 month immediately preceding the date on which said list was furnished. Such employer shall, within 10 days of the receipt of such list, furnish the overseers of the poor with a statement of the wages paid within 1 month immediately preceding the receipt of such list to all employees named therein. Any person, firm, or corporation violating the provisions of this section shall be punished by a fine of not more than \$15 for each offense.

Sec. 14. Duties may be delegated. 1941, c. 195. Overseers may authorize some person whom they shall designate to perform such of the duties imposed upon them by the provisions of this chapter as they may determine; provided, however, that in cities and towns having a population of 10,000 or more the said overseers may designate more than 1 person to perform such duties. Before entering upon the performance of said duties, the person or persons so designated shall be sworn, and shall give bond to the town for the faithful performance thereof, in such sum and with such sureties as the overseers order.

See § 40.

Sec. 15. Auction prohibited; towns may contract for support. R. S. c. 33, § 11. Persons chargeable shall not be set up and bid off at auction either for support or service; but towns at their annual meetings, under a warrant for the purpose, may contract for the support of their poor for a term not exceeding 5 years.

Sec. 16. Town, or 2 or more towns may unite in maintaining home of poor and infirm; may acquire land, buildings, and equipment by purchase, lease, or otherwise. R. S. c. 33, § 12. A town, or two or more towns, by vote thereof, at an annual or special town meeting called for that purpose by an appropriate article in the warrant, may authorize the acquisition by purchase, lease, or otherwise of land and buildings together with household furniture, farming tools, implements, and equipment, and live stock, for the purpose of suitably, efficiently, and humanely caring for the poor and infirm within their respective territorial limits, upon such terms as may be agreed upon by vote of the towns, or by contract of the municipal officers thereof after the votes of the towns have authorized such purchase or maintenance. Existing homes used for such dependents may be used as homes for dependents in towns making such union, when they so agree.

Sec. 17. Paupers may be removed to union farm. R. S. c. 33, § 13. In cases where such union town farms described in section 16 are maintained, the rights of any town composing a part of such union to remove its paupers to the union town farm shall be the same whether said farm is located in the limits of said

town or within the limits of some other town which has united for such purpose with said town.

Sec. 18. Joint board of overseers. R. S. c. 33, § 14. The overseers of the poor of the towns composing such a union described in section 16 shall constitute a joint board of overseers, with the same authority over such union town farm and the inmates thereof as the overseers of the poor of a single town have over the separate farm and its inmates of such town. The joint board may choose a chairman and a secretary, but in case they fail to do so, the chairman of the board of overseers of the poor of the oldest town of such union shall act as chairman, and the chairman of the same board of the next oldest town shall act as secretary. They may at a full meeting establish rules for the management of such farm, appoint a superintendent, prescribe his powers and duties, and cause all the paupers of such towns to be supported there. They may receive and support there paupers of other towns. Towns may raise money for the purposes named in this and the 2 preceding sections.

See § 12.

Sec. 19. Union of towns for the employment of social welfare workers. 1935, c. 125. Two or more adjoining towns may unite in employing the same social worker whose duty shall be to assist the overseers of the poor of such towns in the administration of poor relief. Towns desiring to take advantage of the provisions of this section are empowered to appropriate or raise money for the foregoing purpose at an annual town meeting. The state shall contribute not exceeding \$200 per year on account of the salary of any such social welfare worker whose qualifications meet the requirements of the department of health and welfare, and said amount shall be paid from the appropriation for support of state paupers and other dependent persons having no settlement within the state.

Sec. 20. Kindred liable for support of kindred; procedure. R. S. c. 33, §§ 15, 16, 17, 18, 19. The father, mother, grandfather, grandmother, children, and grandchildren, by consanguinity, living within the state and of sufficient ability, shall support persons chargeable, in proportion to their respective ability. A town or any kindred of a pauper having incurred expense for the relief of such pauper may complain to the superior court in the county where any of the kindred reside; and the court may cause such kindred to be summoned, and upon hearing or default may assess and apportion a reasonable sum upon such as are found to be of sufficient ability for the support of such pauper to the time of such assessment; and may enforce payment thereof by warrant of distress. Such assessment shall not be made to pay any expense for relief afforded more than 6 months before the complaint was filed. Such complaint may be filed with the clerk of the court who shall issue a summons thereon, returnable and to be served as writs of summons are; and on suggestion of either party that there are other kindred of ability not named, the complaint may be amended by inserting their names, and they may be summoned in like manner, and be proceeded against as if originally named. The court may assess and apportion upon such kindred a sum sufficient for the future support of such pauper, to be paid quarterly, until further order; and may direct with whom of such kindred consenting thereto and for what time he may dwell, having regard to his comfort and their convenience. On application of the town or person to whom payment was ordered, the clerk may issue or renew a warrant of distress returnable to the next term of

the court to collect what may be due for any preceding quarter. The court may, from time to time, make any further order on complaint of a party interested, and after notice given, alter such assessment or apportionment. On failure to sustain a complaint, the respondents recover costs.

See § 45; c. 22, § 271; c. 23, § 139; c. 153, § 22; c. 83, § 14; c. 99, §§ 17, 18; 5 Me. 325; 23 Me. 420; *45 Me. 370; 51 Me. 415; *53 Me. 61; 64 Me. 202, 203; 66 Me. 539; 79 Me. 44; *85 Me. 282; 98 Me. 536; 136 Me. 1.

Sec. 21. Relief of paupers in unincorporated places; state paupers. R. S. c. 33, § 22. 1931, c. 216, Art. III, § 2. Persons found in places not incorporated and needing relief are under the care of the overseers of the oldest incorporated adjoining town, or the nearest incorporated town where there are none adjoining, who shall furnish relief to such persons as if they were found in such towns. When relief is so provided, the towns so furnishing it have the same remedies against the towns of their settlement as if they resided in the town so furnishing relief. When such paupers have no legal settlement in the state, the state shall reimburse said town for the relief furnished, to such an amount as the department of health and welfare adjudges to have been necessarily expended therefor; and the reasonable expenses and services of said overseers relative to such paupers shall be included in the amount to be so reimbursed by the state. The department of health and welfare may, in its discretion, make such other arrangements as it may deem advisable for the care and support of paupers and other dependent persons having no settlement within the state. It may acquire property adjoining any state institution and erect suitable houses thereon, or may erect such houses on land owned by the state, for the occupancy of such persons, and may order such persons placed therein and cared for and employed in or at such institution or elsewhere under the direction of the superintendent of any such institution, and the expense of acquiring such property or erecting such houses shall be paid from the appropriation for support of paupers and other dependent persons having no settlement within the state. Whenever such persons are so employed elsewhere than in or at such institution, said superintendent shall contract for the payment of wages for such employment which shall be collected by him, paid into the state treasury, and credited to said appropriation for support of paupers and other dependent persons having no settlement within the state and used, under the direction of the department of health and welfare, for the support of the families of such persons.

See §§ 4, 24; c. 22, § 15, re certain appropriations not to lapse; c. 22, § 53, re medical supplies to indigent non-residents; 133 Me. 213.

Sec. 22. Towns relieving persons removing from unincorporated place, to be reimbursed by state. R. S. c. 33, § 23. When persons, residing in an unincorporated place and having no pauper settlement in the state, remove from such place to any town and there need relief and the same is furnished to them by such town, the state shall reimburse said town for such relief so furnished, in the same manner and under the same restrictions as to the amount reimbursed, as provided in the preceding section.

Sec. 23. On request of relieving town, department of health and welfare may permit removal; removed paupers gain no residence; if state is liable, pauper may be removed to a state institution; expenses. R. S. c. 33, § 24. 1931, c. 216, Art. III, § 2. Whenever towns that are compelled to care for and furnish relief to state paupers in unincorporated places, for reasons of economy, desire to remove the same into their own town, their overseers of the poor may make a written request, stating their reasons to the department of health and welfare,

which shall examine the same, and if in its judgment such state paupers would thereby be supported with less expense to the state, may permit in writing such transfer to be made. Whenever state paupers are thus transferred and maintained in a town for such purposes, they do not become paupers of such town by reason of residence therein while so maintained. Whenever any person for whose support the state is liable shall be in need of immediate relief, the department of health and welfare may order such person to be removed to any town within the state or placed in the care of any state institution without formal commitment, and such orders shall be carried out by the overseers of the poor of the town required by law to provide relief for such person, or by any official designated by the department of health and welfare. The expenses of such removal shall be paid by the state from the appropriation for support of paupers; provided that no such person or pauper shall be removed into any town, other than a town required by law to provide relief for such person or pauper, without the consent of the overseers of the poor of the town into which it is proposed to move said person or pauper.

See § 31.

Sec. 24. State to reimburse for relief furnished persons having no legal settlement. R. S. c. 33, § 25. 1931, c. 216, Art. III, § 2. Whenever persons who have no legal settlement within the state, and needing immediate relief, are found in any town or in unincorporated places and are brought into an adjoining town obliged by law to care for and furnish relief to such persons, and relief is so furnished, the state shall reimburse said town for such relief so furnished in the same manner and under the same restrictions as provided in section 21 although the overseers of the poor of said town have no permit in writing from the department of health and welfare to remove the same into their town.

99 Me. 20; 106 Me. 398; 139 Me. 35.

Sec. 25. Certain larger plantations to maintain their paupers. R. S. c. 33, § 26. Plantations having a population of 200 or more and a valuation of at least \$100,000 shall hereafter support the paupers therein, in the same manner that towns now do, and the expenses therefor shall not be chargeable to the state.

Sec. 26. Persons needing relief in certain plantations, under care of assessors; state paupers not affected. R. S. c. 33, § 27. Persons found in plantations having a population of more than 200, to be determined by the returns of the county commissioners, as provided by section 1 of chapter 89, and a state valuation of \$40,000, and needing relief are under the care of the assessors of such plantations; and the duties and powers of such assessors relative to such persons are the same in every respect as overseers of the poor in towns have in like cases; and such plantations shall assess and raise all moneys necessary to defray the expense incurred in the care of such persons; and plantations so furnishing relief have the same remedies against the towns of their settlement that towns have in like cases; but this section does not extend to, or affect the laws concerning so-called state paupers or paupers' settlements.

*90 Me. 514.

Sec. 27. Individuals may relieve the sick in unincorporated places, and bury the dead. R. S. c. 33, § 28. A person residing in a place not incorporated may provide relief and medical aid for any other sick, wounded, or injured resident, and in case of his death may cause him to be buried, and may recover the amount necessarily expended of the town where such person had a settlement if, within 60 days thereafter, he has delivered into a post-office postage paid, a written

notice signed by him informing the overseers of such town of the name of the person relieved, the nature of his sickness or injury, if known, and the amount expended. Towns paying such expenses or costs may recover the amount, with interest, of the person relieved, or of any one liable for his support.

See § 31; 65 Me. 598.

Sec. 28. Overseers to relieve persons having settlement in other towns; actions between towns. R. S. c. 33, §§ 29, 30. 1931, c. 225, § 27. 1937, c. 158. 1941, c. 134. 1943, c. 80. Overseers shall relieve persons destitute, found in their towns and having no settlement therein, and in case of death, decently bury them or dispose of their bodies according to the provisions of section 12 of chapter 61; the expenses whereof and of their removal incurred within 3 months before notice given to the town chargeable may be recovered of the town liable, by the town incurring them, in an action commenced within 2 years after the cause of action accrued, and not otherwise; and may be recovered of their kindred in the manner provided in this chapter.

When relief is given to a person having a settlement in another municipality and no legal notice of such aid has been sent to the municipality of settlement within 6 months from the time that expense has been incurred, the continuity of acquiring a settlement in the municipality furnishing such aid or relief shall not be interrupted thereby.

Notice as hereinbefore provided shall be deemed sufficient if the said notice is sent to the municipality of apparent settlement as indicated by written evidence of settlement submitted by the applicant for relief.

In all actions between towns in which the determination of the pauper settlement of a person or persons is involved, it shall be the duty of the clerk of the court wherein such action is pending to notify the state department of health and welfare in writing of the pendency of such suit within 10 days from the date of entry of the suit. Such notice shall contain the names of the parties to the suit and the names and addresses of the persons whose pauper settlement is involved. In the event of a notice for trial at the return term the aforesaid notice shall be forwarded as soon as is possible after the entry of the action. The state of Maine shall have the right to enter its appearance on the docket of the court in which such action is pending as a party defendant to plead and introduce evidence in the trial of the cause on material issues involving pauper settlement. A recovery in such an action against a town estops it from disputing the settlement of the pauper with the town recovering, in any future action brought for the support of the same pauper.

See §§ 31, 39; c. 22, § 53, re medical supplies to indigent non-residents; c. 22, § 334, re relief to persons found destitute upon tribal reservation; c. 22, § 335, re relief of members of tribe found destitute beyond tribal reservations; c. 22, § 363, re reimbursement to towns; 3 Me. 454; 15 Me. 365; *16 Me. 385; 26 Me. 463; 27 Me. 493; 28 Me. 296; 29 Me. 316; 33 Me. 181, 354, 453; 38 Me. 476; 40 Me. 288; 41 Me. 484; 42 Me. 568; 43 Me. 318; 46 Me. 560; 48 Me. 356, *420; *49 Me. 385, 554; *50 Me. 518; 51 Me. 603; 53 Me. 42, 130, 445; 55 Me. 119; 62 Me. 247; 64 Me. 415; *67 Me. 533; *71 Me. 576; 83 Me. 78; 85 Me. 282; 93 Me. 184; 102 Me. 38; 103 Me. 502; *110 Me. 394; *116 Me. 423; 123 Me. 82; 132 Me. 285; 133 Me. 210, 216; 134 Me. 295; 136 Me. 420, 511.

Sec. 29. Overseers' notice and request to town liable; relief may be refused in certain cases. R. S. c. 33, § 31. 1939, c. 40. Overseers shall send a written notice, signed by one or more of them, stating the facts respecting a person chargeable in their town, to the overseers of the town where his settlement is alleged to be, requesting them to remove him, which they may do by a written order directed to a person named therein, who is authorized to execute it. If

such pauper, so ordered to be removed, shall refuse to obey such order and to return to the town of his settlement, then the overseers of the town wherein said pauper is found may refuse to furnish him relief.

See § 39; c. 83, § 12; 1 Me. 229, 331; 3 Me. 198; 4 Me. 478; 15 Me. 172; 21 Me. 303, 445; *26 Me. 66; 31 Me. 126; 41 Me. 600; 45 Me. 408; 46 Me. 460, 560; 48 Me. 356, *420; 53 Me. 38, 42; 56 Me. 12; 59 Me. 295; *62 Me. 233; *63 Me. 580, 583; *72 Me. 204; 76 Me. 130; 98 Me. 140; 101 Me. 263; 104 Me. 256; *126 Me. 429; 133 Me. 213; 135 Me. 430.

Sec. 30. Answer to be returned within 2 months. R. S. c. 33, § 32. 1939, c. 160. Overseers receiving such notice referred to in the preceding section shall within 2 months, if the pauper is not removed, return a written answer signed by one or more of them, stating their objections to his removal; and if they fail to do so, the overseers of the town of residence may cause him to be removed to the town of settlement by a written order directed to a person named therein, who is authorized to execute it; and the overseers of the town to which he is sent shall receive him and provide for his support; and their town is stopped to deny his settlement therein, in an action brought to recover for the expenses incurred for his previous support and for his removal.

See § 39; 3 Me. 454; *4 Me. 302; 5 Me. 34; *30 Me. 213; 48 Me. 422; 53 Me. 43; 63 Me. 582; 72 Me. 204; 75 Me. 209; 104 Me. 256; 133 Me. 213; 134 Me. 295.

Sec. 31. Notice and answer by mail sufficient. R. S. c. 33, § 33. When a written notice or answer provided for in this chapter is sent by mail, postage paid, and it arrives at the post-office where the overseers to whom it is directed reside, it is sufficient.

See § 39; 21 Me. 303, 445; 48 Me. 422.

Sec. 32. Overseers' complaint if pauper refuses to be removed to town of settlement; proceedings; person executing order of magistrate has same power as sheriff in executing criminal warrants; fees and costs. R. S. c. 33, § 34. 1933, c. 118, § 1. 1939, c. 82. When the removal of a pauper to the town of his alleged settlement is sought, under the provisions of section 29 or section 30, and the person to whom the order of the overseers is directed requests him to go with him in obedience thereto, and he refuses to go or resists the service of such order, the person to whom it is directed may make complaint in writing, by him signed, of the facts aforesaid, to any judge of a municipal court or trial justice within the county where said pauper is then domiciled. Said magistrate shall thereupon, by proper order or process, cause said pauper to be brought forthwith before him by any officer to whom the same is directed to answer said complaint and show cause why he should not be so removed. The complaint may be amended at any time before judgment thereon according to the facts. The complainant and the pauper shall both be heard, and if upon such hearing the magistrate finds that the town to which it is proposed to remove such pauper is liable for his maintenance and support, he shall issue his order, under his hand and seal, commanding the person to whom it is directed to take said pauper and transport him to the town aforesaid, and deliver him to the custody of the overseers of the poor thereof. In such a hearing the written order of the overseers of the poor of the town of settlement requesting the removal of the pauper shall be accepted by the magistrate as prima facie evidence that the settlement of the pauper is in the town requesting the removal and thereupon the burden of proof shall be upon the pauper to deny said settlement. The person to whom said last named order is directed shall have all the authority to execute the same, according to the precept thereof, that the sheriff or his deputy has in executing warrants in criminal proceedings. In the foregoing proceedings, the fees and costs shall be

the same as for like services in criminal cases, and shall be paid by the town of settlement.

See § 39; 76 Me. 130.

Sec. 33. Persons removed, returning, may be sent to house of correction. R. S. c. 33, § 35. A person removed, as provided in this chapter, to the place of his settlement, who voluntarily returns to the town from which he was removed, without the consent of the overseers, may be sent to the house of correction or jail as a vagabond.

See § 39.

Sec. 34. Foreign paupers may be removed; exception of families of volunteers. R. S. c. 33, § 36. 1933, c. 118, § 1. On complaint of overseers, that a pauper chargeable to their town has no settlement in this state, any judge of a municipal court or trial justice may, by his warrant directed to a person named therein, cause such pauper to be conveyed, at the expense of such town, beyond the limits of the state to the place where he belongs; but this section does not apply to the families of volunteers enlisted in the state, who may have been mustered into the service of the United States.

See § 39.

Sec. 35. Towns liable to individuals relieving. R. S. c. 33, § 37. Towns shall pay expenses necessarily incurred for the relief of paupers by an inhabitant not liable for their support, after notice and request to the overseers, until provision is made for them.

20 Me. 445; 36 Me. 378; 37 Me. 10; 48 Me. 561; 49 Me. 33; 53 Me. 61; *63 Me. 492; 65 Me. 597; 67 Me. 552; 70 Me. 501; 84 Me. 418; 93 Me. 71; 97 Me. 240; 111 Me. 59; 112 Me. 274.

Sec. 36. Overseers to complain of intemperate paupers. R. S. c. 33, § 38. 1933, c. 118, § 1. When a person in their town, notoriously subject to habits of intemperance, is in need of relief, the overseers shall make complaint to a judge of a municipal court or trial justice in the county, who shall issue a warrant and cause such person to be brought before him, and upon hearing and proof of such habits, he shall order him to be committed to the house of correction, to be there supported by the town where he has a settlement, and if there is no such town, at the expense of the county, until discharged by the overseers of the town in which the house of correction is situated, or by 2 justices of the peace.

See c. 83, §§ 1-15, re workhouses and houses of correction; 11 Me. 212; 51 Me. 460.

Sec. 37. Towns may recover of paupers. R. S. c. 33, § 39. 1939, c. 161. 1941, c. 231. A town which has incurred expense for the support of a pauper or his wife, whether he has a settlement in that town or not, may recover the full amount expended for the support of either or both, from either the pauper or his wife, their executors or administrators, in an action of assumpsit. If such pauper has no settlement within the state and the town is reimbursed by the state for the expense incurred for the support of such pauper, the state may recover it in the manner hereinbefore provided.

4 Me. 262; *22 Me. 448; 41 Me. 600; 66 Me. 62; *78 Me. 217; 94 Me. 474; 132 Me. 302; 133 Me. 213.

Sec. 38. Overseers to take possession of property of paupers deceased. R. S. c. 33, § 40. Upon the death of a pauper then chargeable, the overseers may take into their custody all his personal property, and if no administration on his estate is taken within 30 days, they may sell so much thereof as is necessary to repay

the expenses incurred. They have the same remedy to recover any property of such pauper, not delivered to them, as his administrator would have.

8 Me. 318; 115 Me. 525.

Sec. 39. Support of paupers. 1937, c. 191, § 1. No pauper or other dependent person shall be assisted or supported by a city or town other than the city or town in which he is actually living or in which he is personally present, without the consent in writing of the overseers of the poor of such city or town, but any city or town assisting or supporting a pauper or other dependent person having a settlement in another city or town shall be reimbursed by the city or town in which he has a settlement, for the reasonable and necessary cost of such assistance or support, if notice is given as provided by section 29, and in absence of the consent herein provided said city or town wherein the pauper or other dependent person is actually living or in which he is personally present shall have the right to require his removal as provided in sections 29 to 34, inclusive.

Sec. 40. May prosecute and defend. R. S. c. 33, § 41. For all purposes provided for in this chapter, its overseers, or any person appointed by them in writing, may prosecute and defend a town.

Sec. 41. Plantations may raise money. R. S. c. 33, § 42. Any plantation, at a legal meeting called for the purpose, may raise and expend money for the support of the poor, to be applied by its assessors.

7 Me. 125, 133; 61 Me. 449.

Sec. 42. Penalty for bringing paupers into a town. R. S. c. 33, § 43. Whoever brings into and leaves in a town any poor, indigent, or insane person, having no visible means of support and having no settlement in such town, or hires or procures such person to be so brought, or aids or abets in so doing, knowing such person to be poor, indigent, or insane as aforesaid, with intent to charge such town in this state with the support of such person, shall be punished by a fine of not more than \$300, or by imprisonment for not more than 11 months; and shall be further liable to any town or to the state for such sums of money as are expended by such town or by the state for the support and maintenance of such person, which may be recovered in an action on the case.

See §§ 45, 46, re burial of honorably discharged soldiers and sailors; c. 2, § 1, re aliens admitted or committed to public institutions, records to be furnished U. S. immigration officer; c. 22, § 17, re charitable and benevolent institutions to submit itemized bills; c. 22, § 240, re aid furnished to neglected children does not make them paupers; c. 22, § 285, re aid furnished to the blind does not make them paupers; c. 22, § 300, re aid furnished to dependents of soldiers and sailors does not make them paupers; c. 23, § 152, re idiotic and feeble-minded state paupers; c. 83, § 12, re duties of overseers of poor as to notice in case of paupers committed to house of correction.

Sec. 43. Penalty for false representations to overseers. 1933, c. 119. Whoever knowingly and wilfully makes any false written representations to the overseers of the poor of any town or city or their agents, or to the department of health and welfare or its agents for the purpose of causing himself or any other person to be supported in whole or in part by a town or city or by the state shall be punished by a fine of not more than \$300, or by imprisonment for not more than 11 months.

Sec. 44. Banks, etc., to furnish information. 1933, c. 119. A treasurer of any bank, trust company, benefit association, insurance company, safe deposit company, or any corporation or association receiving deposits of money, except national banks, shall, on request in writing signed by a member of the board of

overseers of the poor of any town or city or its agents, or by the commissioner of health and welfare or his agents, inform such board of overseers of the poor or the department of health and welfare of the amount deposited in the corporation or association to the credit of the person named in such request, who is a charge upon such town or city or the state, or who has applied for support to such town or city or the state. Whoever wilfully renders false information in reply to such request shall be punished by a fine of not less than \$25, nor more than \$100, to be recovered on complaint in any court of competent jurisdiction for the use of the town, city, or the state making the request.

Burial of Honorably Discharged Soldiers and Sailors

Sec. 45. State to pay burial expenses of destitute soldiers and sailors and their widows. R. S. c. 5, § 70. Whenever any person who has served in the army, navy, or marine corps of the United States and was honorably discharged therefrom shall die, being at the time of his death a resident of this state and in destitute circumstances, the state shall pay the necessary expenses of his burial; or whenever the widow of any person who served in the army, navy, or marine corps of the United States and was honorably discharged therefrom shall die, being at the time of her death a resident of this state and being in destitute circumstances and having no kindred living within this state and of sufficient ability legally liable for her support, the state shall pay the necessary expenses of her burial; such expenses shall not exceed the sum of \$100 in any case, and the burial shall be in some cemetery not used exclusively for the burial of the pauper dead.

See § 20; 93 Me. 101.

Sec. 46. Cities and towns to pay expenses and to be reimbursed by state; person not to be constituted a pauper. R. S. c. 5, § 71. 1931, c. 216, Art. III, § 2. The municipal officers of the city or town in which such deceased, mentioned in section 45, resided at the time of his death shall pay the expenses of his burial, and if he die in an unincorporated place, the town charged with the support of paupers in such unincorporated place shall pay such expenses, and in either case upon satisfactory proof by such town or city to the department of health and welfare of the fact of such death and payment, the state shall refund to said town or city the amount so paid; provided, however, that the person whose burial expenses are paid in accordance with the provisions of this and the preceding section shall not be constituted a pauper thereby; said proof shall contain a certificate from the adjutant-general of the state to the effect that such person was an honorably discharged soldier or sailor, or the widow of an honorably discharged soldier or sailor.

93 Me. 101.

Regulation of Location of Children of Paupers for School Purposes

Sec. 47. Pauper expenses of towns, cities, plantations, and state regulated; conveyance of school children. 1935, c. 91. 1937, c. 115. 1939, c. 194. Any city, town, or plantation which locates paupers having children attending the public schools, in another city, town, or plantation shall locate such paupers so that the city, town, or plantation where they reside shall not be put to extra expense for conveyance of children to elementary or secondary schools; provided, however, that if the said city, town, or plantation does not so locate said paupers, the said city, town, or plantation shall reimburse the city, town, or plantation wherein the said paupers reside for the extra expense so caused. The state shall locate its paupers so that the city, town, or plantation in which they

reside shall not be put to extra expense for conveyance of the children of said paupers to elementary or secondary schools; provided, however, that if the state does not so locate said paupers, the state shall reimburse the city, town, or plantation wherein the said paupers reside for the extra expense incurred for said conveyance. For the purposes of this section the word "paupers" shall mean all persons who have been directly or indirectly furnished with pauper supplies, as such, within the 3 months next preceding the time when the extra expense for conveyance, as above described, was incurred. Expenses incurred by any town or by the state under the provisions of this section may be paid from funds made available for relief of the poor but shall in no other respect be treated as pauper expense.

CHAPTER 83.

WORKHOUSES AND HOUSES OF CORRECTION.

Sections 1- 5 Workhouses.

Sections 6-15 Houses of Correction.

Workhouses

Sec. 1. Workhouse provided by any town; persons liable to commitment. R. S. c. 153, § 1. Any town may erect or provide a workhouse for the employment and support of persons of the following description: all poor and indigent persons, maintained by or receiving alms from the town; all able-bodied persons not having estate or means otherwise to maintain themselves, who refuse or neglect to work; all who live a dissolute and vagrant life and exercise no ordinary calling or lawful business sufficient to gain an honest livelihood; and all such persons, as spend their time and property in public houses, to the neglect of their proper business, or by otherwise mispending what they earn, to the impoverishment of themselves and their families, are likely to become paupers. Any workhouse may, by vote of the town, be discontinued, or applied to other uses. Until such workhouse is thus provided, the almshouse or any part thereof may be used for that purpose.

11 Me. 210; 65 Me. 121.

Sec. 2. Overseers of poor to have charge; may appoint a master. R. S. c. 153, § 2. Such workhouse shall be in charge of the overseers of the poor of the town maintaining the same, who shall have the inspection and government thereof, with power to appoint a master and needful assistants for the more immediate care and superintendence of the persons received or employed therein.

Sec. 3. Overseers may make regulations. R. S. c. 153, § 3. The overseers, as occasion requires, shall hold meetings on the business of their office; and make needful orders and regulations for such house, to be binding until the next town meeting, when they shall be submitted to the consideration of the inhabitants; and such as are approved at said meeting shall remain in force until revoked by the town.

Sec. 4. Persons not having legal settlement may be committed. R. S. c. 153,