

# 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)

EIGHTH REVISION

THE  
REVISED STATUTES

OF THE  
STATE OF MAINE

PASSED SEPTEMBER 20, 1944, AND TAKING EFFECT  
DECEMBER 30, 1944

VOLUME I



By the Authority of the Legislature

---

AUGUSTA  
KENNEBEC JOURNAL PRINT

**Sec. 204. Unlawful use, or defacing of containers marked as provided in §§ 165 and 203; penalty. R. S. c. 49, § 39.** Whoever knowingly and wilfully, without the written consent of an owner who has complied with the provisions of the preceding section or of section 165, uses, buys, sells, fills, or traffics in any such syphon, box, can, bottle, keg, or other vessel, or any such can of a capacity of not less than 5 gallons, used in the sale of kerosene, refined petroleum, gasoline, or other burning or illuminating oils or fluids, so marked as aforesaid, or defaces, covers up, or obliterates the names, marks, or devices thereon with intent to use, fill, buy, sell, dispose of, or traffic therein, or to convert the same to his own use, shall, on complaint, be punished by imprisonment for not more than 30 days, or by a fine of not more than \$20, and 50c additional for each such syphon, box, can, bottle, keg, or other vessel or such can of a capacity of not less than 5 gallons, so used, bought, sold, filled, trafficked in, or disposed of, or by both such imprisonment and fine; and the said magistrate on finding such person or persons guilty shall award possession of the property taken to the owner thereof.

See §§ 168, 169.

**Sec. 205. Search warrant may issue to search for such containers. R. S. c. 49, § 40.** Whenever any person in his own behalf or in behalf of any corporation shall make complaint on oath to any magistrate or court authorized to issue warrants in criminal cases, that he has reason to believe and does believe that any of his or said corporation's syphons, boxes, cans, bottles, kegs, or other vessels, or any of his or said corporation's cans of a capacity of not less than 5 gallons, used in the sale of kerosene, refined petroleum, gasoline, or other burning or illuminating oils or fluids, a description of the names, marks, or devices whereon has been so filed and published as aforesaid, are being unlawfully used, filled, bought, sold, disposed of, or trafficked in, or unlawfully had by any person or corporation, manufacturing or selling said beverages, oils, fluids, or liquids, or by any junk dealer or dealer in second-hand articles, or by any vendor of such syphons, boxes, cans, bottles, kegs, or other vessels, or cans of a capacity of not less than 5 gallons, used for the purposes aforesaid, the said magistrate shall thereupon issue a search warrant to search therefor.

#### Old Home Week

**Sec. 206. Old Home Week. R. S. c. 5, § 53.** The week commencing with the 2nd Sunday in August of each year, or any week a town may designate at its annual town meeting, is hereby designated and set apart as old home week.

---

## CHAPTER 89.

### PLANTATIONS.

**Sec. 1. Census of larger unincorporated townships, duty of county commissioners respecting. R. S. c. 5, § 192.** Commissioners of counties containing unincorporated townships shall, at the expiration of every period of 5 years from March, 1861, determine from the United States census, when taken the preceding year, and by actual enumeration when not so taken, what townships

have not less than 200 inhabitants, and make a suitable description and designation thereof, and return them to the secretary of state, to be by him recorded.

See c. 82, § 26; 56 Me. 31; 64 Me. 267.

**Sec. 2. Organization of larger townships.** R. S. c. 5, § 193. Immediately after making the return required by section 1, said commissioners shall issue their warrant to one of the principal inhabitants of each of such unincorporated townships, commanding him to notify the inhabitants thereof qualified to vote for governor, to assemble on a day and at a place named in the warrant, to choose a moderator, clerk, 3 assessors, treasurer, collector of taxes, constable, superintending school committee, and other necessary plantation officers. Notice of such meeting shall be given by posting an attested copy of the warrant therefor in 2 public and conspicuous places in the township 14 days before the day of meeting. The warrant with such inhabitant's return thereon shall be returned to the meeting, and the above named officers shall be chosen and sworn.

40 Me. 223; 56 Me. 31; 64 Me. 265-6; 76 Me. 458.

**Sec. 3. Organization of less populous townships.** R. S. c. 5, § 194. Any unincorporated or unorganized place containing any number of inhabitants may be organized as follows: one or more of the county commissioners, on written application signed by three or more persons qualified to be voters, inhabitants of any unincorporated or unorganized place in their county, may issue a warrant to one of them, requiring him to warn a meeting of the voters of such place residing within the limits described in the warrant; or, when a state or county tax is laid on such place, the treasurer of state or said commissioners, without application therefor, may issue such warrant to one of the principal inhabitants of such place; and in either case the warrant, notice of meeting, and proceedings therein shall be the same as provided in the preceding section.

See c. 81, § 64; 40 Me. 218; 64 Me. 265-6; 83 Me. 367.

**Sec. 4. Proceedings at meeting for organization under 2 preceding sections.** R. S. c. 5, § 195. At the time and place appointed for meetings for the organization of plantations under the provisions of the 2 preceding sections, a moderator shall be chosen by ballot by the voters present, to preside at such meeting, and the person to whom the warrant was directed shall preside until such moderator is chosen and by such person sworn. A clerk, 3 assessors, treasurer, and superintending school committee shall be chosen by ballot and sworn by the moderator or a justice of the peace. Other plantation officers may be chosen by ballot, or other method agreed on by vote of the meeting, and shall be sworn as above named.

76 Me. 458; 93 Me. 493.

**Sec. 5. Copy of proceedings and description of plantation, to be forwarded to secretary of state; liability for state or county taxes.** R. S. c. 5, § 196. Upon the organization of a plantation, the clerk and assessors shall transmit to the secretary of state, to be by him recorded, a certified copy of all proceedings had in effecting such organization, including the petition if any, the warrant issued therefor and the return thereon, and the record of the meeting held in pursuance thereof, and a written description of the limits of the plantation, and thereupon all laws applicable to organized plantations shall apply to plantations organized as herein provided; but plantations organized upon applications of three or more citizens as above provided shall not be required to pay state or county taxes unless by special order of the legislature.

40 Me. 218; 76 Me. 458.

**Sec. 6. Annual meeting.** R. S. c. 5, § 197. Organized plantations shall hold their annual meeting in March, and choose a clerk, 3 assessors, treasurer, collector of taxes, constable, superintending school committee, one or more surveyors or lumber, and two or more fence-viewers; and when money is raised for repair of ways and bridges, the assessors of such plantation shall choose one or more road commissioners, as selectmen of towns do.

See c. 79, § 50, re powers and liabilities respecting ways; c. 80, § 20, re road commissioner; c. 81, §§ 63-67, 83, 125, re laws applicable to plantations.

**Sec. 7. Plantation officers' names to be returned to secretary of state; otherwise, no election blanks to be forwarded to such plantation and no votes to be counted.** R. S. c. 5, § 198. Clerks of organized plantations shall make return to the secretary of state on blanks by him furnished for that purpose, on or before the 1st day of September, annually, of the names of the assessors and clerks of their several plantations, and that the same have been sworn. When such return is not made by any such plantation, the secretary of state shall not furnish it with blanks for election returns, and no votes purporting to be cast by such plantation shall be counted or allowed by the governor and council. When a plantation is organized after the 1st day of July, such return is not required to be made by the clerk thereof during that year; but the votes of such plantations shall not be counted or allowed by the governor and council for any purpose, during the year of its organization, unless it is organized at least 60 days prior to the 2nd Monday in September.

**Sec. 8. Laws for town officers apply to plantation officers.** R. S. c. 5, § 199. Laws relating to calling, notifying, and conducting town meetings, and to the election, appointment, qualification, duties, powers, compensation, liabilities, and penalties for official neglect and misconduct of town officers apply to plantations and their officers, so far as applicable thereto, except when specially otherwise provided. Voters in plantations are liable to the same penalties for unlawful voting as voters in towns.

See c. 4, §§ 17, 26 and c. 5, §§ 60-63, re elections in plantations; c. 5, §§ 91-104 et seq., c. 80, § 40, c. 81, §§ 62-64, c. 81, §§ 83, 125, re penalties; c. 32, § 86, re plantations becoming part of Maine forestry district; c. 80, §§ 2-45, re calling meetings and choice of town officers; 56 Me. 31.

**Sec. 9. Duties of plantation officers.** R. S. c. 5, § 200. Assessors of plantations shall be considered the selectmen thereof for the purpose of performing such duties as selectmen of towns perform. Treasurers, collectors, and constables of plantations shall give such bond as such officers of towns are required to give, to be approved in like manner. The valuation of property for the assessment of taxes in plantations, as well as the assessment, collection, and disposal thereof, shall be the same as in towns.

See c. 82, §§ 25, 26, 27, re maintenance of certain persons; 20 Me. 298.

**Sec. 10. First assessors to return to county commissioners inventory of polls and estates; corrected and forwarded to treasurer of state for basis of taxation; power to raise money for making and repairing ways.** R. S. c. 5, § 201. The assessors first chosen in plantations organized under the provisions of section 2 shall immediately take an inventory of the polls and valuation of the property therein, as the same are taken in towns, and return them on or before the 15th day of May following their election to the county commissioners of their county, who may examine and correct the same so as to make it conform to the last state valuation, and return a copy of such corrected valuation to the treasurer of state, and thereupon their ratable proportion, according to such valu-

ation, of all state and county taxes shall be assessed on such plantations in the same manner as on towns; and such plantations, and also such as may by special order of the legislature be required to pay state or county taxes, may raise money by taxation for making and repairing ways in compliance with the provisions of section 50 of chapter 79 and section 104 of chapter 84. Such inventory and valuation in any plantation shall be so taken, corrected, and returned to the treasurer of state, whenever required by him.

20 Me. 298.

**Sec. 11. Power to raise and expend money for schools, poor, etc. R. S. c. 5, § 202.** All plantations may raise and expend money for the support of schools and making and repairing schoolhouses, as provided in sections 23, 115, and 140 of chapter 37; for support of the poor, as provided in section 41 of chapter 82; and sums necessary for legal plantation expenses.

See c. 81, §§ 63-67, re assessment of taxes in plantations; c. 82, § 26, re care of certain persons; 7 Me. 125, 133; 14 Me. 24; 20 Me. 298; 52 Me. 595, 598; 54 Me. 250.

**Sec. 12. Organized plantations to consist of 1 township. R. S. c. 5, § 203.** Organized plantations shall not be composed of more than 1 township; and when organized under the provisions of section 2, former organizations cease.

**Sec. 13. First valuation of towns to be forwarded to county commissioners, and copy sent to treasurer of state. R. S. c. 5, § 204.** When towns are incorporated, the assessors thereof shall return to the county commissioners of their county the original valuation first taken in their towns, on or before the 15th day of May next following their incorporation, and said valuation shall be examined, corrected, and a copy thereof returned to the treasurer of state, to become the basis of state and county taxes in the same manner as the valuations of plantations, as provided in section 10.

**Sec. 14. If assessors neglect, county commissioners to appoint assessors to return valuation. R. S. c. 5, § 205.** If such valuation is not made and returned by any town or plantation within the time specified, the county commissioners shall appoint 3 suitable persons of the county to be assessors therein, who shall be sworn and make and return the inventory and valuation required, within the time fixed by said commissioners; and such valuation shall be examined, corrected, and a copy thereof returned to the treasurer of state and become a basis for the assessment of state and county taxes, in the same manner as if the valuation had been taken by the assessors chosen by said town or plantation.

**Sec. 15. Such assessors to be paid by county commissioners. R. S. c. 5, § 206.** Assessors appointed under the provisions of the preceding section shall be paid from the county treasury a reasonable compensation for their services, to be determined by the county commissioners, and any sum so paid shall be added to the county tax apportioned to such town or plantation and shall be collected and paid into the treasury in the same manner as county taxes.

**Sec. 16. Plantations may be reorganized. R. S. c. 5, § 207.** Plantations organized upon application of three or more inhabitants may at any time be reorganized under the provisions of this chapter.