

# MAINE STATE LEGISLATURE

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NINTH REVISION

REVISED STATUTES  
OF THE  
STATE OF MAINE

1954

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FIRST ANNOTATED REVISION

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IN FIVE VOLUMES

VOLUME 1



THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA

## Chapter 21.

### Secretary of State.

Sections 1-5. Office and Duties.

Sections 6-7. Fees.

#### Office and Duties.

**Cross Reference.**—See Me. Const., Art. 5, Part Third, § 1, re election.

**Sec. 1. Secretary of state; office and duties; vacancy; salary; expenses; fees.**—The secretary of state shall keep his office at the seat of government; have the custody of the state seal and preserve all records in such office, at the expense of the state. When a vacancy happens in the office of secretary of state during the recess of the legislature, the governor, with the advice and consent of the council, shall appoint a suitable person to act as secretary of state until one is elected by the legislature; and the person thus appointed shall take the oath required of the elected secretary; and have the same compensation while he performs the duties of the appointment.

The secretary of state shall receive an annual salary of \$7,000. He and his deputy shall also receive such actual traveling expenses incident to the administration of his department as shall be necessary.

The secretary of state shall collect the legal and usual fees payable to him by virtue of his office and shall pay them over forthwith to the treasurer of state. (R. S. c. 18, § 1. 1945, c. 370. 1951, c. 412, § 6.)

**Sec. 2. Furnish lists of appointments of magistrates to registers of probate and clerks of courts.**—The secretary of state, upon receiving evidence of the qualification of any justice of the peace, trial justice or notary public, shall immediately notify the register of probate and the clerk of the judicial courts of the county where such officer resides of his appointment and qualification; and shall, on the 1st days of June and December, forward to the registers of probate courts, judges of municipal courts and clerks of United States courts in the state a list of all justices of the peace, trial justices and notaries public, whose commissions are then in force, and the evidence of whose qualification has been filed in his office within the 6 months next preceding the time of forwarding such lists, which shall contain the name and residence of every such officer, the date of his commission and the county or counties for which he is commissioned; and he shall send at the same time 2 copies of such lists to each of the clerks of the state courts. (R. S. c. 18, § 2.)

**Sec. 3. Clerks of courts to keep lists of appointments; effect of lists and certificates as evidence.**—The clerks of the state courts shall make a memorandum on such lists of the fact and date of their reception, and either of such lists so attested, or the certificate of such clerk under the seal of his court, shall be legal but not conclusive evidence of the appointment and qualification of such officers and, at the expiration of each decade of years, it shall be the duty of the clerk then in office to have one set of such lists received during the decade bound in a substantial manner. (R. S. c. 18, § 3.)

**Sec. 4. Prepare commissions, record qualifications, engross bills.**—The secretary of state shall prepare and present to the governor and council under the seal of the state, in order that the same may receive the signature of the governor, a commission for every person appointed or a certificate of election to every person elected to any office for which a commission or certificate of election is required; enter in a suitable book the time when and the person by whom any commission or certificate of election is taken from his office, and the

time when any certificate of the qualification of any officer is filed therein; provided, however, that when a duty must be paid as a prerequisite of holding the office, the secretary of state shall notify every person appointed to such office of the fact and on receipt of evidence of its payment shall then, and no sooner, present said commission or certificate to the governor and council. When the commission or certificate shall have been signed by the governor, the secretary of state shall deliver or forward the same to the person so appointed or elected. He shall cause all bills passed by the legislature to be engrossed, under his special direction, for the use thereof. (R. S. c. 18, § 4.)

**Sec. 5. Distribute blanks for election returns; penalty for neglect.**—He shall cause blanks for all election returns required by law to be seasonably distributed to the clerks of the several towns, by mail; and if any clerk fails to receive such blanks by the 20th day of August in any year in which an election is held, of which returns are to be made to the office of the secretary of state, he shall forthwith notify the secretary of state. If the secretary neglects this duty he forfeits \$100 for each neglect. (R. S. c. 18, § 5.)

See c. 1, § 8, re recording of plans, etc., of lands for forts, etc.; c. 1, § 21 re filing of plot of submerged lands to be leased for taking kelp; c. 4, § 16, et seq., re primary elections; c. 4, § 54, re filing of certificates of nomination and nomination papers; c. 5, re duties concerning elections; c. 5, § 77, re blanks for election returns; c. 6, re duties for absent voting; c. 8, re duties for petitions for people's veto and direct initia-

tive; c. 9, § 1, re certified roll of members elected to the legislature; c. 10, § 34, re registration of legislative counsel and agent; c. 16, § 107, re certificate to state tax assessor of authorized capital stock of corporations; c. 68, § 3, re registration of pharmacists; c. 100, § 106, re itinerant vendor's license; c. 100, §§ 120 to 130, re itinerant photographer; c. 182, § 7, re certificate of trade-marks and trade names.

### Fees.

**Sec. 6. Fees.**—The secretary of state shall receive:

For a certificate under the seal of the state, \$1 for a short form and \$2 for a special detailed certificate; and for all copies at the rate of 50¢ a page if such copies are prepared by the office of the secretary of state and at the rate of 25¢ a page for proofreading such copies submitted to the office of the secretary of state for certification. There shall be no charge for certificates or copies requested by any department of the state.

For filing and recording a certificate of trade-mark, \$3; for recording assignment of trade-mark rights, \$1; for the certificate of the record of a label, trade-mark, device or form of advertisement adopted by any association or union of workmen, \$2.

For recording notice of a change in the charter or certificate of organization of a corporation, \$5 in advance.

For receiving, filing and recording copy of certificate of organization of a corporation organized under the provisions of chapter 53, \$5 in advance.

For receiving, filing and recording certificate of officers of a proposed insurance company, and issuing certificate of organization, \$20; for receiving and filing certificate of increase of capital stock of an insurance company, \$10.

For receiving, filing and recording certificate of officers of a proposed fraternal beneficiary association and issuing certificate of organization, \$5.

For recording contract of conditional sale of railroad equipment, \$10; for recording written declaration of satisfaction of same, \$5; and for noting declaration of the satisfaction of such contract on the margin of the record, \$1.

For filing power of attorney of a foreign corporation under the provisions of section 127 of chapter 53, \$10; for filing instrument revoking such power of attorney, \$5; for filing copy of charter under the provisions of section 128 of said chapter, \$10 additional; for filing certificate of increase or reduction of stock of a foreign corporation, \$10.

For filing certificate of organization of a cooperative marketing association, \$10; for filing an amendment thereto, \$2.50. (R. S. c. 18, § 6. 1945, c. 293, § 1. 1949, c. 10, §§ 1, 2.)

See 3rd p. of § 1, re fees paid over to motor vehicles; c. 144, § 14, re fee from treasurer of state; c. 22, § 2, re fees from private detectives.

**Sec. 7. Fees payable by public officers.**—A fee of \$5 shall be paid to the secretary of state by any person appointed to the office of justice of the peace, trial justice, notary public, inspector of fish, commissioner to take depositions and disclosures, disclosure commissioner and commissioner appointed under section 24 of chapter 168 before such person enters upon the discharge of his official duties. (R. S. c. 18, § 7. 1945, c. 378, § 14.)