

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

Chapter 89.

County Officers.

County Commissioners.

Sections 71-A to 71-C. Fire Protection and Public Services for Townships.
Sections 89 to 94-A. Meridian Lines and Standards of Length.

County Attorneys.

Sections 112 to 125-B. Elections, Salaries, Powers, Duties, etc.

Sheriffs and Their Deputies.

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County Offices.

Clerk Hire.

Section 258. Fees in Penobscot County.

Section 259. Fees in Kennebec County.

County Commissioners.

Election and Tenure of Office. Salaries.

Sec. 6. Salaries.

Androscoggin, \$1,520, except the chairman of said commission who, in addition to his regular duties, shall superintend the county buildings, and for all his services his annual salary shall be the sum of \$2,180,

Aroostook, \$1,250, except that one member of the board, to be designated by the board, who shall devote each full working day to his duties, including superintendence of the county buildings, shall receive annually the sum of \$5,000,

Cumberland, \$3,500,

Franklin, \$700,

Hancock, \$1,200,

Kennebec, \$1,500, except that the chairman of the board of commissioners shall receive \$1,750,

Oxford, \$1,800; chairman, \$2,000,

Penobscot, \$2,200,

Piscataquis, \$800,

Sagadahoc, \$900,

Somerset, \$1,000, except that the chairman of the board of commissioners shall receive \$1,200,

Washington, \$1,500,

(1955, c. 270; c. 319, § 1; c. 445, § 1; c. 459, § 1; c. 470, § 1. 1957, c. 416, §§ 1, 10, 18, 23, 31, 49, 55, 65.)

Effect of amendments.—This section was amended five times by the Public Laws of 1955. Chapters 270, 319 and 445 increased the salaries for Cumberland, Sagadahoc and Washington counties respectively. Chapter 459 increased the salary and added the provision as to the salary of the chairman for Oxford county. and c. 470 increased the salary and added the provision as to salary of the chairman

for Kennebec county. As to Sagadahoc and Washington counties the amendments were made retroactive to January 1, 1955.

The 1957 amendment increased the salaries for Androscoggin, Aroostook, Cumberland, Franklin, Hancock, Penobscot, Piscataquis, and Somerset counties. As to Androscoggin and Piscataquis counties, the amendment was made retroactive to January 1, 1957.

As the rest of the section was not counties affected by the amendments are changed, only the lines relating to the set out.

General Powers and Duties.

Sec. 15-A. County audit.—Every county shall have an audit made of its accounts annually covering the last complete fiscal year by either the state department of audit or by qualified public accountants, recognized as competent auditors by their training and experience. Choice of such auditor may be made by the county commissioners.

The audit shall be performed in accordance with generally accepted auditing standards and procedures pertaining to governmental accounting, and in case of dissatisfaction with the audit made by others than the state department of audit, upon petition by the municipal officers of three or more municipalities, the state department of audit shall make another audit, and the parties making such audits shall have access to all necessary papers, books and records.

Upon completion of an audit, the auditor shall render a report to the county commissioners and a certified copy thereof to the state auditor, embodying the results of his findings with such suggestions as he may deem advisable for the proper administration of the county, and he shall also render to the state department of audit a certified copy of an audit procedural form as prescribed by the state department of audit for governmental audits. (1955, c. 269.)

Sec. 15-B. Androscoggin county contingent account.—There is hereby established a contingent account for Androscoggin county. The county commissioners of Androscoggin county, after public hearing, may allocate from such contingent account amounts not to exceed in total the sum of \$15,000 in any fiscal year. Such allocations may be made to meet any expense necessarily incurred under any requirement of law. Said county commissioners shall determine the necessity for such allocations. At the close of each fiscal year there shall be transferred from county funds an amount sufficient to restore the county contingent account to \$15,000. (1955, c. 293.)

Sec. 15-C. Capital reserve accounts.—Section 18 and subsections I and II of section 17 of chapter 90-A, which contain the capital reserve account provisions for municipalities, apply equally to counties. The county commissioners have the powers and duties of municipal officers. (1957, c. 405, § 12.)

Sec. 17. Repealed by Public Laws 1957, c. 397, § 42.

Sec. 18-A. Destruction of county records.—The old records of any county department which in the opinion of the head of such department are no longer of value to the county may be destroyed upon approval in writing of the county commissioners, the county attorney, the executive committee of the county bar association and the state librarian; but not otherwise. If any old record appears to have sufficient value, approval to destroy shall be withheld until said old record has been copied at the expense of the county by any photostatic, photographic, microfilm or other process which produces a clear, accurate and permanent copy or reproduction thereof and satisfactory provision is made for the permanent storing of such copies or reproduction in fireproof containers. (1955, c. 170.)

Sec. 19. Saturday closing.—County offices may in the discretion of the county commissioners of each county be closed in part or in whole on Saturdays. (1953, c. 388. 1955, c. 236. 1957, c. 291.)

Effect of amendments. — The 1955 amendment, which became effective on its approval, April 19, 1955, deleted the words "except that of the clerk of courts" after the word "offices" near the beginning of the section. The 1957 amendment inserted the words "in part or in whole" in this sec-

tion and deleted the words "in the months which formerly appeared after the word of June, July, August and September" "Saturdays".

Sec. 30. Temporary loans.—The county commissioners of Cumberland, Washington and Kennebec counties may, without obtaining the consent of their respective counties, raise, by temporary loan to be paid within 1 year from the time when the same is contracted out of money raised during the current year by taxes, sums not exceeding \$400,000, \$75,000 and \$50,000, 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 without obtaining the consent of their county raise by temporary loans to be paid within 1 year from the time when the same is contracted out of money raised during the current year by taxes not exceeding 1/5 of 1% of the assessed valuation of their respective counties. (R. S. c. 79, § 27. 1951, c. 380. 1955, c. 438.)

Effect of amendment.—The 1955 amendment substituted "\$400,000" for "\$250,000" in the first sentence.

Sec. 30-A. Surplus funds.—Any county having unencumbered surplus funds remaining on hand from a previous year or years may authorize its transfer, in whole or in part, for use in non-capital purposes as well as in capital purposes. (1955, c. 262.)

Sec. 30-B. Bonds. — A county having occasion to issue bonds may make them payable in installments extending over a period of not more than 50 years. (1957, c. 405, § 13.)

Sec. 31-A. Property taken for debt due from county.—The personal property of the residents and the real estate within the boundaries of a county may be taken to pay any debt due from the county. The owner of property so taken may recover from the county under section 32 of chapter 118. (1957, c. 405, § 14.)

Ways.

Sec. 65. Roads in unorganized territory and deorganized towns inspected; assessments for repairs; agent to superintend repairs.—Such county commissioners in September or October annually, by one or more of their board, shall make an inspection of all county roads, state and state aid highways and other roads originally located as town roads in the unorganized territory, deorganized towns and tracts of land in their counties and shall thereupon make an estimate of the amount needed for repairs, cutting bushes, maintenance, snow removal and improvements, so as to comply with the provisions of the state highway laws, and to otherwise make them safe and convenient for public travel for the following year and assess thereon not exceeding 3% of the valuation thereof, and shall assess on the county the balance of such amount if such amount of 3% is not sufficient to properly comply with the above requirements. Such assessments shall be made upon the total valuation of each unorganized township, deorganized town and lot or parcel of land not included in any township, according to the last state valuation, and shall not exceed 3% of the value thereof on the landowners. Such county commissioners shall cause so much thereof, as they deem necessary for the purpose aforesaid, to be expended on said roads within 5 years from the date of assessment, which assessment shall create a lien thereon for the payment thereof. They shall make such assessment not later than April 1st of the following year and lists containing the road repair tax millage rate and the total amount of such tax assessed upon each unorganized township, deorganized town and lot or parcel of land not included in any town-

ship, according to the last state valuation, shall immediately be certified and transmitted by the county treasurer to the state tax assessor. The state tax assessor shall determine the amount of tax due, in accordance with the provisions of section 79 of chapter 16, and shall include such amounts in the statements referred to in section 82 of chapter 16. Collection of such road repair taxes shall be enforced in the same manner as provided for the enforcement of collection of county taxes. The county commissioners at the time the taxes provided for by this section are assessed may appoint an agent or agents, skilled in road building, not members of their board, to superintend the expenditure thereof, who shall give bonds as provided in section 63. (R. S. c. 79, § 62. 1945, c. 41, § 32; c. 111; c. 378, § 64. 1951, c. 144. 1953, c. 156, § 7. 1957, c. 227.)

Effect of amendment. — The 1957 amendment made the necessary changes in wording to replace the former first sentence with the present first three sentences, substituted “unorganized territory, deorganized towns” for “unincorporated townships” and increased the percentage mentioned from 2% to 3% in the present first sentence, inserted the words “deorganized town” and increased the percentage from 2% to 3% in the present second sentence, inserted “deorganized town” in the fourth sentence, and deleted the former last sentence which related to assessments in deorganized towns.

Fire Protection and Public Services for Townships.

Sec. 71-A. Assessment for fire protection tax.—The county commissioners of Aroostook county are authorized, on behalf of the inhabitants of Connor and Silver Ridge townships, of Township 17, R. 4 and Township 17, R. 5, and the county commissioners of Piscataquis county are authorized, on behalf of the inhabitants of Medford and Orneville townships, and the county commissioners of Oxford county are authorized, on behalf of the inhabitants of Albany township to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fire protection, for the townships of Connor, Silver Ridge, Township 17, R. 4, Township 17, R. 5, Medford, Orneville and Albany. The county commissioners shall annually assess upon the townships an amount sufficient to provide for such protection, and said assessment shall be certified and transmitted by the county treasurers to the state tax assessor not later than April 1st of each year, provided said assessment in respect to Township 17, R. 4 and Township 17, R. 5 shall not exceed \$505 each in any one year. The state tax assessor shall determine the amount of tax due, in accordance with the provisions of section 79 of chapter 16, and shall include such amounts in the statements referred to in section 82 of chapter 16. Collection of such fire protection tax shall be enforced in the same manner as provided for the enforcement of collection of county taxes. (1955, c. 405, § 37. 1957, c. 173.)

Effect of amendment. — The 1957 amendment inserted “and Township 17, R. 5,” in two places in the first sentence and inserted the proviso as to maximum assessment in Township 17, R. 4 and Township 17, R. 5 in the second sentence.

Sec. 71-B. Assessment for public services tax.—The county commissioners of Washington county are authorized, on behalf of the inhabitants of Prescott, Marion and Edmunds townships, to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fire protection, and public dumps for said townships. Said commissioners are authorized on behalf of the inhabitants of Topsfield, Lambert Lake and Brookton townships to enter into similar contracts or to take similar steps to provide public dumps for said townships. Said commissioners are authorized on behalf of the inhabitants of Baring to enter into similar contracts or to take similar steps to provide fire protection, other than forest fire protection, public dumps,

public sewers and street lighting for said township. The county commissioners shall annually assess upon said townships an amount sufficient to provide for such services, said tax not to exceed $\frac{1}{2}$ of 1% of the valuation of said townships, and said assessment shall be certified and transmitted by the county treasurer to the state tax assessor not later than April 1 each year. The state tax assessor shall determine the amount of tax due, in accordance with the provisions of section 79 of chapter 16, and shall include such amount in the statements referred to in section 82 of chapter 16. Collection of such tax shall be enforced in the same manner as provided for the enforcement of collection of county taxes. (1955, c. 405, § 37.)

Sec. 71-C. Assessment for fire protection tax.—The county commissioners of Oxford county are authorized, on behalf of the inhabitants of Milton township to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fire protection, for Milton township. The county commissioners shall annually assess upon said township an amount sufficient to provide for such protection, and said assessment shall be certified and transmitted by the county treasurers to the state tax assessor not later than April 1 of each year. The state tax assessor shall determine the amount of tax due, in accordance with the provisions of section 79 of chapter 16, and shall include such amounts in the statements referred to in section 82 of chapter 16. Collection of such fire protection tax shall be enforced in the same manner as provided for the enforcement of collection of county taxes. (1955, c. 288.)

Ferries and Toll Bridges.

Sec. 73. Ferries; tolls; bond; property appraised.

Cited in *Beals v. Beal*, 150 Me. 80, 104
A. (2d) 530.

Meridian Lines and Standards of Length.

Sec. 94-A. Exception.—The provisions of sections 89 to 94, inclusive, shall not apply to the county of Kennebec. (1955, c. 108.)

Clerks of the Judicial Courts.

Election, Powers, Duties, Salaries, Fees, etc.

Sec. 98. Salaries.—The clerks of the judicial courts in the several counties shall receive annual salaries from the treasuries of the counties in monthly or weekly payments as follows:

Androscoggin, \$3,700,
Aroostook, \$5,000,
Cumberland, \$4,500; deputy clerk of courts, \$3,800,
Franklin, \$2,300,
Hancock, \$3,000; deputy clerk of courts, \$2,350,
Kennebec, \$4,000,
Knox, \$3,240,
Lincoln, \$3,400,
Oxford, \$3,300,
Penobscot, \$4,100; deputy clerk of courts, \$3,600,
Piscataquis, \$2,850,
Sagadahoc, \$3,240,
Somerset, \$3,600,
Waldo, \$3,000,
Washington, \$2,250,
York, \$4,300,

The sums above mentioned shall be in full compensation for the performance of all duties required of clerks, including those performed by them as clerks of the supreme judicial court, the superior court and the county commissioners, or by clerks pro tempore employed by them; and the sum provided for the clerk in Lincoln county shall be in full for all such services and also in full for services as clerk of Lincoln municipal court, except as provided in section 13 of chapter 103. They shall account quarterly under oath to the county treasurer for all fees received by them or payable to them by virtue of the office, except fees collected by them in naturalization proceedings, specifying the items, and shall pay the whole amount of the same to the treasurers of their respective counties quarterly on the 15th day of January, April, July and October of each year. (R. S. c. 79, § 114. 1945, c. 167, § 2; c. 170; c. 206, § 1; c. 262, § 1; c. 263; c. 280, § 2; c. 322, § 1. 1947, c. 157, § 2; cc. 202, 210, 287. 1949, c. 185; c. 186, § 1; c. 198; c. 214, § 2; cc. 220, 287, 307, 330; c. 424, § 1. 1951, cc. 221, 224; c. 312, § 2; c. 313, § 2. 1953, c. 38, § 1; cc. 53, 61, 76; c. 135, § 2; c. 142, § 2; c. 149, § 1; c. 170; c. 216, § 2; c. 247, § 1; c. 269, § 2; c. 276, § 2; c. 278, § 2. 1955, c. 266, § 1; c. 327, § 1; c. 394, § 1; c. 445, § 7; c. 447, § 1; c. 459, § 2; c. 464, § 1; c. 470, § 2. 1957, c. 179; c. 416, §§ 2, 11, 19, 24, 32, 40, 42, 50, 56, 63, 66, 72, 82.)

Effect of amendments.—This section was amended eight times by the Public Laws of 1955. Chapters 266, 394, 445, 447, 459, 464 and 470 increased the salaries for Franklin, Penobscot, Washington, Lincoln, Oxford, Androscoggin and Kennebec counties respectively. Chapter 327 added the provision as to the salary of the deputy clerk in Hancock county. As to Franklin, Lincoln and Washington counties, the amendments were made retroactive to January 1, 1955.

The first 1957 amendment changed the

time of payment in the last sentence of this section from the "1st day" to the "15th day" of the months enumerated. The second 1957 amendment increased the salaries for Androscoggin, Aroostook, Cumberland, Franklin, Hancock, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo, and York counties. As to Androscoggin, Knox, Lincoln, Piscataquis, Sagadahoc, Waldo, and York counties, this amendment was made retroactive to January 1, 1957.

Sec. 107. Record of civil cases.—After the rendition of final judgment or decree in any civil case at law or in equity, the clerk shall as soon as may be make such a record thereof in short form, except in such specific instances as the court by general rule or special order may direct. If either party, however, files a request and tenders the fees therefor, a full, extended record shall be made. The court may establish the form of such short form record and full, extended record. (R. S. c. 79, § 123. 1957, c. 225.)

Effect of amendment. — The 1957 amendment substituted the words "in short form, except in such specific instances as the court by general rule or special order may direct" for the words

"as the court by general rule or special order may direct" in the first sentence and inserted the words "short form record and" in the last sentence.

Sec. 109. Examination and correction of records.—The chief justice of the supreme judicial court may cause the records of each clerk to be examined, and when found deficient, direct them to be immediately made or corrected, and when such order is not obeyed, the fact of such deficiency shall be certified to the treasurer of state, who shall cause the clerk's bond to be sued. (R. S. c. 79, § 125. 1957, c. 209.)

Effect of amendment. — The 1957 amendment, which became effective on its approval, May 2, 1957, substituted the words "chief justice of the supreme judicial court may" for the words "superior

court shall" at the beginning of the section and deleted the words "at least as often as there is a change of clerk" formerly appearing after the word "examined."

County Attorneys.**Election, Salaries, Powers, Duties, etc.****Sec. 114. Salaries.**

Androscoggin, \$3,700; assistant county attorney, \$2,900,
 Aroostook, \$3,500; assistant county attorney, \$2,500,
 Cumberland, \$4,800; assistant county attorney, \$3,300,
 Franklin, \$2,000,
 Hancock, \$2,500,
 Kennebec, \$3,000; assistant county attorney, \$2,000,
 Knox, \$2,800,
 Lincoln, \$2,500,
 Oxford, \$2,800,
 Penobscot, \$4,000; assistant county attorney, \$3,000,
 Piscataquis, \$1,950,
 Sagadahoc, \$2,500,
 Somerset, \$2,900,
 Washington, \$2,900,
 York, \$3,000.

(1955, c. 440; c. 445, § 2; c. 447, § 6; cc. 448, 453; c. 459, § 3; c. 464, § 7; c. 469, §§ 1, 2; c. 470, § 3. 1957, c. 93, § 1; c. 353; c. 406, §§ 1-8.)

Effect of amendments.—This section was amended nine times by the Public Laws of 1955. Chapters 440, 445, 447, 448, 453, 459, 464 and 470 increased the salaries of the county attorneys in Penobscot, Washington, Lincoln, Hancock, Sagadahoc, Oxford, Androscoggin and Kennebec counties respectively. Chapter 469, §§ 1 and 2, increased the salaries of the county attorneys in Franklin and Cumberland counties. Chapters 440 and 464 also increased the salaries of the assistant county attorneys in Penobscot and Androscoggin counties, and c. 470 added the provision as to the assistant county attorney in Kennebec county. As to Washington and Lin-

coln counties, the amendments were made retroactive to January 1, 1955.

The first 1957 amendment, which became effective on its approval, March 29, 1957, added the provisions as to assistant county attorney to Aroostook county. The second 1957 amendment increased the salary of the county attorney in York county. The third 1957 amendment increased the salaries in Androscoggin, Aroostook, Cumberland, Knox, Penobscot, Piscataquis, Somerset and Washington counties.

As the rest of the section was not changed, only the lines relating to the counties affected are set out.

Sec. 125-A. Assistant county attorney for Kennebec county; duties; term of office.—The county attorney of the county of Kennebec may appoint an assistant to be approved by the chief justice of the supreme judicial court. Said assistant shall take the oath prescribed for county attorneys and assist the county attorney in the ordinary duties of his office, in the drawing of indictments, in the hearing of complaints before the grand jury and in the preparation and trial of criminal causes. He shall, when directed by the county attorney, act as counsel for the state in the trial of complaints before judges of municipal courts and trial justices. The assistant county attorney shall hold his office during the term of the county attorney by whom he was appointed, subject to removal at any time by the chief justice of the supreme judicial court. (1955, c. 470, § 4.)

Sec. 125-B. Assistant county attorney for Aroostook county; duties; term of office.—The county attorney of the county of Aroostook may appoint an assistant, who shall be a resident of the county and duly admitted to the practice of law in this state, to be approved by a justice of the superior court resident in said county or by the chief justice of the supreme judicial court, and who shall hold his office during the term of the county attorney by whom he was appointed, subject to removal at any time by the chief justice of the supreme judicial court. Said assistant shall take the oath prescribed for county attorney and assist

the county attorney in the ordinary duties of his office, in the drawing of indictments, in the hearing of complaints before the grand jury and in the preparation and trial of criminal causes. He shall, when directed by the county attorney, act as counsel for the state in the trial of complaints before municipal courts and trial justices. (1957, c. 93, § 2.)

Effective date.—The act adding this section became effective on its approval, March 29, 1957.

County Treasurers.

Election, Salaries, Duties, etc.

Sec. 129. Repealed by Public Laws 1957, c. 180, § 2.

Sec. 129-A. Deputy treasurers.—The county commissioners of the several counties may appoint deputy treasurers for their respective counties. Such deputy treasurer shall assist the treasurer in performing the duties of his office. He shall give bond to the county for the faithful discharge of his duties in such sum as the county commissioners order and with such sureties as they approve in writing thereon, the premium of such bond to be met by the county. (1957, c. 180, § 1.)

Sec. 130. Salaries.

Androscoggin, \$3,700,
Aroostook, \$3,000,
Cumberland, \$4,000; deputy treasurer, \$3,500,
Franklin, \$1,100,
Hancock, \$2,100,
Kennebec, \$3,000,
Lincoln, \$1,000,
Oxford, \$2,300,
Penobscot, \$3,000,
Piscataquis, \$900,
Sagadahoc, \$1,500,
Somerset, \$1,800,
Washington, \$2,000,

(1955, c. 266, § 2; c. 287; c. 319, § 2; c. 394, § 2; c. 445, § 3; c. 459, § 4; c. 464, § 2; c. 470, § 5. 1957, c. 416, §§ 3, 12, 20, 25, 37, 43, 51, 57, 67, 77.)

Effect of amendments.—This section was amended eight times in 1955, by P. L., cc. 266, 287, 319, 394, 445, 459, 464 and 470, which increased the salaries for Franklin, Hancock, Sagadahoc, Penobscot, Washington, Oxford, Androscoggin and Kennebec counties respectively. As to Franklin, Sagadahoc and Washington counties, the amendments were made retroactive to January 1, 1955.

The 1957 amendment increased the

salaries for Androscoggin, Aroostook, Cumberland, Franklin, Hancock, Lincoln, Penobscot, Piscataquis, Somerset, and Washington counties. As to Androscoggin, Lincoln, Piscataquis, and Washington counties, the amendment was made retroactive to January 1, 1957.

As the rest of the section was not changed, only the lines relating to the salaries increased by the amendments are set out.

Sec. 135. Payments to county law libraries.

Androscoggin, \$2,750,
Aroostook, \$3,300 of which \$2,200 shall be for the use and benefit of the county law library in the court house at Houlton in said county and \$1,100 shall be for the use and benefit of the county law library in the court house at Caribou in said county,

Hancock, \$2,000,
Kennebec, \$2,750,
Knox, \$1,500,

Oxford, \$1,500,
 Penobscot, \$2,000,
 Piscataquis, \$1,500,
 (1955, cc. 35, 91, 93, 225, 232. 1957, cc. 49, 88, 91, 137, 147.)

Effect of amendments.—This section was amended five times in 1955, by P. L. cc. 35, 91, 93, 225 and 232, which increased the payments for the county law libraries in Piscataquis, Oxford, Androscoggin, Knox and Kennebec counties respectively.

This section was amended five times by the Public Laws of 1957. Chapter 49, retroactive in effect to January 1, 1957, increased the payments in Hancock county. Chapter 88 increased the pay-

ments in Piscataquis county. Chapter 91 increased the three sums mentioned in the paragraph relative to Aroostook county. Chapter 137 increased the payment in Kennebec county. Chapter 147 increased the payment in Penobscot county.

As the rest of the section was not changed by the amendments, only the lines relating to these counties are set out.

Sheriffs and Their Deputies.

Election, Powers, Duties, Salaries, Fees, etc.

Sec. 149. Salaries.

Androscoggin, \$4,250,
 Aroostook, \$4,500,
 Cumberland, \$6,000,
 Franklin, \$2,600,
 Hancock, \$3,500,
 Kennebec, \$4,500,
 Knox, \$3,400,
 Lincoln, \$3,000,
 Oxford, \$3,500,
 Penobscot, \$5,000,
 Piscataquis, \$2,850,
 Sagadahoc, \$3,800,
 Somerset, \$3,700,
 Waldo, \$3,400,
 Washington, \$3,700,

(1955, c. 266, § 3; c. 319, § 3; c. 336; c. 394, § 3; c. 445, § 4; c. 447, § 5; c. 459, § 5; c. 464, § 3; c. 470, § 6. 1957, c. 416, §§ 4, 13, 21, 26, 33, 38, 44, 58, 68, 74, 78.)

Effect of amendments.—This section was amended nine times in 1955, by P. L. cc. 266, 319, 336, 394, 445, 447, 459, 464 and 470, which increased the salaries for Franklin, Sagadahoc, Cumberland, Penobscot, Washington, Lincoln, Oxford, Androscoggin and Kennebec counties, respectively. As to Franklin, Sagadahoc, Washington and Lincoln counties, the amendments were made retroactive to January 1, 1955.

The 1957 amendment increased the

salaries for Androscoggin, Aroostook, Cumberland, Franklin, Hancock, Knox, Lincoln, Piscataquis, Somerset, Waldo, and Washington counties. As to Androscoggin, Knox, Lincoln, Piscataquis, Waldo, and Washington counties, the amendment was made retroactive to January 1, 1957.

As the rest of the section was not changed, only the lines relating to the salaries increased by the amendments are set out.

Sec. 150. Fees.

I. For service of all writs with summons, precepts, notices, subpoenas, executions, court orders, orders of service, copies, bills in equity with subpoena issued thereon and all other civil process or papers requiring service which are not specifically hereinafter enumerated, they shall receive therefor \$3 for each such service. (1957, c. 339)

II. For the service of petition and subpoena for disclosure before commissioner or for the service of citation by copy to creditor as provided by chapter 120, §4. (1957, c. 339)

III. For the service of libel for divorce inserted in writ of attachment by serving summons and attested copy of writ and libel, or for the service of libel for divorce with order of court thereon by attested copy, \$5. (1957, c. 339)

IV. For attachment of real estate at registry of deeds, which includes fee of 50¢ to registry, \$4. (1957, c. 339)

V. For attachment of personal property or for the service of writ of replevin, \$5, and in addition thereto \$1 for each hour after the first required for such service. (1957, c. 339)

XV. Every deputy sheriff and court messenger, while in attendance upon the supreme judicial court or the superior court in their several counties except as provided in section 14 of chapter 103, shall receive for said attendance and service \$10 a day while the court is in session to run continuously from the commencement of such attendance and service until adjournment unless sooner released by the court, plus their actual travel at 20¢ a mile from their place of abode for each day's attendance. The superior court messenger of Cumberland county shall also receive \$10 per day for court vacation time, service and attendance when said service and attendance are authorized by a justice of the superior court. (1955, c. 267)

Effect of amendments.—The 1955 amendment rewrote subsection XV.

The 1957 amendment increased the fees in subsections I to V.

As the rest of the section was not changed by the amendments, only subsections I to V and subsection XV are set out.

Sec. 152. Special deputies.—Whenever a state of war shall exist or be imminent between the United States and any foreign country, or whenever a state of emergency has been declared to exist under the provisions of chapter 12 relating to civil defense and public safety, sheriffs may appoint male citizens more than 18 years of age not eligible for military service as special deputies, who shall have and exercise all the powers of deputy sheriffs appointed under the general law, except the service of civil process. Such special deputies shall be personally responsible for any unreasonable, improper or illegal acts committed by them in the performance of their duties, but the sheriffs shall not be liable upon their bonds or otherwise for any neglect or misdoings of such deputies. (R. S. c. 79, § 168. 1955, c. 393.)

Effect of amendment.—The 1955 amendment inserted in the first sentence the words "or whenever a state of emergency

has been declared to exist under the provisions of chapter 12 relating to civil defense and public safety."

Sec. 173-A. Pensions for dependents.—If a sheriff or deputy sheriff shall die as a result of injury received in line of duty, except while engaged in the duty of serving civil process, his widow, or, if none, his minor child or children, shall receive a pension equal to $\frac{1}{2}$ of the pay of such sheriff or deputy sheriff at the time of his death, but in no case shall such pension be less than \$1,000. Such pension shall be paid to the widow until she dies or remarries and to a child or children until they die or reach the age of 18 years. The provisions of this section shall apply to deputy sheriffs who are not employed at regular salaries.

The county commissioners of each county are authorized and directed to pay such pensions from county funds. (1955, c. 362, § 2.)

Registers of Deeds.

Election, Duties, Salaries, Fees, etc.

Sec. 215. Salaries.

Androscoggin, \$4,200,
 Aroostook, northern registry, \$3,000; southern registry, \$3,500,
 Cumberland, \$4,500,
 Franklin, \$2,200,
 Hancock, \$3,000,
 Kennebec, \$5,000,
 Knox, \$2,820,
 Lincoln, \$3,100,
 Oxford, eastern registry, \$3,300; western registry, \$2,200,
 Penobscot, \$3,750,
 Piscataquis, \$2,850,
 Sagadahoc, \$3,000,
 Somerset, \$3,600,
 Waldo, \$2,800,
 Washington, \$2,900,

(1955, c. 266, § 4; c. 319, § 4; c. 324; c. 327, § 2; c. 394, § 4; c. 411, § 1; c. 445, § 5; c. 447, § 2; c. 459, § 6; c. 464, § 6; c. 470, § 7. 1957, c. 416, §§ 5, 14, 27, 34, 39, 45, 52, 59, 69, 73, 79.)

Effect of amendments.—This section was amended eleven times in 1955, by P. L., cc. 266, 319, 324, 327, 394, 411, 445, 447, 459, 464 and 470, which increased the salaries for Franklin, Sagadahoc, Somerset, Hancock, Penobscot, Cumberland, Washington, Lincoln, Oxford, Androscoggin and Kennebec counties respectively. As to Franklin, Sagadahoc, Penobscot, Washington, Lincoln and Kennebec counties, the amendments were made retroactive to January 1, 1955.

The 1957 amendment increased the

salaries for Androscoggin, Aroostook, Franklin, Hancock, Knox, Lincoln, Penobscot, Piscataquis, Somerset Waldo, and Washington counties. As to Androscoggin, Knox, Lincoln, Piscataquis, Waldo, and Washington counties, the amendment was made retroactive to January 1, 1957.

As the rest of the section was not changed, only the lines relating to the salaries increased by the amendments are set out.

Sec. 216. Fees.

Recording a municipal tax lien in accordance with provisions of section 88 of chapter 91-A, \$1.

The above fees shall be paid when the instrument is offered for record, except that fees payable by the state shall be paid monthly by the department or agencies requesting the recording, upon rendition of bills by the register of deeds. Said bills shall be paid within 10 days of receipt of same by the department or agency. (R. S. c. 79, § 232. 1947, c. 380. 1949, c. 404, §§ 1, 2, 3. 1953, cc. 50, 150. 1955, c. 84. 1957, c. 397, § 43.)

Effect of amendments.—The 1955 amendment added all that part of the last paragraph that follows the word "record" in the first sentence.

The 1957 amendment substituted "sec-

tion 88 of chapter 91-A" for "section 98 of chapter 92" in the twelfth paragraph.

As only the twelfth and last paragraphs were changed by the amendments, the rest of the section is not set out.

Medical Examiners.**Appointment, Duties, Compensation, etc.**

Sec. 243. Appointment of medical examiners; duties.—Medical examiners for each county in the state shall be appointed by the governor with the advice and consent of the council for a term of 4 years or during the pleasure of

the governor and council. They shall be able and discreet men, learned in the science of medicine and anatomy, and bona fide residents of the county for which they are appointed. The number of medical examiners so to be appointed shall be as follows: For the counties of Franklin, Knox, Lincoln, Piscataquis, Sagadahoc, Somerset and Waldo, 2 each; for the counties of Hancock, Oxford and Washington, 3 each; for the counties of Kennebec and York, 4 each; for the counties of Androscoggin and Aroostook, 5 each; for the county of Cumberland, 7; and for the county of Penobscot, 7; and they shall be appointed with reference to territorial distribution. Each medical examiner before entering upon the duties of his office shall be duly sworn to the faithful performance of his duty. They shall make examinations, as hereinafter provided, whenever any person shall die from criminal violence, or by suicide or in any suspicious or unusual manner. (R. S. c. 79, § 258. 1947, c. 190, § 1. 1949, c. 339. 1957, cc. 283, 284.)

Effect of amendments.—This section which did not refer to or give effect to c. 283, increased the number in Penobscot county from 6 to 7 in such sentence. Both amendments have been given effect in the section as set out above.

Sec. 244. Notice of finding of body.—Whoever finds the body of any person who is supposed to have come to his death by violence or by the action of chemical, thermal or electrical agents or following abortion, or suddenly when not disabled by recognizable disease or who has come to his death unexplained or unattended, shall immediately notify one of the municipal officers, a police officer or constable if in a city or town; or a member of the board of assessors if in a plantation; and if in an unorganized place, the most readily accessible of such officials in any city, town or plantation within the county. Such official shall immediately take charge of such body and retain custody thereof without moving the same, except as hereinafter provided, until the arrival of a medical examiner, the county attorney, the sheriff or a member of the state police. The official taking charge of said body shall immediately notify the county attorney or sheriff, who shall in turn arrange for the attendance of the most readily accessible medical examiner. If the body, where found, is in danger of being destroyed or damaged by fire, vehicular traffic or otherwise, or of being lost in any body of water, any person may take steps as may seem necessary for its preservation or retention prior to the arrival of the medical examiner, sheriff, a member of the state police or the county attorney, but in such event shall first, whenever practicable, exactly mark the location and position of the body. If no such danger exists, the body shall not be moved until the arrival of the medical examiner, the sheriff, a member of the state police or the county attorney, and until photographs have been taken or measurements and drawings have been made to record the physical facts relative to the location and position of the body, under the supervision of the county attorney, the state police or sheriff, or unless the attorney general or the county attorney waives such requirements. After such photographs or such measurements and drawings have been made or have been waived as aforesaid and after the medical examiner has completed such examination as required of him in the following section, the body may be removed to a convenient place. The body shall not be finally released for embalming or burial, except by order of the county attorney or sheriff. If and when it shall appear to the county attorney that the case is one of probable homicide, he shall notify the attorney general of the fact. (R. S. c. 79, § 259. 1947, c. 190, § 2. 1955, c. 326, § 1.)

Effect of amendment.—The 1955 amendment rewrote that part of the first sentence which precedes the first semicolon.

Sec. 245. Proceedings by medical examiner upon receiving such notice.—Upon notice that there has been found or is lying within his county the

body of a person who is supposed to have come to his death by violence or by the action of chemical, thermal or electrical agents or following abortion, or suddenly when not disabled by recognizable disease, or any unexplained or unattended deaths, it shall be the duty of any person having knowledge of such death to notify the medical examiner of the county wherein the body lies and such medical examiner shall forthwith repair to the place where such body lies and take charge of the same, and before said body is removed, he shall reduce or cause to be reduced to writing a description of the location and position of the body and any and all facts that may be deemed important in determining the cause of death. He shall, upon authorization of the county attorney or the attorney general, make an autopsy in the presence of a physician and one other discreet person sufficient in his judgment to disclose such facts as may be attainable thereby which may be of assistance in determining the cause of death. He may compel the assistance of such physician and person, by subpoena if necessary, and he shall then and there at the time of such autopsy reduce or cause to be reduced to writing every fact and circumstance disclosed by such autopsy tending to show the manner and cause of death, which record shall be signed by himself and the witnesses who have attended, who shall in addition to their names subscribe their address and place of business. In case at the time of finding of such body there be no medical examiner available within the county by reason of vacancy in the office, incapacity or absence from the county, any medical examiner in an adjoining county may be notified, whose duty it shall be to attend and perform all duties prescribed by sections 243 to 253, inclusive, as though he were a medical examiner within the county. (R. S. c. 79, § 260. 1947, c. 190, § 3. 1955, c. 326, § 2.)

Effect of amendment.—The 1955 amendment rewrote the first sentence.

Sec. 252. Compensation of medical examiner. — Every medical examiner shall render an account of the expenses of each case, including his fees, to the county attorney, who shall audit and approve the same before it is submitted to the county commissioners for their approval, and the fees allowed the medical examiner shall not exceed the following: For a view and inquiry without an autopsy, \$15; for a view and autopsy, \$50; when the medical examiner performing an autopsy is a pathologist, \$100, whether he makes a view or not; for an inquest, \$10 per day for the time actually spent in holding such inquest and for all necessary travel at the rate of 10¢ per mile. Witnesses summoned to testify at such inquest shall be allowed the same fees as witnesses in the superior court. The physician and other person required to be present at an autopsy as provided in section 245 shall be allowed a reasonable compensation, to be audited by the medical examiner and county attorney. (R. S. c. 79, § 267. 1947, c. 190, § 5. 1957, c. 399.)

Effect of amendment. — The 1957 amendment inserted the provision as to compensation of a pathologist for an autopsy.

County Offices.

Clerk Hire.

Sec. 254. Clerk hire.

Aroostook county: for clerks in the office of register of deeds of the northern district, \$2,700; for clerks in the office of register of deeds for the southern district, \$9,500; for clerks in the office of register of probate, \$2,500; for clerks in the office of clerk of courts, \$4,000; for clerks in the office of the county attorney, \$1,200; for expenses of clerk of courts and his subordinates while attending sessions of the superior court at Caribou, such sums as allowed by the court; for clerks in the office of county commissioners, \$2,600.

Cumberland county: for clerks in the office of register of deeds, \$28,000; deputy

register of deeds, \$3,800; for clerks in the office of register of probate, \$15,000; for clerks in the office of clerk of courts, \$18,000; for clerks in the office of the recorder of the Portland municipal court, \$6,780; for clerks in the office of county attorney, \$2,600; for clerks in the office of sheriff, \$4,500.

Franklin county: for clerks in the office of register of deeds, \$2,000; for clerks in the office of register of probate, \$800; for clerks in the office of clerk of courts, \$2,000.

Knox county: for clerks in the office of register of deeds, \$2,620; for clerks in the office of register of probate, \$2,620; for clerks in the office of clerk of courts, \$2,320; for clerk hire in the office of the county treasurer, \$180.

Oxford county: for clerks in the office of the register of deeds, \$4,000; for clerks in the office of the register of probate, \$2,000; for clerks in the office of clerk of courts, \$2,000.

Piscataquis county: for clerks in the office of the register of deeds, \$2,340; for clerks in the office of register of probate, \$2,340; for clerks in the office of clerk of courts, \$2,496.

Sagadahoc county: for clerk in the office of register of deeds, \$2,964; for clerks in the office of register of probate, \$1,976; for clerks in the office of clerk of courts, \$1,976.

(1955, c. 254; c. 266, § 5; c. 268; c. 319, § 5; c. 411, § 2; c. 459, § 7. 1957, c. 416, §§ 15, 22, 28, 60.)

Effect of amendments.—This section was amended six times by the Public Laws of 1955. Chapters 266, 319, and 459 increased all clerk hire for Franklin, Sagadahoc and Oxford counties respectively; cc. 266 and 319 were made retroactive to January 1, 1955. Chapter 254 increased the clerk hire for clerks in the office of the register of probate in Knox county. Chapter 268 increased the clerk hire for clerks in the office of the recorder of the Portland municipal court in Cumberland county, and c. 411 increased the clerk hire for clerks in the offices of the register of

deeds and the register of probate in Cumberland county.

The 1957 amendment increased the salaries and added "for clerks in the office of county commissioners, \$2,600" in the paragraph relative to Aroostook county, and increased the salaries in Cumberland, Franklin and Piscataquis counties in the paragraphs relative to such counties. As to Piscataquis county, the amendment was made retroactive to January 1, 1957.

Only the paragraphs changed by the amendments are set out.

Fees in Waldo County.

Sec. 256. Fees in Waldo county.—All fees for copies of any public or official documents or records, of whatever nature, which may be payable to any county officer of Waldo county, shall be payable to the treasurer of Waldo county for the use and benefit of the county. (1953, c. 216, § 7. 1955, c. 231.)

Effect of amendment.—The 1955 amendment deleted the words "and charges for the publication of notices required by law" after the word "nature" in line two.

Fees in Penobscot County.

Sec. 258. Fees in Penobscot county.—All fees and charges of whatever nature provided for by state law, except charges for the publication of notices required by law, which may be payable to any county officer of Penobscot county, shall be payable to the treasurer of Penobscot county for the use and benefit of the county. The provisions of this section shall apply only to county officers who are receiving salaries or per diem pay, but shall not apply to the sheriff and deputy sheriffs engaged in the service of civil process. (1955, c. 394, § 5.)

Fees in Kennebec County.

Sec. 259. Fees in Kennebec county.—All fees and charges of whatever

nature, except charges for the publication of notices required by law, which may be payable to any county officer of Kennebec county, shall be payable to the treasurer of Kennebec county for the use and benefit of the county. The provisions of this section shall apply only to county officers who are receiving salaries or per diem pay, but shall not apply to the sheriff and deputy sheriffs engaged in the service of civil process. (1955, c. 394, § 5.)

Chapter 90-A.

General Provisions Relating to Municipalities.

Editor's note.—P. L. 1957, c. 405, which inserted this chapter, provided in § 20 thereof as follows:

"Sec. 20. State tax assessor may print and distribute copies of chapter 90-A. The state tax assessor is specifically au-

thorized, upon receipt of payment therefor by the Maine municipal association, to reproduce and distribute printed copies of chapter 90-A of the Revised Statutes as part of the laws printed and distributed by the state bureau of taxation."

- Section 1. Definitions.
- Sections 2-11. Creation, General Powers and Duties of Municipalities.
- Sections 12-23. Municipal Finance.
- Sections 24-29. Accounting System and Postaudit.
- Sections 30-36. Town Meeting.
- Sections 37-39. Secret Ballot, Inspection, Recount.
- Section 40. Annual Report.
- Sections 41-56. Municipal Officials.
- Section 57. Municipal Records Corrected.
- Sections 58-60. City Officials, Warrant, Ward Limits.
- Sections 61-63. Municipal Development.
- Sections 64-65. Regional Development.

Definitions.

Sec. 1. Definitions.—The listed terms as used in this chapter are defined as follows, unless a different meaning is plainly required by the context:

- I.** "Municipality" includes only cities and towns.
- II.** "Municipal officers" means the mayor and aldermen of a city, and the selectmen of a town.
- III.** "Municipal official" means any elected or appointed member of a municipal government.
- IV.** "Clerk" means the clerk of a municipality.
- V.** "Resident" and "residence" refer to place of domicile.
- VI.** "Voter" means a person registered to vote.
- VII.** "Real estate" means land and structures attached to it.
- VIII.** "General obligation security" means a note, bond or other certificate of indebtedness to the payment of which is pledged the full faith and credit of the issuing body.
- IX.** "Funded debt" means an obligation for the payment of which some fund is set aside.
- X.** "Sinking fund" means a fund created for the purpose of paying a debt.
- XI.** "Revenue-producing municipal facility" means any water supply or distribution system, any sewage disposal or sewerage system, and any automobile parking facility, for the use or services of which money is received by a municipality. (1957, c. 405, § 1.)