

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

**Place in Pocket of Corresponding
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THE MICHIE COMPANY
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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.

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.)

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 Port-

land 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; although c. 411 did not give effect to c. 268, both amendments have been given effect in the paragraph relating to Cumberland county as set out above. Only the paragraphs changed by the various 1955 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 91.

General Provisions Relating to Towns.

Sections 99-B to 99-G. Regional Planning.

Town Meetings. Officers.

Sec. 28. Fees of town clerks.

The clerks shall receive for receiving and recording any instrument by law

entitled to be recorded, including any assignment attached thereto or made a part thereof and executed before record and received with such instrument, the sum of \$1.50 for the first 500 words and the sum of 50¢ for each 100 words or fraction thereof in excess of 500 words; provided, however, if the clerk is furnished a copy of the instrument, such copy to be suitable for filing in the town records, the fee therefor shall be \$1.

(1955, c. 307.)

Effect of amendment.—The 1955 amendment substituted “\$1.50” for “\$1” and “50¢” for “25¢” in the third paragraph from the end of the section and rewrote

the proviso to the same paragraph. Only the paragraph changed by the amendment is set out.

Secret Ballot.

Sec. 54. Filing of certificates of nomination and nomination papers.—Certificates of nomination shall be filed with the town clerk of said town at least 8 days previous to the day of election and nomination papers shall be so filed at least 6 days previous to the day of election unless the town shall by vote establish a different filing date. The certificates of nomination and nomination papers being so filed and being in conformity with the provisions of said sections 49 to 63, inclusive, shall be deemed to be valid unless objection thereto is duly made in writing. Such objections or questions arising in the case of nominations shall be considered by the selectmen of said town and the decision of a majority of the selectmen shall be final. In case such objection is made, notice shall forthwith be delivered to the candidates affected thereby. All certificates of nomination and nomination papers when filed shall be open under proper regulations to public inspection and the town clerk shall preserve the same in his office for not less than 1 year. (R. S. c. 80, § 51. 1955, c. 26.)

Effect of amendment.—The 1955 amendment added at the end of the first sen-

tence the words “unless the town shall by vote establish a different filing date.”

Certain Duties of Municipal Officers.

Sec. 85-A. Deductions from employees' salaries.—The treasurer of any municipality is authorized to make deductions of any nature from employees' salaries on the written authorization of each individual employee involved. The treasurer is authorized to pay over to the proper payee the amounts so deducted. (1955, c. 314.)

Municipal Planning and Zoning.

Sec. 99-A. Application.—The provisions of sections 93 to 99, inclusive, shall apply to village corporations and the inhabitants thereof shall have the same powers and duties under said sections as inhabitants of towns. In the event of a conflict between the zoning provisions of a village corporation and zoning provisions of the town of which the village corporation is a part, the zoning provisions of the village corporation shall prevail within the geographical limits of the village corporation. (1955, c. 265.)

Regional Planning.

Editor's note.—P. L. 1955, c. 42, which added this subdivision, designated the sections thereof §§ 99-A to 99-F. However since P. L. 1955, c. 265, also added to

this chapter a new section designated § 99-A, to follow § 99, the sections of this subdivision have been renumbered §§ 99-B to 99-G.

Sec. 99-B. Purposes.—The purpose of sections 99-B to 99-G, inclusive, shall be to enable municipalities and counties to join in the formation of regional planning commissions whose duty it shall be to prepare a coordinated plan for the development of a region, taking into account present and future needs, with

a view toward encouraging the most appropriate use of land, such as for agriculture, forestry, industry, commerce and housing; the facilitation of transportation and communications; the proper and economic location of public utilities and services; the development of adequate recreational areas, the promotion of good civic design; and the wise and efficient expenditure of public funds. The aforesaid plan shall be made in order to promote the health, safety, morals and general welfare of the region and its inhabitants. (1955, c. 42.)

Sec. 99-C. Formation of regional planning commissions.—Two or more municipalities having planning boards may, by ordinance or resolution adopted by the respective legislative bodies of said municipalities, become members of a regional planning commission.

Each municipality which shall become a member of a regional planning commission shall be entitled to 2 representatives on said commission. A municipality with a population of over 20,000 but less than 100,000 shall be entitled to have 3 representatives on said commission, and a municipality with a population of over 100,000 shall be entitled to have 4 representatives on said commission. Population as set forth in this section shall be deemed to be determined by the last federal census. Representatives to a regional planning commission shall be nominated by the planning board of each municipality from the residents thereof and shall be appointed by the municipal officers of each municipality.

In any county or counties in which a regional planning commission has been formed, the county may, by resolution of its county commissioners, become a member of said regional planning commission and shall be entitled to appoint 2 representatives on said commission.

The terms of office of members of a regional planning commission shall be for 4 years, but initial appointments shall be for 2 and 4 years. In municipalities entitled to 3 or more representatives, initial appointments shall be for 2, 3 and 4 years. Vacancies shall be filled for the remainder of the unexpired term in the same manner as original appointments. (1955, c. 42.)

Sec. 99-D. General powers and duties of commissions.—A regional planning commission's powers shall be advisory, and shall generally pertain to the development of the region within its jurisdiction as a whole, or to problems which involve a combination of 2 or more municipalities or counties. Nothing in sections 99-B to 99-G, inclusive, shall be deemed to reduce or limit any of the powers, duties or obligations of planning boards in individual municipalities.

The area of jurisdiction of a regional planning commission shall include the areas of the respective municipalities forming such commission and may include all or part of any county which is a member of said regional planning commission.

It shall be the duty of a regional planning commission to prepare a comprehensive master plan for the development of the region within its jurisdiction, including the commission's recommendations, among other things, for the use of land within the region; for the general location, extent, type of use and character of highways, major streets, intersections, parking lots, railroads, aircraft landing areas, waterways and bridges, and other means of transportation, communication and other purposes; for the development, extent and general location of parks, playgrounds, shore front developments, parkways and other public reservations and recreation areas; for the location, type and character of public buildings, schools, community centers and other public property; and for the improvement, redevelopment, rehabilitation or conservation of residential, business, industrial and other areas.

A regional planning commission may authorize its employees or consultants to render assistance on local planning problems to any municipality or county which is a member of said regional planning commission. The cost of such assistance shall be paid entirely by the municipality or county to which the service

is rendered or partly by said municipality or county and partly by any gift, grant or contribution which may be available for such work. Said commission shall keep a strict account of the cost of such assistance and shall provide such municipality or county with an itemized statement. (1955, c. 42.)

Sec. 99-E. Organization of commissions; officers; meetings; minutes; by-laws.—A regional planning commission shall elect annually from among its members a chairman, vice-chairman and such other officers as it deems necessary. Meetings shall be held at the call of the chairman and at such other times as the commission may determine. A commission shall keep minutes of its proceedings and such minutes shall be filed in the office of the commission and shall be a public record. A commission may adopt such by-laws as it deems necessary to the conduct of its business. (1955, c. 42.)

Sec. 99-F. Finances.—A regional planning commission shall determine on a reasonable and equitable basis the proportion of its costs to be borne respectively by each municipality or county which is a member of said commission. A commission may accept gifts, grants or contributions from any source, private or governmental, toward its work. Municipalities or counties are hereby authorized to appropriate funds to the use of a regional planning commission and to furnish to a regional planning commission legal or other services which it may deem reasonable. Failure upon the part of any municipality or county to pay its proportionate share of the cost as determined by a regional planning commission shall constitute a termination of such municipality's or county's membership on said commission. Municipalities or counties are hereby authorized to enter into contracts with a regional planning commission for the furnishing of funds or services in connection with the preparation of a comprehensive regional master plan and any special planning work to be done by a regional planning commission for any member municipality or county. Within the amounts appropriated to it or placed at its disposal by gift, grant or contribution, a regional planning commission may engage employees, contract with professional consultants, rent offices and obtain such other goods or services as are necessary to it in the carrying out of its proper functions. (1955, c. 42.)

Sec. 99-G. Relationship of commissions to local planning boards.—A regional planning commission may assist the county or the planning board of any municipality which is a member of said commission to carry out any regional plan or plans developed by said commission.

A regional planning commission may make recommendations on the basis of its plans and studies to any planning board, to the legislative body of any city and to the selectmen of any town within its region, to the county commissioners of the county or counties in which said region is located, and to any state or federal authorities.

Upon completion of a comprehensive master plan for the region or any portion of said comprehensive master plan, a regional planning commission may file certified copies of said comprehensive master plan or portion thereof with the planning board of any member municipality. Such planning board may adopt all or any part of such comprehensive master plan which pertains to the area within its jurisdiction as its own master plan, subject to the requirements of section 96. (1955, c. 42.)

Money Raised. Money in Trust.

Sec. 102. Other purposes.—Cities and towns may raise money to procure the writing and publication of their histories, to assist a local historical society, to celebrate any centennial or other anniversary of the settlement or incorporation of such city or town and to publish the proceedings of any such celebration; to aid in defraying the expenses for Christmas decorations; to defray

the expenses of the observance of memorial day, veterans day or any other day set apart for patriotic commemoration, firemen's memorial Sunday and of old home week; to hire a public nurse; to hire a dental hygienist; to subsidize a physician to induce him or her to settle in said town; to aid in the maintenance of a hospital serving the inhabitants of the town; to provide for a local program or one based on coordination with the state having to do with the rehabilitation and employment of persons honorably discharged from the armed forces of the United States in World War II or the Korean campaign; to provide for physical fitness programs in the schools; to erect suitable monuments or memorials in memory of the soldiers and sailors who sacrificed their lives in defense of their country in the war of 1861, or in World Wars I and II or the Korean campaign, and a reasonable sum to secure, grade and care for a lot appropriate for such a monument or memorial. They may also raise money to be expended for exterminating or controlling brown tail and gypsy moths and other insect pests. Cities and towns may appropriate, and individuals and private organizations may raise sums of money to be deposited with and expended under the direction of the department of health and welfare for dental hygienist service, provided said sums are expended in the city or town where appropriated or raised. They may also raise money to be expended for the support and maintenance of the chamber of commerce or board of trade. Cities and towns may also raise money for insurance of their officers, agents, servants, fire department or association officers and members, including call or volunteer firemen, against public liability and property damage resulting from the negligent acts of commission or omission of any such personnel while operating motor vehicles owned or rented by any such municipality and in use upon city or town business be it governmental, corporate or proprietary. They may also raise money for the support and maintenance of a duly incorporated volunteer fire department. When a town has appropriated a sum not in excess of \$500 for the use of a duly incorporated volunteer fire department within said town, the selectmen may issue their warrant to the town treasurer authorizing him to pay over the amount so appropriated to the treasurer of said volunteer fire department. (R. S. c. 80, § 91. 1945, c. 40. 1949, cc. 119, 193. 1951, c. 5; c. 157, § 12; c. 228. 1953, c. 308, § 95. 1955, c. 123.)

Effect of amendment.—The 1955 amendment inserted the words “to aid in defraying the expenses for Christmas decorations” and substituted “veterans day” for “armistice day” in the first sentence.

Sec. 108. Advertising.—Any city or town may appropriate any sum, not exceeding 2 mills on a dollar, based on the local town valuation of the preceding year, to be expended and used for advertising the natural resources, advantages and attractions of the state or such city or town. (R. S. c. 80, § 95. 1955, c. 34.)

Effect of amendment.—The 1955 amendment inserted the words “local town” in line one and increased the maximum appropriation from 1 mill to 2 mills on a dollar, and two.

Sec. 116. Meetings to accept legacies and gifts; notice.

Cited in *Belfast v. Goodwill Farm*, 150 Me. 17, 103 A. (2d) 517.

Sec. 118-A. Investment of trust funds.—Any city or town holding trust funds may for the purposes of the investment thereof, unless the instrument, judgment, decree or order creating the trust prohibits, treat any 2 or more of such funds as a single fund, the income therefrom, after adjustment for expenses in the care and management thereof, to be divided among the various trusts in proportion to the contribution made by each to such fund. (1955, c. 159.)

Sec. 118-B. Donations or gifts of money to city or town.—Whenever the municipal officers of any city or town are notified in writing by any person that he intends to make a donation or gift of money, in behalf of said city

or town, for the purpose of supplementing one or more specific appropriations already made, or, to reduce the tax assessment in respect to one or more specific appropriations already made, or, to reduce the permanent city or town debt, the municipal officers have authority to accept such donation or gift and cause same to be applied for the purpose or purposes stated by the donor. If, prior to the establishment of the tax rate, the assessors receive certification from the municipal officers that such a donation has been received and paid in to the treasury for the purpose of reducing the tax commitment, the assessors shall forthwith credit the one or more specific appropriations with the money received, in accordance with the instructions of the donor, and thus reduce the total commitment, before proceeding to establish the tax rate. The word "person" as used in this section shall be construed to import both the singular and plural, as the case demands, and shall include corporations, companies, societies, associations and charitable, benevolent and civic improvement trusts. This section shall not be so construed as to exclude cities and towns from accepting donations and gifts of any other character. (1955, c. 189.)

Editor's note.—P. L. 1955, c. 189, which added a new section designated § 118-A to this chapter, designated it § 118-A. However, since P. L. 1955, c. 159, also added this chapter, this section has been renumbered § 118-B.

Sec. 120. Taxation for refunding indebtedness and investment of trust funds.—Any city or town which has a funded indebtedness may create a sinking fund for the payment and redemption of such indebtedness and may raise money by taxation for such purpose. City and town officers and officers of quasi-municipal corporations shall hereafter invest all permanent funds including sinking funds, permanent school funds and money or credits deposited with them for perpetual care of lots in cemeteries, in the legal obligations of the United States of America; the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York and Pennsylvania, and the bonds of the several counties, cities and towns in the several states above named which are the direct obligation of said counties, cities and towns, and the bonds of water districts located in the state of Maine, and chartered and organized as quasi-municipal corporations under the laws thereof, which are the direct obligation of said water districts, and, except sinking funds, may invest any of said funds in accordance with the laws of the state governing the investment of the funds of savings banks as enumerated in section 19-I of chapter 59, or may deposit the same, including sinking funds, on time deposit in banks or trust companies, organized under the laws of this state or of the United States, and in shares of loan and building associations and savings and loan associations organized under the laws of this state, and not otherwise; and unless otherwise specifically provided by the terms of the grant or bequest the annual income, only, shall be expended in performance of the requirements of the trust. Provided that this section shall not be construed to require any change of investments made prior to July 7, 1923, or the sale of any securities specifically bequeathed as a corpus of a trust fund if their retention be approved by the judge of probate for the county in which said city or town is located or if the terms creating the trust provide for their retention; but when the indebtedness for payment of which a sinking fund is created is refunded or paid by such city or town by a new loan, any stocks, bonds or securities in said sinking fund, other than its own bonds, may be withdrawn therefrom and shall not be regarded as pledged for payment of the new loan unless afterward returned to the sinking fund. The provisions hereof shall apply to the investment of funds, as provided for in section 15 of chapter 58. (R. S. c. 80, § 106. 1951, c. 76. 1955, cc. 373, 374.)

Effect of amendments.—This section was twice amended by the Public Laws of 1955. Chapter 373 substituted a reference to "subsections I to IX and sub-section XII of section 19-I of chapter 59" for a reference to "subsections I to IX and subsection XIX of section 42 of chapter 59" in the second sentence. It also in-

served in the second sentence the words "and in shares of loan and building associations and savings and loan associations organized under the laws of this state." Chapter 374, which made no mention of c. 373, substituted, in the second sentence, a reference to "section 19-I of

chapter 59" for the reference to "subsections I to IX and subsection XIX of section 42 of chapter 59." The reference substituted by c. 374 and the words inserted by c. 373 are shown in the section as set out above.

Chapter 91-A.

Property Tax Laws.

Sections 1- 26.	General Provisions Respecting Taxation.
Sections 27- 47.	Assessors and Assessment.
Sections 48- 55.	Abatement.
Sections 56- 74.	Tax Collector's Duties and Liabilities.
Sections 75- 86.	Delinquent Tax Collectors.
Sections 87- 97.	Collection of Taxes by Enforcement of Lien on Real Estate.
Sections 98-106.	Collection of Taxes by Distrainment or Arrest.
Sections 107-108.	Collection of Taxes by Action of Debt.
Sections 109-122.	Collection of Taxes by Sale of Real Estate.

General Provisions Respecting Taxation.

Sec. 1. Definitions. — The following words and phrases as used in this chapter shall, unless a different meaning is plainly required by the context, have the following meaning:

- I.** The term "municipality" shall include cities, towns and plantations.
- II.** The term "place" shall include municipalities, townships and any other unorganized area.
- III.** The term "municipal officers" shall mean the mayor and aldermen of cities, the selectmen of towns and the assessors of plantations.
- IV.** The term "tax collector" shall mean any person chosen, appointed or designated by a municipality or the officers thereof to collect any tax due a municipality; or his successor in office.
- V.** The term "mortgagee" shall be construed to include the heirs and assigns of the mortgagee.
- VI.** The terms "reside" or "resident" shall have reference to place of domicile.
- VII.** The term "estates" shall be construed to mean both real estate and personal property.
- VIII.** The term "property" shall be construed to mean both real estate and personal property.
- IX.** The term "person" may include a body corporate or an association. (1955, c. 399, § 1.)

Sec. 2. Poll tax.—A poll tax of \$3 shall be assessed upon every male resident of the state above the age of 21 years whether a citizen of the United States or an alien, in the place where he resides on the 1st day of each April, unless he is exempted therefrom by the provisions of this chapter. No person shall be considered a resident of a place merely on account of being present there as a student in an educational institution. (1955, c. 399, § 1.)

Sec. 3. Real estate and personal property taxable; personal property employed in trade; taxable year.—All real estate within the state, all personal property of residents of the state, and all personal property within the