

MAINE STATE LEGISLATURE

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Chapter 101.

Plantations.

Sec. 1. Census of larger unincorporated townships.—Commissioners of counties containing unincorporated townships may, 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. (R. S. c. 89, § 1. 1945, c. 29, § 1.)

Stated in *Small v. Lufkin*, 56 Me. 30; *State v. Shaw*, 64 Me. 263.

Sec. 2. Organization of larger townships.—Immediately after making the return provided by section 1, said commissioners shall issue if they deem it feasible 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. (R. S. c. 89, § 2. 1945, c. 29, § 2.)

Quoted in *State v. Shaw*, 64 Me. 263. Me. 218; *Small v. Lufkin*, 56 Me. 30; *State v. Woodbury*, 76 Me. 457.

Sec. 3. Organization of less populous townships.—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 3 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. (R. S. c. 89, § 3.)

Warrant must comply with all requirements of section.—Where the warrant fails to comply with the requirements of this section in not naming the place of meeting, in omitting most of the officers to be chosen, and in not requiring that an attested copy of the warrant be posted in two public and conspicuous places in the township; then there can be no valid

organization in pursuance of such warrant. *State v. Shaw*, 64 Me. 263.

For a case prior to the enactment of § 12 construing the word "place," as used in this section, to mean one or more places or townships, see *Prentiss v. Davis*, 83 Me. 364, 22 A. 246.

Cited in *Plantation No. 9 v. Bean*, 40 Me. 218.

Sec. 4. Meeting for organization under 2 preceding sections.—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. (R. S. c. 89, § 4.)

Cited in *State v. Woodbury*, 76 Me. 457;

Cookson v. Parker, 93 Me. 488, 45 A. 505.

Sec. 5. Copy of proceedings and description of plantation forwarded to secretary of state; liability for state or county taxes.— 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 3 or more citizens as above provided shall not be required to pay state or county taxes unless by special order of the legislature. (R. S. c. 89, § 5.)

Section requires definite description of boundaries.—It was undoubtedly the intention of the legislature, as expressed in this section, to require of these anomalous corporations such a description of their limits as would give them a definite location, as well as a name. *Plantation No. 9 v. Bean*, 40 Me. 218.

But description by name may be sufficient if boundaries established.—Reference to an existing division of territory, which has established well known boundaries, as have townships which have been surveyed by authority of the state, is as distinct a description as it would be to recite the boundaries of such tract in detail. But where a tract of land or division of territory is referred to by name, which has no established boundaries, the description is, of course, indefinite and uncertain for the purposes of this section. *Plantation No. 9 v. Bean*, 40 Me. 218.

The requirement in this section of a "written description of the limits of the plantation" has been held satisfied by the record which certified that pursuant to the warrant "the qualified voters of Township

Letter L, Range 2, of Cyr Plantation, met," etc. *State v. Woodbury*, 76 Me. 457.

A plantation is not legally organized where no description of its limits has been forwarded to the secretary of state as required by this section. *Plantation No. 9 v. Bean*, 40 Me. 218.

Presumption of regularity of organization.—The doctrine of presumption is commended by the law when applicable to a case of regularity of organization under this section and the three sections immediately preceding. Irregularities in the proceedings to organize a corporation are not favored when set up long afterwards to defeat the corporate existence, and after the lapse of thirty years, the presumption of regularity may be conclusively presumed in many cases. *Prentiss v. Davis*, 83 Me. 364, 22 A. 246.

In proving the organization of municipal corporations under this section and the three sections immediately preceding, the presumption of regularity and completeness has much weight. *Cookson v. Parker*, 93 Me. 488, 45 A. 505.

Sec. 6. Annual meeting.—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 of lumber and 2 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. (R. S. c. 89, § 6.)

See c. 89, § 53, re powers and liabilities of road commissioner; c. 92, §§ 64, 65, 82, 140, re laws respecting ways; c. 92, § 20, re road commissioner; applicable to plantations.

Sec. 7. Plantation officers' names returned to secretary of state.— 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. (R. S. c. 89, § 7.)

Sec. 8. Laws for town officers apply to plantation officers.—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. (R. S. c. 89, § 8.)

Cross references.—See c. 4, §§ 17, 26 and c. 5, §§ 60-63, re elections in plantations; c. 5, §§ 90-103 et seq., c. 36, § 111, re plantations becoming part of Maine forestry

district; c. 91, §§ 2-48, re calling meetings and choice of town officers; penalties; c. 92, §§ 63, 64, 82, 140, re penalties.

Stated in *Small v. Lufkin*, 56 Me. 30.

Sec. 9. Duties of plantation officers.—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. (R. S. c. 89, § 9.)

Cross references.—See c. 94, §§ 25, 26, 27, re maintenance of certain persons.

Cited in *Barnard v. Argyle*, 20 Me. 296.

Sec. 10. Inventory of polls and estates; basis of taxation; money for ways.—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 valuation 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 53 of chapter 89 and section 105 of chapter 96. Such inventory and valuation in any plantation shall be so taken, corrected and returned to the treasurer of state, whenever required by him. (R. S. c. 89, § 10.)

Assessors may draw on highway account.—When a fund, applicable to the highways, is assessed and in train for collection, the assessors of a plantation may, under this section and § 9, draw orders on highway account to the amount of the fund, and the orders become evidence of debt available against the plantation if not paid when demanded. *Barnard v. Argyle*,

20 Me. 296.

Duty to pay for bridge not implied from use thereof.—Under this section a duty on the part of a plantation to pay for a bridge constructed for such plantation without contract will not be implied from the use made of it by the inhabitants thereof. *Knowlton v. Plantation No. 4*, 14 Me. 20.

Sec. 11. Money for schools, poor, etc.—All plantations may raise and expend money for the support of schools and making and repairing schoolhouses, as provided in sections 28, 157 and 158 of chapter 41; for support of the poor, as

provided in section 41 of chapter 94; and for sums necessary for legal plantation expenses. (R. S. c. 89, § 11. 1945, c. 378, § 73.)

Cross references.—See c. 92, §§ 64, re assessment of taxes in plantations; c. 94, § 26, re care of certain persons.

This section does not require plantations to relieve and support their poor. It authorizes plantations to raise money for the support of the poor, but does not impose it as a duty. *Blakesburg v. Jefferson*, 7 Me. 125.

Contracts for support of poor valid to extent of money raised.—If plantations think proper to exercise their power to raise money for the relief and support of the poor under this section, the fund thus raised is to be administered and applied by the assessors. But they have no general authority to bind their plantations by their contracts for the support of the poor, except to the amount of the money raised.

Sec. 12. Organized plantations to consist of one township.—Organized plantations shall not be composed of more than one township; and when organized under the provisions of section 2, former organizations cease. (R. S. c. 89, § 12.)

Sec. 13. First valuation. — 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. (R. S. c. 89, § 13.)

Sec. 14. When assessors neglect valuation, assessors appointed.—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. (R. S. c. 89, § 14.)

Sec. 15. Such assessors paid by county commissioners.—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. (R. S. c. 89, § 15.)

Sec. 16. Plantations reorganized.—Plantations organized upon application of 3 or more inhabitants may at any time be reorganized under the provisions of this chapter. (R. S. c. 89, § 16.)

To this extent, and with this limitation, they may draw on their treasurer, and the plantation will become liable thereon if not duly paid, as towns are upon town orders, drawn by competent authority. Means v. *Blakesburg*, 7 Me. 132.

Plantations may employ agents or attorneys in reasonable number.—Undoubtedly all corporations and towns, as quasi corporations, may, within the meaning of this section, use all lawful means to advance or protect their rights before any legally constituted tribunal, and for that purpose may employ agents or attorneys, but are restricted to a reasonable number. *Frankfort v. Winterport*, 54 Me. 250.

Applied in *Knowlton v. Plantation No. 4*, 14 Me. 20.