

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

Discard Previous Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

Chapter 102.

Emergency Municipal Finance Board. Deorganized Towns and Plantations.

Emergency Municipal Finance Board.

Sec. 9. Complaint; notice. — If the commissioner or commissioners who are in charge of the affairs of any such municipality under this chapter are of the opinion that said municipality has incurred, prior to the date on which the administration of the affairs of said municipality were taken over by the board, debts and obligations in excess of the debt limit fixed by the constitution of the state for such municipality, and that but for section 7, said municipality would be subjected to a multiplicity of actions, said commissioner or commissioners may bring in the name of the inhabitants of said municipality a complaint in the superior court in the county in which said municipality is located against all of the known persons, firms or corporations holding any debts or obligations against the inhabitants of said municipality, to have the validity of all the debts and obligations of said municipality determined.

The attorney general shall appear for and on behalf of the petitioner in such proceedings and the expense thereof shall be paid from any funds in the hands of said commissioner or commissioners in charge of the affairs of said city, town or plantation. The court may fix a time within which all persons, firms or corporations holding claims or demands against the inhabitants of such city, town or plantation shall file their claim or demand for adjudication of its validity as an obligation of said city, town or plantation. The court shall also order public notice to creditors of the inhabitants of the city, town or plantation to file their claims within the time specified, by publication in a newspaper published or printed in the county in which said city, town or plantation is located, and if no newspaper is published or printed in said county, then in the state paper, for at least 3 successive weeks, the last publication to be at least 30 days before the final date set by the court for filing claims against the inhabitants of said city, town or plantation, and the court may also order such additional notice to be given as in its discretion may be proper and necessary.

After such notice has been given and before the date for filing claims against the inhabitants of said city, town or plantation has expired, the court shall fix the time for hearing upon the claims so filed, which hearing may be adjourned from time to time to determine the validity of the obligation and the amount thereof. Any party aggrieved by the finding of said court may appeal within 30 days to the superior court in the county where such municipality is located. The judgment of the single justice shall be binding upon all parties unless appealed from as aforesaid. All obligations determined by said court not to be valid claims against the inhabitants of said city, town or plantation shall be forever barred in any action against the inhabitants of said city, town or plantation and the finding of the court may be pleaded as a bar to any action brought upon said claim or claims. All indebtedness adjudicated to be valid against the inhabitants of said city, town or plantation by the finding of the single justice or on appeal, if such appeal is taken by either party, shall be thereafter considered as a valid outstanding indebtedness against the inhabitants of said city, town or plantation. (R. S. c. 90, § 9. 1961, c. 317, §§ 316, 317.)

Effect of amendment.—The 1961 amendment substituted "municipality" for "city, town or plantation" throughout the first paragraph of this section, made other changes therein to conform to the rules of civil procedure and rewrote the second

sentence of the last paragraph, which formerly read "Any party aggrieved by the finding of said court may appeal to the next term of the superior court to be held in the county where such city, town or plantation is located."

Sec. 10. Voluntary compromise settlements.—The board, at any time prior to the commencement of proceedings under the provisions of section 9, during the pendency of such proceedings or after the termination thereof, when in its judgment it seems advisable to do so for the purpose of reestablishing upon a sound financial basis any municipality under its control by virtue of such action taken prior to January 1, 1943, may in behalf of such municipality offer compromise settlements to any or all of its creditors upon claims, demands or obligations of whatever nature which accrued prior to the assumption of such control by the board and upon all interest thereon whenever accrued.

Such an offer may be made to the state upon obligations due the state, whether arising from taxes, bonds, notes or otherwise by presentation to the treasurer of state; and upon recommendation, certification and approval in the manner prescribed in section 47 of chapter 15-A, the treasurer of state shall thereupon accept and receipt for the sum or sums so offered in full and final settlement, and the balance of any such obligation shall be charged off the books of account of the state.

With respect to such obligations due any county, whether arising from taxes, bonds, notes or otherwise, such offer may be made to its county commissioners and upon acceptance of such offer by them and tender of the sum agreed upon to the county treasurer, he shall accept and receipt for the same in full and final settlement. The balance of any such obligation shall thereupon be charged off the books of account of said county.

Provided, however, that nothing herein contained shall be construed as requiring any creditor or the holder of any obligation of such municipality to accept any offer of settlement made under the provisions hereof, nor shall his refusal to accept in any manner derogate from his existing rights or remedies.

Acceptance of any such offer by any creditor and payment of the sum agreed upon shall in all cases be and constitute a full and complete discharge of any such claim, demand or obligation, whether arising from taxes, bonds, notes or otherwise, and no attachment, levy, action or other process or proceeding shall thereafter be commenced, maintained or prosecuted for the collection of any part thereof. (R. S. c. 90, § 10. 1957, c. 340, § 6. 1963, c. 414, § 113.)

Effect of amendments. — The 1957 amendment substituted "section 47 of chapter 15-A" for "section 32 of chapter 16" in the second paragraph. Section 12

of such amendatory act provided that it should be retroactive to July 1, 1957.

The 1963 amendment deleted "suit" preceding "action" in the last paragraph.

Deorganized Towns and Plantations.

Sec. 12. Debts of deorganized towns and school districts therein. — Where towns are deorganized by a repeal of their charters, and their liabilities are excepted and reserved by the repealing act, legal service of process to collect such liabilities may be made on any inhabitant of lawful age resident in the territory included in said towns; provided there are no legal officers in said territory on whom service can be made. The provisions of this section extend to school districts in said towns so far as applicable. (R. S. c. 90, § 12. 1959, c. 317, § 66.)

Effect of amendment.—The 1959 amendment struck out the words "as provided for service of such process against towns," formerly appearing after the word "towns" and struck out the word "that", formerly appearing after the word "provided."

Effective date and applicability of Public Laws 1959, c. 317. — Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December

1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

Sec. 13. Power and authority of state tax assessor.—Whenever the organization of any town or plantation has been terminated by act of the legislature, the powers, duties and obligations relating to the affairs of said town or plantation shall be vested in the state tax assessor for not more than 5 years. The state tax assessor shall have the authority to sell or otherwise dispose of any property, other than property formerly used or still being used for school purposes, the title of which rests in the town at the time of deorganization or may come to the town subsequent to deorganization. The state tax assessor shall have the power and authority to assess taxes any time after the act terminating the organization of the town or plantation becomes operative by making assessment once a year under the laws now relating to the assessment of state taxes in unorganized territory, and the state tax assessor shall have the same power and authority to enforce the collection of said taxes as is now provided for the collection of state taxes. All moneys received by virtue of said assessment and collection, or disposal of property, shall be applied to the payment of necessary expenses of the state tax assessor in making such assessment, and to the payment of any obligations of said town or plantation outstanding at the time of termination of its organization, and to the payment of state and county taxes assessed against such town or plantation and for the completion of any public works of said town or plantation already begun. When in the best judgment of said state tax assessor final payment of all known accounts against said town, which has been or may be deorganized, has been made, or at the end of said period of 5 years, any funds unexpended, if any exist, shall be deposited by the former town if still in its possession, or by the treasurer of state if in his possession, with the county commissioners as an offset against future road taxes in such deorganized town, as already set forth in chapter 89, section 65. If no road maintenance as described exists in said town, said unexpended funds shall be expended on repairs, maintenance or restoration of such town enterprise as may be designated by the state tax assessor in his capacity as described in this section. (R. S. c. 90, § 13. 1945, c. 41, § 38; c. 182, § 1; c. 378, § 74. 1957, c. 140, §§ 1, 2. 1959, c. 38, § 2.)

Effect of amendments.—The 1959 amendment rewrote this section. The 1957 amendment had made changes in the former sec-

ond and third paragraphs, both of which were deleted by the 1959 amendment.

Chapter 103.

Supreme Judicial Court.

Supreme Judicial Court; Constitution and General Jurisdiction.

Sec. 4. Salary of justices; expenses; clerical assistance.—The justices of the supreme judicial court shall each receive an annual salary of \$17,000, and the chief justice of the supreme judicial court shall receive an annual salary of \$18,000. Each justice shall be reimbursed by the state for his expenses actually and reasonably incurred in attending meetings and the sessions of the law court, appointed by the chief justice under the provisions of section 11, upon presentation to the state controller of a detailed statement of such expenses. When any justice of said court holds nisi prius terms of the superior court in any town other than the town in which he resides, or when any hearing of a civil action is had before a justice of the supreme judicial court or the superior court other than one residing in the town where said hearing is had, such justice shall be reimbursed by the state for his expenses actually and reasonably incurred in holding such terms or in attending said hearing, upon presentation to the state controller of a detailed statement of such expenses. The counties where-in such justices reside, have their offices or are holding court shall also receive