

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

*Maine*  
REVISED STATUTES  
1964

*Prepared Under the Supervision  
of the  
Committee on Revision of Statutes*

Being the Tenth Revision of the  
Revised Statutes of the State  
of Maine, 1964

Volume 1  
CONSTITUTION

Titles 1 to 10



**Boston, Mass.**  
Boston Law Book Co.

**Orford, N. H.**  
Equity Publishing Corporation

**St. Paul, Minn.**  
West Publishing Co.

Text of Revised Statutes  
Copyright © 1964  
by  
State of Maine

This is a historical version of the Maine Revised Statutes that may not reflect the current state of the law. For the most current version, go to:

<http://legislature.maine.gov/legis/statutes/>

## CHAPTER 5

## SECRETARY OF STATE

Sec.

81. Office and duties; vacancy; salary; expenses; fees.
82. Notification of appointment of magistrates to registers of probate and clerks of courts.
83. Clerks of courts to keep lists of appointments; lists and certificates as evidence.
84. Preparation of commissions; recording qualifications and engrossing bills.
85. Distribution of blanks for election returns; penalty for neglect.
86. Fees.
87. Fees payable by public officers.

**§ 81. Office and duties; vacancy; salary; expenses; fees**

The Secretary of State shall be the executive head of the Department of the Secretary of State, as heretofore established, and shall keep his office at the seat of government; have the custody of the state seal and preserve all records in such office, at the expense of the State. When a vacancy happens in the office of Secretary of State during the recess of the Legislature, the Governor, with the advice and consent of the Council, shall appoint a suitable person to act as Secretary of State until one is elected by the Legislature. The person thus appointed shall take the oath required of the elected Secretary of State, and have the same compensation while he performs the duties of the appointment.

The Secretary of State shall receive an annual salary of \$12,500. He and his deputy shall receive such actual traveling expenses incident to the administration of his department as shall be necessary.

The Secretary of State shall collect the legal and usual fees payable to him by virtue of his office and shall pay them over forthwith to the Treasurer of State.

R.S.1954, c. 21, § 1; 1955, c. 473, § 6; 1957, c. 418, § 6; 1959, c. 361, § 6; 1961, c. 377, § 1; 1963, c. 396, § 4; c. 414, § 3.

**§ 82. Notification of appointment of magistrates to registers of probate and clerks of courts**

The Secretary of State, upon receiving evidence of the qualification of any justice of the peace or notary public, shall immediately notify the register of probate and the clerk of the ju-

dicial courts of the county where such officer resides of his appointment and qualification. He shall, on the first days of June and December, forward to the registers of probate courts, Judges of the District Courts and clerks of United States courts in the State a list of all justices of the peace and notaries public, whose commissions are then in force, and the evidence of whose qualification has been filed in his office within the 6 months next preceding the time of forwarding such lists, which shall contain the name and residence of every such officer, the date of his commission and the county or counties for which he is commissioned. He shall send at the same time 2 copies of such lists to each of the clerks of the state courts.

R.S.1954, c. 21, § 2; 1963, c. 402, § 17.

**§ 83. Clerks of courts to keep lists of appointments; lists and certificates as evidence**

The clerks of the state courts shall make a memorandum on such lists of the fact and date of their reception, and either of such lists so attested, or the certificate of such clerk under the seal of his court, shall be legal but not conclusive evidence of the appointment and qualification of such officers and, at the expiration of each decade of years, it shall be the duty of the clerk then in office to have one set of such lists received during the decade bound in a substantial manner.

R.S.1954, c. 21, § 3.

**§ 84. Preparation of commissions; recording qualifications and engrossing bills**

The Secretary of State shall prepare and present to the Governor and Council under the seal of the State, in order that the same may receive the signature of the Governor, a commission for every person appointed or a certificate of election to every person elected to any office for which a commission or certificate of election is required; enter in a suitable book the time when and the person by whom any commission or certificate of election is taken from his office, and the time when any certificate of the qualification of any officer is filed therein. When a duty must be paid as a prerequisite of holding the office, the Secretary of State shall notify every person appointed to such office of the fact and on receipt of evidence of its payment shall then, and no sooner, present said commission or certificate to the Governor and Council. When the commission or certificate shall have been signed by the

Governor, the Secretary of State shall deliver or forward the same to the person so appointed or elected. He shall cause all bills passed by the Legislature to be engrossed, under his special direction, for the use thereof.

R.S.1954, c. 21, § 4.

**§ 85. Distribution of blanks for election returns; penalty for neglect**

The Secretary of State shall cause blanks for all election returns required by law to be seasonably distributed to the clerks of the several towns, by mail. If any clerk fails to receive such blanks by the 20th day of October in any year in which an election is held, of which returns are to be made to the office of the Secretary of State, he shall forthwith notify the Secretary of State. If the Secretary of State neglects this duty he forfeits \$100 for each neglect.

R.S.1954, c. 21, § 5; 1959, c. 204, § 28.

**§ 86. Fees**

The Secretary of State shall receive:

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

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

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

For receiving, filing and recording copy of certificate of organization of a corporation organized under Title 13, chapters 1 to 21, \$5 in advance.

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

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

For filing power of attorney of a foreign corporation under Title 13, section 591, \$10; for filing instrument revoking such power of attorney, \$5; for filing copy of charter under Title 13, section 592, \$10 additional; for filing certificate of increase or reduction of stock of a foreign corporation, \$10.

For filing certificate of organization of a cooperative marketing association, \$10; for filing an amendment thereto, \$2.50.

R.S.1954, c. 21, § 6; 1959, c. 378, § 5; 1963, c. 362, § 3.

### **§ 87. Fees payable by public officers**

A fee of \$5 shall be paid to the Secretary of State by any person appointed to the office of justice of the peace, notary public, commissioner to take depositions and disclosures, disclosure commissioner and commissioner appointed under Title 33, section 251, before such person enters upon the discharge of his official duties.

R.S.1954, c. 21, § 7; 1959, c. 363, § 8; 1963, c. 402, § 18.