

MAINE STATE LEGISLATURE

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MUNICIPALITIES

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CHAPTER 201

GENERAL PROVISIONS

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§ 1901. Definitions

The listed terms as used in chapters 201 to 213, 223, 235 and 239 to 245 are defined as follows, unless a different meaning is plainly required by the context:

1. **Clerk.** "Clerk" means the clerk of a municipality.

2. **Cost.** "Cost" as applied to a revenue producing municipal facility shall include the purchase price of any such facility, the cost of construction, the cost of all labor, materials, machinery and equipment, the cost of improvements, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and, if deemed advisable by the municipal officers, for one year after completion of construction, cost of plans and specifications, surveys and estimates of cost and of revenues, cost of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized. Any obligation or expenses incurred by the municipality in connection with any of the foregoing items of cost may be regarded as a part of such cost and reimbursed to the municipality out of the proceeds of revenue bonds issued under chapters 201 to 213, 223, 235 and 239 to 245.

1963, c. 435, § 4.

3. **Funded debt.** "Funded debt" means an obligation for the payment of which some fund is set aside.

4. **General obligation security.** "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.

5. **Improvements.** "Improvements" means such repairs, replacements, additions, extensions and betterments of and to a water system or a sewer system as are deemed necessary by the municipal officers to place or to maintain such system in proper condition for its safe, efficient and economic operation or to meet requirements for service in areas which may be served by the municipality and for which no existing service is being rendered.

1963, c. 435, § 4.

6. **Municipality.** "Municipality" includes only cities and towns.

7. Municipal officers. "Municipal officers" means the mayor and aldermen of a city, and the selectmen of a town.

8. Municipal official. "Municipal official" means any elected or appointed member of a municipal government.

9. Real estate. "Real estate" means land and structures attached to it.

10. Resident. "Resident" and "residence" refer to place of domicile.

11. Revenue producing municipal facility. "Revenue producing municipal facility" means a water system or a sewage disposal system.

1963, c. 435, § 3.

12. Sewage. "Sewage" means the water-carried wastes created in and carried or to be carried away from residences, hotels, schools, hospitals, industrial establishments, commercial establishments or any other private or public building together with such surface or ground water or household and industrial wastes as may be present.

1963, c. 435, § 4.

13. Sewage disposal system. "Sewage disposal system" means and includes any plant, system, facility or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage, including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources, or any integral part thereof, including but not limited to treatment plants, pumping stations, intercepting sewers, truck sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the municipal officers for the operation thereof.

1963, c. 435, § 4.

14. Sewer system. "Sewer system" shall include both sewers and sewage disposal systems and all property, rights, easements and franchises relating thereto.

1963, c. 435, § 4.

15. Sewers. "Sewers" means and includes mains, pipes and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system, including pumping stations.

1963, c. 435, § 4.

16. Sinking fund. "Sinking fund" means a fund created for the purpose of paying a debt.

17. Voter. "Voter" means a person registered to vote.

18. Water system. "Water system" means and includes all plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water, and any integral part thereof, including but not limited to water supply systems, water distribution systems, reservoirs, wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves and all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the municipal officers for the operation thereof. (1963, c. 435, § 4.)

R.S.1954, c. 91, § 154; 1957, c. 405, § 1; 1963, c. 435, §§ 3, 4.

§ 1902. Municipality as body corporate

The residents of a municipality are a body corporate which may sue and be sued, appoint attorneys and adopt a seal.

R.S.1954, c. 91, § 1; 1957, c. 405, § 1.

§ 1903. Gifts of money or property

A municipality may receive money or other property in trust for any specified municipal, benevolent, religious or educational purpose.

1. Acceptance or rejection. When the municipal officers receive written notice from a prospective donor or his representative of a proposed trust, they shall submit the matter at the next meeting of the legislative body and shall within 10 days after the meeting send written notice of its acceptance or rejection.

2. Deposited or invested. The municipal officers shall either deposit or invest trust funds according to section 5051.

A. Unless the instrument or order creating the trust prohibits, a municipality may treat any 2 or more trust funds as a single fund solely for the purpose of investment.

B. After deduction of management expenses, any interest earned or capital gains realized shall be prorated among the various trust funds.

C. Any property or securities included in the corpus of a trust fund shall be retained where the trust instrument so provides.

D. Unless otherwise specified in the trust instrument, only the annual income from the trust fund may be spent.

3. Revert to donor. If the municipality fails to comply with the terms of the trust instrument, the trust fund reverts to the donor or his heirs.

R.S.1954, c. 91, §§ 118, 120, 122; 1955, c. 159; 1957, c. 405, § 1.

§ 1904. —Conditions attached

A municipality may accept a conditional gift for any specified municipal, benevolent, religious or educational purpose.

1. Acceptance or rejection. Within 60 days after the municipal officers receive written notice from a prospective donor or his representative of the proposed gift, they shall call a meeting of the legislative body, and shall within 10 days after the meeting send written notice of its acceptance or rejection.

2. Perpetually comply with conditions. When the donor or his representative has completed his part of the agreement respecting the execution of a conditional gift, the municipality shall perpetually comply with, and may raise money to carry into effect, the conditions upon which it was made.

3. Deposited or invested. Unless otherwise specified by its terms, a conditional gift of money may be deposited or invested according to section 5051.

R.S.1954, c. 91, §§ 116, 117; 1957, c. 405, § 1.