

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 188

H. P. 619

House of Representatives, February 2, 1937.

Referred to Committee on Judiciary. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Tabbut of Columbia Falls.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Require City and Town Treasurers and Tax Collectors to Be Bonded by a Surety Company.

Be it enacted by the People of the State of Maine, as follows:

R. S., c. 5, § 21, amended. Section 21 of chapter 5 of the revised statutes is hereby amended to read as follows:

‘Sec. 21. Treasurer and tax collector to give bond; amount; office of treasurer vacant if bond not filed seasonably; vacancy; approval of bond and record; municipal officers may accept bond of a surety company at expense of town. The treasurer and tax collector before entering upon the discharge of ~~his~~ **their** official duties, shall give bond **underwritten by a surety company authorized to do business in this state** to the inhabitants of ~~his~~ **their** towns ~~with such sureties and~~ for such sum as shall be designated by the municipal officers, not exceeding, however, twice the amount of the taxes to be collected during the year for which ~~he is treasurer~~ **they are such officers**, conditioned for the faithful discharge of all the duties and obligations of ~~his~~ **their** offices. If such bond is not furnished and delivered to the municipal officers within 10 days after written demand by the municipal officers on the treasurer therefor, ~~the~~ **such** office ~~of treasurer~~

shall be deemed vacant, and the town or plantation, at any meeting of its inhabitants legally called, may elect **such** a treasurer **and/or tax collector** to fill the vacancy, or the municipal officers may fill the vacancy by written appointment which shall be recorded by the clerk in the town records. The municipal officers shall be the sole judges of the sufficiency of such bond ~~and sureties~~. Such bond, after its approval and acceptance by the municipal officers, shall be recorded by the clerk, and such record shall be prima facie evidence of the contents of such bond, but a failure to so record shall be no defense in any action upon such bond. ~~The municipal officers may accept any surety company authorized to do business in the state as surety on such bond, and dispense with any further surety or sureties thereon.~~ Any town or plantation may lawfully vote, at its annual meeting, to raise money to be expended by its treasurer ~~under the direction of~~ **upon order from** the municipal officers, for the purpose of purchasing from any surety company authorized to do business as aforesaid, the bond required by this section, **or by any other provision of law requiring constables, road commissioners or any other town officer or employee to furnish a bond for the faithful discharge of their duty.** In each instance a new bond shall be required upon subsequent re-election or re-appointment, and all such bonds shall be conditioned to reimburse the city, town or plantation for all loss, interest, cost, damage or expense resulting or arising from the failure of the assured to perform his or her duties as required by law, not in excess of the principal amount of the bond.'