

# MAINE STATE LEGISLATURE

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

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Legislative Document

No. 133

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S. P. 148

In Senate, January 26, 1939.

Referred to Committee on Towns. Sent down for concurrence and 750 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Marden of Kennebec.

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S T A T E   O F   M A I N E

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-NINE

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**AN ACT Relating to Bonds for Town Treasurers, Tax Collectors and Constables.**

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

**Sec. 1. 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 to give corporate bond; amount; office of treasurer vacant if bond not filed seasonably; vacancy; approval of bond and record; condition on which personal bond shall be accepted; premium on bond a proper expense of town.** The treasurer before entering upon ~~the discharge~~ of his official duties, shall give a **corporate surety** bond to the inhabitants of his town 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, conditioned for the faithful discharge of all the duties and obligations of his office. 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 thereof, the office of treasurer shall be deemed vacant, and the town or plantation, at any meeting of its inhabitants legally called, may elect a treasurer 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; **provided, however, that the treasurer may furnish a bond signed by individuals if such individuals submit to the municipal officers a detailed sworn statement as to their personal financial ability which shall be found acceptable by the municipal officers.** 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 ~~the~~ its municipal officers, for the purpose of purchasing from any surety company authorized to do business as aforesaid, the bond required by this section.'

**Sec. 2. R. S., c. 14, § 14, amended.** Section 14, of chapter 14, of the revised statutes is hereby amended to read as follows:

**'Sec. 14. Collector to give corporate surety bond; condition on which personal bond shall be accepted.** The assessors shall require such constable or collector to give a **corporate surety** bond for the faithful discharge of his duty to the inhabitants of the town, in ~~such~~ the sum and with such sureties, as the municipal officers approve; and bonds of collectors of plantations shall be given to the inhabitants thereof, approved by the assessors, with like conditions; **provided, however, that the constable or collector may furnish a bond signed by individuals if such individuals submit to the municipal officers a detailed sworn statement as to their personal financial ability, which shall be found acceptable by the municipal officers.'**