

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

Legislative Document

No. 183

H. P. 488

House of Representatives, January 26, 1939.

Referred to Committee on Judiciary. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Mills of Farmington.

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

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Removal of Paupers.

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

R. S., c. 33, § 34, amended. Section 34 of chapter 33 of the revised statutes, as amended, is hereby amended to read as follows :

‘Sec. 34. Overseers’ complaint if pauper refuses to be removed to town of settlement; proceedings; person executing order of magistrate has same power as sheriff in executing criminal warrants; fees and costs. When the removal of a pauper to the town of his alleged settlement is sought, under section 31 or section 32, and the person to whom the order of the overseers is directed requests him to go with him in obedience thereto, and he refuses to go, or resists the service of such order, the person to whom it is directed may make complaint in writing, by him signed, of the facts aforesaid, to any judge of a municipal court or trial justice within the county where said pauper is then domiciled. Said magistrate shall thereupon, by proper order or process, cause said pauper to be brought forthwith before him by any officer to whom the same is directed, to answer said complaint and show cause why he should not be so removed. The complaint may be amended at any time before judgment thereon according to the facts. The complainant and the pauper shall both be heard, and if

upon such hearing the magistrate finds that the town to which it is proposed to remove such pauper is liable for his maintenance and support, he shall issue his order, under his hand and seal, commanding the person to whom it is directed to take said pauper and transport him to the town aforesaid, and deliver him to the custody of the overseers of the poor thereof. **In such a hearing the written order of the overseers of the poor of the town of settlement requesting the removal of the pauper shall be accepted by the magistrate as prima facie evidence that the settlement of the pauper is in the town requesting the removal and thereupon the burden of proof shall be upon the pauper to deny said settlement.** The person to whom said last named order is directed shall have all the authority to execute the same according to the precept thereof, that the sheriff or his deputy has in executing warrants in criminal proceedings. In the foregoing proceedings, the fees and costs shall be the same as for like services in criminal cases, and shall be paid by the town seeking to remove such pauper.'