

# MAINE STATE LEGISLATURE

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Legislative Document

No. 1607

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House of Representatives, May 27, 1957  
In Senate read and adopted. Printed under House Rule 36.  
HARVEY R. PEASE, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

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SENATE AMENDMENT "A" to H. P. 320, L. D. 437, Bill, "An Act Revising  
the General Laws Relating to Municipalities."

Amend said Bill in that part of section 1 designated "CHAPTER 90-A" by inserting after "Sec. 8" a new underlined section to be numbered 8-A, to read as follows:

**'Sec. 8-A. Union highway districts. Two or more municipalities may establish a union highway district. The district shall be organized as follows:**

**I. The municipal officers of each member municipality shall select one from their number to represent the municipality on the district board of trustees for a term of one year.**

**II. The board of trustees shall hold title to district property and shall administer the district operations. The board of trustees may employ a director of public works to administer the operation of the district under its supervision.**

**III. Contributions for capital improvements and equipment shall be made to the district by the member municipalities in proportion to the last state valuation.**

**IV. Contributions for operating expenses shall be such as the member municipalities provide from time to time, and shall be expended in the municipality which makes them.**

**V. The board of trustees may establish a district reserve fund and member municipalities may contribute to it according to section 17.**

**A. The fund may not include a credit reserve account.**

**B. Appropriations from the fund shall be made by the board of trustees.**

**C. The board of trustees shall deposit or invest the fund according to section 21.**

**VI. Upon dissolution of the district, the assets shall be distributed to the member municipalities in proportion to the last state valuation.**

**VII. This section does not change any matter concerning relations between the State Highway Commission and municipalities. (1957, c. 212)'**

Further amend said Bill in that part of section 1 designated "Sec. 21" by adding at the end of subsection III a new underlined paragraph A, to read as follows:

**'A. For the purpose of this section, the words "deposits of a bank" or their equivalent as used in section 19-I of chapter 59 mean the total assets of the reserve fund, trust fund or other permanent fund being invested, but the limitation concerning the maximum amount which may be invested in a security or type of security under section 19-I applies only to an investment in that security or type of security which exceeds \$2,000. (1957, c. 224)'**

Further amend said Bill in that part of section 1 designated "Sec. 25" by adding after the underlined word "accounting" in the headnote and also in the first sentence, the underlined words 'and auditing' and by adding at the end of said section the underlined citation '(1957, c. 311)'

Further amend said Bill in that part of section 1 designated "Sec. 26" by adding at the end of the first paragraph a new underlined sentence as follows:

**'The postaudit shall be conducted on the basis of auditing standards and procedures prescribed by the State Auditor.'**; further amend said "Sec. 26" in subsection III by striking out the following underlined words at the end of the first sentence: "and shall send a certified copy to the State Auditor" and inserting after the period the underlined citation '(1957, c. 311)'; and further amend said "Sec. 26" by adding at the end of subsection III an underlined paragraph B to read as follows:

**'B. Within 30 days after completion of the postaudit, the auditor shall send to the State Auditor a certified copy of the postaudit report and a certified copy of the audit procedural form prescribed by the State Auditor for governmental audits. (1957, c. 311)'**; and further amend said "Sec. 26" by adding at the end thereof (at the end of subsection V) the underlined citation '(1957, c. 311)'

Further amend said Bill in that part of section 1 designated "Sec. 30" by striking out in subsection IV, after the underlined words "at least 10% of the", the underlined words "voters registered" and inserting in place thereof the underlined words 'number of votes cast' and by adding at the end of said subsection IV the underlined citation '(1957, c. 178)'

Further amend said Bill in that part of section 1 designated "Sec. 32" by striking out after the underlined figure and words "10% of the", the underlined words "voters registered" and inserting in place thereof the underlined words 'number of votes cast' and by adding at the end of said section the underlined citation '(1957, c. 178)'

Further amend said Bill in that part of section 1 designated "Sec. 37" by striking out all of subsection II and inserting in place thereof the following underlined subsection:

**II.** The warrant for a town meeting for the election of officials shall specify the voting place, which shall be in the same building where the meeting is to be held. It shall also specify the time of opening and closing the polls, which shall be kept open at least 4 consecutive hours. (1957, c. 286)'; and by striking out all of the first paragraph of subsection III and inserting in place thereof the following underlined paragraph:

**III.** The nomination for any office shall be made by nomination papers signed by at least the following number of voters based on the population of the town according to the last decennial census of the United States: 25 in towns of 1,000 or less population; 50 in towns of 1,001 to 4,000; 75 in towns of 4,001 to 10,000; and 100 in towns of more than 10,000. (1957, c. 286)'; and by striking out the underlined figure "75" in the first sentence of paragraph G of subsection IV and inserting in place thereof the underlined figure '55' and by adding at the end of said paragraph G the underlined citation '(1957, c. 286)'; and by striking out in subsection V the underlined word "printed" before the underlined word "list" and by adding at the end of said subsection V the underlined citation '(1957, c. 286)'; and by striking out all of paragraph C of subsection VI and inserting in place thereof the following underlined paragraph:

**C.** Ballots may not be delivered to the voters until the moderator has been elected. The moderator may appoint a qualified person to act as temporary moderator during his temporary absence from the polling place. (1957, c. 286)'

Further amend said Bill in that part of section 1 designated "Sec. 37" by inserting after subsection III a new underlined subsection to be numbered 'IV' to read as follows:

**IV.** On the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10, the selectmen shall require that a particular article be placed in the next ballot printed, or shall call a special meeting for its consideration. The petition for placing an article on the ballot is subject to the same filing provisions as are nomination papers under this section. A vote by secret ballot takes precedence over a vote by any other means at the same meeting. (1957, c. 178)'; and by renumbering subsections IV to IX of said "Sec. 37" to be subsections V to X, respectively; and by adding at the end of renumbered subsection X the underlined citation '(1957, cc. 178, 286)'

Further amend said Bill in section 1 by striking out all of underlined "Sec. 48" and inserting in place thereof the following underlined section:

**Sec. 48.** Clerk's fee schedule. The clerk shall charge for his services according to the following fee schedule:

**I.** Recording the following:

**A.** Administration of an oath, 50c. (1957, c. 166)

**1.** This shall be paid by the municipality.

B. A birth, marriage or death as required by sections 378-A, 380, 391, and 393 of chapter 25, 25c.

1. This shall be paid by the municipality. (1957, c. 298, § 11)

C. An out-of-state marriage as provided by section 7 of chapter 166, \$1.

1. This shall be paid by the municipality. (1957, c. 166)

D. Affidavit establishing or correcting a record of birth, marriage or death as provided by sections 393-A and 400 of chapter 25, \$1.

1. The clerk shall issue a copy of the record to the applicant. (1957, c. 166)

E. Affidavit legitimating a birth as provided by section 392 of chapter 25, \$1.

1. The clerk shall issue a copy of the amended birth record to the applicant. (1957, c. 166)

F. Assignment or discharge of a mortgage or other instrument given as security, 50c.

1. When an executed assignment is attached to or made a part of the mortgage or other such instrument before it is received for recording, no extra fee is required.

G. Release of an attachment, 50c.

H. Certificate of partnership, \$1. (1957, c. 166)

I. Certificate of withdrawal of a partner, \$1. (1957, c. 166)

J. Certificate of a person engaging in trade under a name, style or designation other than his own, \$1. (1957, c. 166)

K. Honorable discharge or release papers of veterans of the armed forces of the United States of America, 25c.

1. A copy of such a document attested by the clerk is prima facie evidence of its existence and validity.

L. Petition for enforcement of a lien on monumental works, 50c.

M. License for clam cultivation or an assignment of it, 50c.

N. Any other instrument entitled to be recorded, including an executed assignment attached to or made a part of it before it is received for recording, \$1.50 for the first 500 words, and 50c for each additional 100 words or part thereof.

1. If the clerk is furnished a true copy of the original instrument suitable for filing or photostating for the municipal records, the fee is \$1. In a municipality which records by photostat, the copy may be destroyed after it has been properly photostated and indexed. (1957, c. 166)

II. Recording marriage intentions and issuing a marriage license, \$2.

**III. Issuing the following :**

- A. Certificate of birth, marriage or death, §1. (1957, c. 166)**
- B. Burial permit, 50c. (1957, c. 166)**

**IV. Entering in the margin of a record the release of an attachment or the discharge of a mortgage or other instrument given as security, 25c.**

- A. The marginal release or discharge shall be signed by the person making it.**

**A municipality may provide for a salary to be paid to the clerk as full compensation, in which case the fees accrue to the municipality. (1957, c. 166; c. 298, § 11)**

Further amend said Bill in that part of section 1 designated "Sec. 57" by striking out in the headnote and in the caption preceding said section the underlined word "corrected" and "Corrected"

Further amend said Bill in that part of section 18 designated "Sec. 130-A" by inserting after the first sentence the following underlined sentence:

**'The charges shall be collected according to section 134 of chapter 96.'**; and by adding at the end of said "Sec. 130-A" the underlined citation **'(1957, c. 279, § 1)'**

Further amend said Bill by adding at the end thereof the following sections :

**'Sec. 21. P. L. 1957, c. 166, repealed; limitation.** Chapter 166 of the public laws of 1957, heretofore passed by this Legislature, amending section 28 of chapter 91 of the Revised Statutes, is hereby repealed and shall not be printed as part as part of the Session Laws of 1957.

**Sec. 22. P. L. 1957, c. 174, repealed; limitation.** Chapter 174 of the public laws of 1957, heretofore passed by this Legislature, amending the 2nd sentence of section 168 of chapter 91 of the Revised Statutes, is hereby repealed and as part of the Session Laws of 1957.

**Sec. 23. P. L. 1957, c. 178, repealed; limitation.** Chapter 178 of the public laws of 1957, heretofore passed by this Legislature, amending chapter 91 of the Revised Statutes by adding thereto a new section 53-A, is hereby repealed and shall not be printed as part of the Session Laws of 1957.

**Sec. 24. P. L. 1957, c. 212, repealed; limitation.** Chapter 212 of the public laws of 1957, heretofore passed by this Legislature, amending chapter 91 of the Revised Statutes by adding thereto a new section 20-A, is hereby repealed and shall not be printed as part of the Session Laws of 1957.

**Sec. 25. P. L. 1957, c. 224, repealed; limitation.** Chapter 224 of the public laws of 1957, heretofore passed by this Legislature, amending section 120 of chapter 91 of the Revised Statutes, is hereby repealed and shall not be printed as part of the Session Laws of 1957.

**Sec. 26. P. L. 1957, c. 279, § 1, repealed; limitation.** Section 1 of chapter 279 of the public laws of 1957, heretofore passed by this Legislature, amending subsection XX of section 86 of chapter 91 of the Revised Statutes, is hereby repealed and shall not be printed as part of the Session Laws of 1957.

**Sec. 27. P. L. 1957, c. 286, repealed; limitation.** Chapter 286 of the public laws of 1957, heretofore passed by this Legislature, amending sections 51, 52, 57, 59 and 60 of chapter 91 of the Revised Statutes, is hereby repealed and shall not be printed as part of the Session Laws of 1957.

**Sec. 28. P. L. 1957, c. 298, § 11, repealed; limitation.** Section 11 of chapter 298 of the public laws of 1957, heretofore passed by this Legislature, amending the 7th paragraph of section 28 of chapter 91 of the Revised Statutes, is hereby repealed and shall not be printed as part of the Session Laws of 1957.

**Sec. 29. P. L. 1957, c. 311, repealed; limitation.** Chapter 311 of the public laws of 1957, heretofore passed by this Legislature, amending sections 142, 145 and 148 of chapter 91 of the Revised Statutes, is hereby repealed and shall not be printed as part of the Session Laws of 1957.