

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## FORTY-SEVENTH LEGISLATURE

OF THE

## STATE OF MAINE.

1868.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 26, 1840, and March 16, 1842.

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AUGUSTA:  
OWEN & NASH, PRINTERS TO THE STATE.  
1868.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1868.

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CHAP. 225. chapter thirty-three of the laws of the year eighteen hundred and fifty-eight, may be imposed instead of said fine, in the discretion of the court imposing sentence ; and in case of any first conviction under the provisions of section seven of chapter thirty-three of the laws of the year eighteen hundred and fifty-eight, the fine so imposed in the discretion of the court shall be thirty dollars, instead of the sum now fixed by law ; and in case of any conviction under the provisions of sections fourteen, nineteen or twenty of said act, the fine imposed shall be fifty dollars, instead of the sum now fixed by law.

Provisions of sect. 1 applicable only to actions commenced subsequent to passage.

SECT. 2. The penalties provided for by this act shall only apply in cases of prosecutions commenced after the date of the approval of this act ; and nothing contained herein shall be taken as in any way changing the penalty in any prosecution now pending under the provisions of either of the chapters before mentioned.

SECT. 3. This act shall take effect when approved.

Approved March 7, 1868.

### Chapter 225.

An act providing for the equalization of municipal war debts and a limited assumption and reimbursement thereof by the state.

Preamble.

WHEREAS, the several cities, towns and plantations in the State of Maine, in responding to the calls of the president for their quotas of troops during the late war for the preservation of the national existence, were called upon to pay large bounties to those of their fellow-citizens who enlisted in defence of the men and property of the nation ; and whereas, in consequence of these quotas having been furnished on the basis of population within the military ages, many of the smaller and poorer towns are unequally burdened by debts thus incurred for the common defence ; and whereas, the legislature of Maine, by a resolve approved March twenty-fifth, in the year of our Lord one thousand eight hundred and sixty-four, recognizing the justice of equalizing these burdens so far as practicable, declared that the state should assume some portion of such debts ; therefore,

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Reimbursement to cities, towns and plantations of \$100.

SECT. 1. Each city, town and plantation shall receive and be reimbursed from the state one hundred dollars for every man furnished for the military service of the United States, towards its quota for the term of three years under the call of the president of July second, eighteen hundred and sixty-two, and all subsequent

calls, and in the same proportion for every man so furnished and accepted for any shorter period, in manner as hereinafter provided.

CHAP. 225.

SECT. 2. The governor and council shall appoint a commission of three persons of ability, who shall be qualified by oath before the governor and council, and who shall audit the claims of cities, towns and plantations for reimbursement under this act, with power to send for persons and papers, and they shall meet at such place or places as they may find convenient for the thorough investigation of each of said claims, and their decision shall be final and without appeal.

Appointment and duties of commissioners to audit claims for reimbursement.

SECT. 3. Whenever said commission shall determine what amount any city, town or plantation is entitled to be reimbursed under the provisions of this act, they shall issue a certificate thereof under their hands to said city, town or plantation, and a duplicate of the same to the state treasurer; and whenever said certificate shall be presented to the state treasurer by the treasurer of said municipality or some duly authorized agent thereof, then the said treasurer shall issue to said city, town or plantation the bonds of the state, as herein provided, with the fractional excess less than one hundred dollars in currency. Or if any city, town or plantation shall elect to receive the value of its said bonds in currency, then the said treasurer shall sell the same on account of said city, town or plantation, and pay to the same the net proceeds of said sale.

Commissioners to issue certificates of amount due for reimbursement.

Payment of certificates.

SECT. 4. The treasurer of state, with the advice of the governor, is hereby authorized to procure on the faith of the state, by issuing the bonds thereof, a loan or loans of three million five hundred thousand dollars, or so much thereof as may be needed for the payment of such sum as the cities, towns and plantations may be entitled to be reimbursed under this act. Said bonds to be dated April first, in the year of our Lord one thousand eight hundred and sixty-nine, reimbursable in twenty years from that date, and bearing interest at the rate of six per cent. a year, payable both principal and interest in Boston, or at the treasury of Maine, at the option of the holder; and the treasurer is hereby authorized to issue bonds therefor in sums not less than one hundred dollars each, with coupons for the interest, payable semi-annually. Each bond aforesaid, shall be signed by the treasurer, countersigned by the governor, and attested by the secretary of state, with the seal of the state, but the coupons shall be signed by the treasurer, or by some person duly authorized by him, or the name of the treasurer may be engraved on said coupons as the governor and council shall direct. And the treasurer may advertise for proposals for any or all of the loans hereinbefore named, in such papers as he shall deem expedient.

Treasurer of state authorized to procure loan of \$3,500,000.

## CHAP. 225.

Interest on amount necessary to reimburse cities, &c., and final payment of bonds, how to be paid.

SECT. 5. There shall be raised by taxation each year, commencing with eighteen hundred and sixty-nine, the interest on such sums as said commission may find due under the provisions of this act, together with such a sum for a sinking fund as invested year by year will meet the payment of said bonds at their maturity, to be assessed and collected at the same time and in the same manner as the usual state tax and in addition thereto; and the last named sum so raised is hereby pledged and shall be held as a sinking fund to be invested as hereinafter provided, and applied to the payment of the principal of the bonds issued by the authority of the fourth section of this act. The state treasurer, with the advice of the governor, shall from time to time, as said sinking fund shall be received into the treasury, invest the same, as well as the income of said fund as it shall accrue, in any of the bonds of this state or the bonds of the United States; and the proceeds of such investments, as they fall due and are paid into the treasury, shall be re-invested in like manner and be held by said treasurer for the purposes herein mentioned. The treasurer shall keep a register of all the investments made by him as herein provided, showing the date, amount and number of each bond, by whom issued and when it will mature; and in his annual report he shall include an exhibit of the amount and condition of said sinking fund.

Certificates not to be issued to certain towns and plantations until certain conditions are fulfilled by said towns, &c.

SECT. 6. No towns or plantations which furnished their quotas as aforesaid without the payment of any bounty or by the payment of a less aggregate bounty than the sum reimbursable under this act, shall be entitled to receive the certificate provided by section third, until they shall have furnished the commission with a certified copy of a vote of such towns or plantations appropriating the sum to which they would be entitled or the surplus of the same above the amount actually paid out, to the soldiers who enlisted or were drafted and went any time during the war, or if deceased to their legal representatives. No money or bonds shall be paid to any city, town or plantation for men when it is in evidence that said credit was granted by the state as a gratuity for which they have paid no consideration. No payment shall be made to any city, town or plantation under the provisions of this act, until all sums due to the state from said city, town or plantation shall be fully liquidated.

The state to be relieved from further claim on account of municipal war debts. Money reimbursed, how applied.

SECT. 7. All payments received by any city, town or plantation, under the provisions of this act, shall be deemed as relieving the state from all further claims on account of their respective war debts, and the same shall be applied to the extinguishment of the indebtedness of said municipalities incurred prior to the passage of this act, and as provided for in section six, and for no other purpose; but whenever any such municipality shall not be indebted

at such time to the amount it may receive from the state as herein provided, it shall apply such portion thereof as may be sufficient for the liquidation of its indebtedness; and is authorized to make such disposition of the remainder as such municipality may determine, for its corporate purposes; but in no case shall the same be divided per capita, or distributed in any manner among the inhabitants thereof.

SECT. 8. The commissioners shall report their doings at any time when requested by the governor and council, and shall make a final report of all their doings as soon as may be, during the year one thousand eight hundred and sixty-nine, to the said governor and council.

Commissioners to report to governor and council.

SECT. 9. Said commissioners are authorized to choose a clerk, who shall be by them sworn, and shall keep a full record of their proceedings. They are also authorized to administer oaths and affirmations to municipal officers and other persons.

Clerk for commission authorized.

SECT. 10. Any person wilfully and corruptly swearing or affirming falsely to any material matter, before said commissioners, or either of them, shall be deemed guilty of perjury and punished by imprisonment not less than one nor more than five years; and any person procuring another to commit perjury before said commissioners, or either of them, shall be punished in like manner; and if any person shall wilfully and corruptly endeavor to incite or procure another to commit perjury before said commissioners, or either of them, though it is not committed, he shall be punished by imprisonment not less than six months nor more than two years. And any person who shall falsely make, alter, forge or counterfeit any certificate, endorsement or signature of said commissioners, or either of them, or of their clerk, or with intent to defraud shall falsely make, alter, forge or counterfeit any public record or proceeding, or any paper, writing or document filed with or presented to them, or either of them, and any person uttering and publishing as true any instrument before mentioned, knowing it to be false, forged or counterfeit, shall be punished by imprisonment not less than one nor more than five years.

Penalty for false swearing before commissioners.

Penalty for forging, &c., any papers of said commissioners.

SECT. 11. To defray the expenses incurred in the execution of this act, the governor is hereby authorized and directed to draw his warrant from time to time, for said expenditures, provided they are audited and allowed by the governor and council.

Expense of commission, how paid.

SECT. 12. This act shall be published by the secretary of state in some newspaper in every county where a newspaper is printed, for three successive weeks immediately previous to the annual election in September next, with the resolves of this legislature providing for an amendment of the constitution so as to authorize a limited reimbursement of municipal war expenditures by loaning the credit of the state.

Act to be published in each county.

## CHAP. 226.

Limitations.

SECT. 13. Sections twelve and thirteen of this act take effect when the act is approved by the governor, and the remaining sections shall take effect on the first day of November, eighteen hundred sixty-eight; but if it shall not appear by the proclamation of the governor, as provided in the resolves hereinbefore named, that a majority of the inhabitants voting on the question proposed in said resolves are in favor of the amendment proposed therein, and that said amendment has become part of the constitution, then said sections from one to eleven, inclusive, of this act shall be inoperative and void.

Approved March 7, 1868.

**Chapter 226.**

An act for the better management of the insane hospital.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

When persons committed to the insane hospital for observation by order of court, are to be discharged.

SECT. 1. Any person now in the insane hospital, committed by order of any court, for observation, and awaiting trial, shall be discharged by the superintendent if not sent for by the court committing him or her during the next term of said court. And every person hereafter so committed by any court shall be discharged by the superintendent if not sent for by the court during the then next term of said court after the term at which he was committed. But every such person shall be liable to be recommitted by the municipal officers of the town where such person belongs, if found to be insane, to be supported in the same manner as other persons so committed by said municipal officers.

Rules and regulations for government of attendants of hospital to be posted.

SECT. 2. The superintendent of the Maine insane hospital shall be and is obliged to post up in conspicuous places printed cards, which shall prescribe the rules and regulations that shall govern the attendants who have charge of the patients who occupy the several galleries of the above named institution.

Attendants to be discharged for violation of such rules.

SECT. 3. If it should be made to appear that any injustice is done or any humane law is violated by any attendant of the Maine insane hospital in the discharge of his duty, he shall be immediately discharged from his office; and when any flagrant abuse is committed by such attendant, he shall be summarily dealt with according to the provisions provided for in the following section :

Penalty for ill treatment of patients.

SECT. 4. If any attendant of the insane hospital shall intentionally abuse or ill treat any inmate of the hospital so that the fact is proved to the satisfaction of the superintendent, said attendant shall be immediately discharged from office. And it shall be the