

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115-

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1870.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1870.

nor more than five hundred dollars, and the forfeiture of all vessels, boats, craft, and apparatus employed in such unlawful fishing, for each offence; but a net of less than one hundred and forty meshes deep, shall not be deemed a seine.

CHAP. 121.
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porgies.

SECT. 2. Any person who shall cast or deposit, or cause to be thrown or deposited into any of the navigable waters of this state, any punice, scraps or other offal arising from the making of oil, or slivers for bait, from menhaden or herring, shall pay a fine of not less than fifty nor more than one thousand dollars for each offence.

Penalty for throwing fish offal into navigable waters.

SECT. 3. All penalties and forfeitures named in this act, may be recovered by indictment or action of debt in the name and to the use of the county in which the offence was committed; and there shall be a lien on all boats, vessels, crafts, and apparatus of any kind found in the possession of any persons violating any of the provisions of this act, whether owned by them or not; and they may be attached in such action, and held to respond to the judgment for the penalties, forfeitures and costs in this act, as in other cases, and any trial justice on complaint, may cause the arrest of the accused, and seizure of the property alleged to be forfeited, and detain the same until a trial may be had in the proper courts; and in case of conviction, the said property shall be decreed forfeited to the uses aforesaid, to be sold in the manner as goods taken on execution, and (except on the offence specified in section one of this chapter) the balance, after deducting fines and costs, shall be paid to the persons legally entitled to receive it.

How the penalties are to be recovered.

SECT. 4. Chapter thirty-six of the public laws of eighteen hundred and sixty-nine, is hereby repealed.

Public laws 1869, chap. 36, repealed.

SECT. 5. This act shall take effect when approved.

Approved March 10, 1870.

Chapter 121.

An act to provide for the organization of plantations.

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

SECT. 1. The county commissioners of the counties containing unincorporated townships, shall at the expiration of every period of five years from March, in the year of our Lord one thousand eight hundred and sixty-one, determine from the United States census when taken the preceding year, and by actual enumeration when not so taken, what townships have not less than two hundred and fifty inhabitants, and make a suitable description and

County commissioners to return to secretary of state every five years a description of townships containing more than two hundred and fifty inhabitants.

CHAP. 121. designation thereof and return them to the secretary of state to be by him recorded.

Organization of such townships.

SECT. 2. Immediately after making such return said commissioners shall issue their warrant to one of the principal inhabitants of each of such unincorporated townships, commanding him to notify the inhabitants thereof qualified to vote for governor to assemble on a day and at a place named in the warrant, to choose a moderator, clerk, three assessors, treasurer, collector of taxes, constable, superintending school committee and other necessary plantation officers. Notice of such meeting is to be given by posting an attested copy of the warrant therefor in two public and conspicuous places in the township fourteen days before the day of meeting. The warrant with such inhabitant's return thereon is to be returned to the meeting and the above named officers shall be chosen and sworn.

Organization of townships containing a less number of inhabitants.

SECT. 3. But any unincorporated or unorganized township containing any number of inhabitants may be organized as follows :

Any one or more of the county commissioners on written application, signed by three or more persons qualified as the constitution requires to be voters, inhabitants of any unincorporated or unorganized township in their county, may issue a warrant to one of them requiring him to warn a meeting of the qualified voters of such place residing within the limits described in the warrant; or when a state or county tax is laid on such place the state treasurer or said commissioners without application therefor may issue such warrant to one of the principal inhabitants of such place; and in either case the warrant, notice of meeting and proceedings therein shall be the same as provided in the preceding section.

Proceedings at meeting for organization.

SECT. 4. At the time and place appointed for meetings for the organization of plantations as provided in the two preceding sections, a moderator shall be chosen by ballot by the voters present to preside at such meeting, and the person to whom the warrant was directed shall preside till such moderator is chosen and by him sworn. A clerk, three assessors, treasurer and superintending school committee, shall be chosen by ballot and sworn by the moderator or a justice of the peace. Other plantation officers may be chosen by ballot, or other method agreed on by a vote of the meeting, and shall be duly sworn in the manner above named.

Certified copy of proceedings and description of the limits of the plantation to be forwarded to secretary of state to be recorded.

SECT. 5. Upon the organization of a plantation, the clerk and assessors thereof shall transmit to the secretary of state, to be by him recorded, a certified copy of all the proceedings had in effecting such organization, including the petition for organization, if any, the warrant issued therefor and the return thereon, and the record of meeting held in pursuance thereof; and also a written description of the limits of the plantation; and thereupon all the

laws of the state applicable to organized plantations shall apply to plantations organized as herein provided; but plantations organized upon the application of three or more citizens thereof as above provided, shall not be required to pay state or county taxes unless by special order of the legislature.

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Plantations thus organized not required to pay state and county taxes unless specially ordered.

SECT. 6. All organized plantations shall hold their annual meeting in March, and choose a clerk, three assessors, treasurer, collector of taxes, constable, superintending school committee, one or more surveyors of lumber, and two or more fence viewers; and highway surveyors shall be appointed in plantations wherein highway taxes are assessed.

Annual meeting.

SECT. 7. The clerks of organized plantations shall make return to the secretary of state on blanks by him furnished for that purpose on or before the first day of July annually, of the names of the assessors and clerks of their several plantations, and that the same have been duly sworn, and when any such return is not made by any such plantation, the secretary of state shall not furnish such plantation with blanks for election returns, and no votes purporting to be cast by any plantation neglecting to make such return shall be counted or allowed by the governor and council. But when a plantation is organized after the first day of July of any year, such return is not required to be made by the clerk thereof during such year. But the votes of such plantations shall not be counted or allowed by the governor and council for any purpose, during the year of its organization, unless such organization be made at least sixty days prior to the second Monday in September.

Return of the names of plantation officers to be made to secretary of state.

—unless made, secretary of state not to forward blanks for election returns.

Exception.

SECT. 8. All laws relating to calling, notifying and conducting town meetings, the election, appointment, qualification, duties, powers, compensation, liabilities and penalties for official neglect and misconduct of town officers apply to plantations and their officers, so far as the same may be applicable thereto, unless when specially otherwise provided. Voters in plantations are liable to the same penalties for unlawful voting as voters in towns are.

Laws relating to town officers to apply to plantation officers, so far as applicable.

SECT. 9. The assessors of plantations shall be considered the selectmen thereof, for the purpose of performing such duties as the selectmen of towns perform. Treasurers, collectors, and constables of plantations, shall give such bond as such officers of towns are required to give, to be approved in like manner. The valuation of property for the purpose of assessment of taxes in plantations, as well as the assessment, collection and disposal thereof, shall be the same as in towns.

Assessors to perform the duties of selectmen.

Treasurer, collector and constable to give bonds.

Valuation.

SECT. 10. The assessors who shall first be chosen in plantations organized under the provision of section two of this act, shall immediately take an inventory of the polls and valuation of the property therein, as the same are taken in towns, and return them

The first assessors to return to the county commissioners an inventory of the polls and estates.

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To be corrected and forwarded to state treasurer for basis of taxation.

on or before the fifteenth day of May following their election, to the county commissioners of their county, who shall have power to examine and correct the same in such manner as shall make it conform to the last state valuation; and return a copy of such corrected valuation to the state treasurer, and thereupon their ratable proportion according to such valuation, of all state and county taxes, shall be assessed on such plantations in the same manner as on towns; and such plantations, and also such as may by special order of the legislature be required to pay state or county taxes, shall have power to raise money by taxation for making and repairing ways in compliance with the provisions of chapter eighteen, sections twenty-eight and seventy-four of the revised statutes. Such inventory and valuation in any plantation shall be so taken, corrected and returned to the treasurer of state whenever required by him.

Power to raise and expend money.

SECT. 11. All plantations have power to raise and expend money for the support of schools, and making and repairing school-houses, as provided in chapter eleven, sections five, fifty-nine, sixty and sixty-one; for support of the poor, as provided in chapter twenty-four, section thirty-seven; and also such sums as may be necessary to defray all legal plantation expenses.

Organized plantations not to be composed of more than one township.

SECT. 12. Organized plantations shall not be composed of more than one township, and when organized under the provisions of section two of this act, former organizations cease to have any effect.

First valuation of towns after incorporation to be forwarded to county commissioners, and copy sent to treasurer of state for basis of taxation.

SECT. 13. When towns are incorporated, the assessors thereof are required to return to the county commissioners of their county the original valuation first taken in their towns, on or before the fifteenth day of May next following their incorporation, said valuation to be examined, corrected, and a copy thereof returned to the state treasurer, and become the basis of state and county taxes in the same manner as the valuations of plantations, as provided in section ten of this act.

If assessors neglect, the county commissioners to appoint assessors to make return of the valuation.

SECT. 14. If such valuation is not made and returned by any town or plantation within the time specified, the county commissioners shall appoint three suitable persons of the county to be assessors therein, who shall be sworn and make and return the inventory and valuation required, within the time fixed by said commissioners; and such valuation shall be examined, corrected, and a copy thereof returned to the state treasurer and become a basis for the assessment of state and county taxes, in the same manner as if the valuation had been taken by the assessors chosen by said town or plantation.

Such assessors to be paid by the county commissioners.

SECT. 15. The assessors appointed under the preceding section, shall be paid from the county treasury a reasonable compensation for their services, to be determined by the county commissioners,

and any sum so paid shall be added to the county tax apportioned to such town or plantation, and shall be collected and paid into the treasury in the same manner as county taxes are.

SECT. 16. Plantations organized upon the application of three or more inhabitants thereof may at any time be reorganized under the provisions of this act.

Plantations may be reorganized.

SECT. 17. Section seventy-seven of the fourth chapter of the revised statutes is hereby amended so as to read as follows :

R. S., chap. 4, sect. 77, relating to the rejection of votes on failure to comply with the requirements of law, amended.

'Sect. 77. If it does not appear by the return of the list of voters so posted up, and of the names of the voters on said list, who were actually present and voted at such election, and by the return of its organization duly signed and made to the office of the secretary of state within the time required by law, that the plantation has been duly organized and that the provisions of section seventy-five have been fully complied with, the votes of such plantation shall be rejected, and not counted for any of said officers. The secretary of state shall furnish to the clerks of all such plantations suitable blanks for the returns herein required.'

SECT. 18. Section seventy-five, chapter six of the revised statutes is amended by striking out of said section all after the word "may" in the third line to and including the word "sworn" in the twelfth line, and inserting instead thereof the words "cause the same to be organized as provided for the organization of plantations ascertained to contain two hundred and fifty inhabitants."

R. S., chap. 6, sect. 75, relating to taxes in plantations, amended.

Section seventy-six of chapter six of the revised statutes is amended by adding thereto the following words : 'and proceed to make assessment of taxes and cause the same to be collected as required by law.' Section seventy-seven of said chapter six is hereby repealed and the following section substituted therefor :

R. S., chap. 6, sect. 76, relating to list of polls and estates, amended.

'Sect. 77. All laws of the state applicable to organized plantations shall apply to plantations organized as is provided in section seventy-five.'

R. S., chap. 6, sect. 77, relating to choice of plantation officers, repealed.

SECT. 19. The provisions of this act shall not effect the rights or proceedings of any plantation heretofore legally organized.

Plantations legally organized not to be effected by this act.

SECT. 20. This act shall take effect when approved.

Approved March 10, 1870.