

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1874.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1874.

CHAP. 240.

Penalty, non-payment of.

—how recovered.

—how applied.

Act not to apply to specimens.

Certain laws repealed.

the non-payment of the penalty, the defendant shall be committed to the common jail of the county for a period of not less than five days, and at the rate of one day for each dollar of the amount of the judgment, where the sum is over five dollars in amount; and it shall be the duty of any county attorney in this state, and he is hereby required to commence actions for the recovery of the penalties allowed and imposed in this act, upon receiving proper information; and in all actions brought by such county attorney, one half of the penalty recovered and collected shall be paid to the person giving information on which the action is brought, and the other half to the overseers of the poor for the use of the poor of the city or town in which conviction is had; this clause, however, not to preclude any person from bringing suit to recover or enforce any of the penalties named in this act without the aid or intervention of any county attorney.

SECT. 6. This act shall not apply to any person who shall kill any bird or take any egg for the purpose of having the same set up as a specimen.

SECT. 7. Sections sixteen, seventeen and eighteen of chapter thirty of the revised statutes of eighteen hundred and seventy-one, and chapter ninety of the public laws of eighteen hundred and seventy-three, are hereby repealed.

Approved March 3, 1874.

Chapter 240.

An act additional to chapter one hundred and thirty-three of the laws of eighteen hundred and seventy-three, relating to the jail system of the state.

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

Sentence to punishment.

—to be conditioned.

Alternate sentence.

In addition to the sentence provided for in chapter one hundred and thirty-three of the laws of eighteen hundred and seventy-three, the court or justice may sentence any person to the other punishment provided by law for the same offense. If any person is sentenced to imprisonment and labor in either of the jails where the improvement and provision for labor has been made, as provided by said chapter, said sentence shall be conditioned that if the person so sentenced cannot be received at the jail to which he is sentenced, or if at any time before the expiration of said sentence he shall in the judgment of the inspectors named in section nine of said chapter, become incorrigible, or unsafe, they may order that he suffer such alternative sentence or punishment; and if said alternate sentence be in the state prison, the sheriff of the county

where such person is imprisoned, shall forthwith, upon receiving CHAP. 241. the order of said inspectors, convey or cause to be conveyed said person to the state prison at the expense of the county from which such person was sentenced.

Approved March 3, 1874.

Chapter 241.

An act to amend chapter fifteen of the revised statutes, relating to cemeteries.

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

Chapter fifteen of the revised statutes is hereby amended by adding thereto as follows:

Ch. 15, R. S.,
amendment of.

'SECT. 8. The municipal officers of any town are hereby authorized to enlarge any public cemetery or burying-yard within their town, on petition of ten voters, by taking land of adjacent owners, to be paid for by the town when in their judgment public necessity requires it, but in no case shall the limits thereof be extended nearer any dwelling-house than they now are, against the written protest of the owner, made to the municipal officers of the town, at the time of hearing upon said petition.

Public cemeteries,
enlargement of.

'SECT. 9. Notice of a time and place for hearing on such petition shall be given by posting written notices thereof, signed by the municipal officers of the town, at least seven days prior thereto, in two public places in said town; and a copy of such notice and of the petition shall be served on the owners of the land to be taken at least ten days before the day of hearing.

Notice of, to be
given.

'SECT. 10. If the municipal officers at such hearing grant the prayer of the petitioners, they shall then determine what land shall be taken and assess the damages suffered by each person thereby, and make a written return of their proceedings, specifying the land taken and the damages awarded each person, and file the same with the town clerk; and such cemetery or burying-yard shall not be enlarged, pursuant to such return, until so voted by the town at its next annual meeting.

Land to be taken,
damages, how
determined.

—taken and dam-
ages awarded,
to be filed with
town clerk.

'SECT. 11. Any person aggrieved by the amount of damages awarded, on petition to the county commissioners, may have them assessed in the manner provided respecting highways.'

Person aggrieved,
remedy for.

Approved March 3, 1874.